

THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE AGENDA



TUESDAY 17 DECEMBER 2013 7.30PM

COUNCIL CHAMBER, HEMEL HEMPSTEAD CIVIC CENTRE

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr G Chapman	Cllr Lawson (Chairman)
Cllr Conway	Cllr Link
Cllr Fantham	Cllr G Sutton
Cllr Mrs Green (Vice-Chairman)	

Substitutes: Councillors Mrs Bassadone, Bhinder, R Hollinghurst, Rance, Ryan and R Sutton. (Please note Members may only be appointed as substitutes if they have been trained for Licensing Committee).

For further information, please contact Clare Thorley on Tel: 01442 228226, or Email: clare.thorley@dacorum.gov.uk Information about the Council can be found on our website: www.dacorum.gov.uk.

PART I

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PART II

Appendix A	Minutes from the Licensing Health & Safety Enforcement Sub-Committee
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1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meetings held on 27 November 2013.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

5. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules on Public Participation



AGENDA ITEM: 6
SUMMARY

Report for:	Licensing Health & Safety Enforcement Sub - Committee
Date of meeting:	17 December 2013
PART:	1
If Part II, reason:	

Title of report:	Application for the provision of 3 additional mobile home units on Scatterdells Mobile Home Park, Chipperfield Lane, Chipperfield, Herts.
Contact:	Nicholas Egerton –Team Leader, Environmental Health
Recommendations	That Members consider the report and information before them and agree to grant the application to vary the licence in accordance with the officers recommendations
Implications:	None
Consultees:	None
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	None

1. APPLICATION PROPOSAL

The application received is to vary the existing licence to allow 30 caravans on the site. The current site licence restricts the number of mobile homes on the site and states 'the number of caravans allowed on the site shall not exceed 27'.

The proposal is for the removal of two mobile homes which are currently located on large plots (Plot numbers 7 & 17), and for these to be replaced with 5 mobile homes. Two homes will be sited and fully contained within the existing plot 7, and three homes will be sited and fully contained within the plot of the existing number 17. The applicant has confirmed that each new caravan will be sited to ensure that the 6 metres separation distance as required in the Model Standards 2008 for Caravan Sites in England (and previous 1989 Model Standards) will be achieved between each of the new mobile homes and between the existing mobile homes and the new mobile homes.

Each plot will need to comply with the existing site licence conditions. The applicant has confirmed that each new plot will be connected to an electrical supply, a water supply in accordance with the Water Bylaws, foul and surface water drainage (foul to public sewer), a suitably constructed concrete hard standing, will be within 30m of a fire point and will be provided with at least one parking space.

The applicant has confirmed that the variation requested to the site layout will not result in any changes to the existing road layout, therefore there will not affect access by emergency services.

The existing site plan Appendix A (showing proposed A & B which were approved in 2011 and are currently on site) and the proposed revised site plan Appendix B show the affect the proposal will have on the site layout.

2. REPRESENTATIONS

No representations have been received.

3. CONSIDERATIONS

(1) Section 3(4) of the Law-Caravan Sites and Control of Development Act 1960 ('the Act') provides that:

"the Committee shall issue a site licence if, at the date the applicant provides the necessary information, he is entitled to the benefit of planning permission for use as a caravan site.

Conditions on issue of licence:

Section 5(1) of the Act allows the Committee to impose conditions so long as they are necessary or desirable in the interests of the persons dwelling in the caravans, of any other class of persons, or of the public at large. This is a general provision, but the Act gives examples of conditions which are confirmed as being permitted at sections 5(1)(a) to (f). For example:

a) for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at any one time;

(b) for controlling (whether by reference to their size, the state of their repair or, subject to the provisions of subsection (2) of this section, any other feature) the types of caravan which are stationed on the land;

(c) for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents;

(d) for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;

(e) for securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;

(f) for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

The existing conditions attached to the licence would generally be considered suitable, however, condition 3 restricts the number of mobile homes to 27. The application asks the committee to vary this condition. It is, therefore, recommended that the site licence be amended to read as follows:

The number of caravans allowed on the site at any one time shall not exceed 30, sited in position as detailed in Appendix 2 and as agreed by the licensing Sub Committee on the 17 December 2013.

Variation of licence conditions

Section 8(1) of the Act gives the Committee the power to alter conditions. The applicant must be given an opportunity to make representations.

Section 8(4) of the Act provides that regard must be given to the relevant Model Standards.

In applying the Model Standards to a variation of conditions the Committee must consider the guidance within the 2008 Standards as to whether to apply the most recent Standards, which will depend, to some degree, upon whether the site is new or has been substantially redeveloped. The site, as part of this application, will not be substantially redeveloped and therefore it is considered suitable to maintain the 1989 Model Standard conditions.

4. RIGHT TO APPEAL AND COSTS

Appeal

An applicant can appeal under s7 against conditions imposed by the Local Authority on the issue of a licence within 28 days of issue or under s8(2) against the alteration of conditions or the refusal to alter conditions at the applicant's request, within 28 days from written notification.

Costs

The Committee should bear in mind that, if the applicant is successful in appealing a decision made by it then costs could be awarded to be paid by the Local Authority to the appellant.

5. CONCLUSION

The application received is to vary the existing licence to allow 30 caravans on the site. The current site licence restricts the number of mobile homes on the site and states 'the number of caravans allowed on the site shall not exceed 27'.

The application has outlined the variation required, and confirmed that the Model Standards 1989 will be achieved for all the new plots.

It is, therefore, recommended that the licence shall be granted only with the following change made to condition 3 of the existing licence.

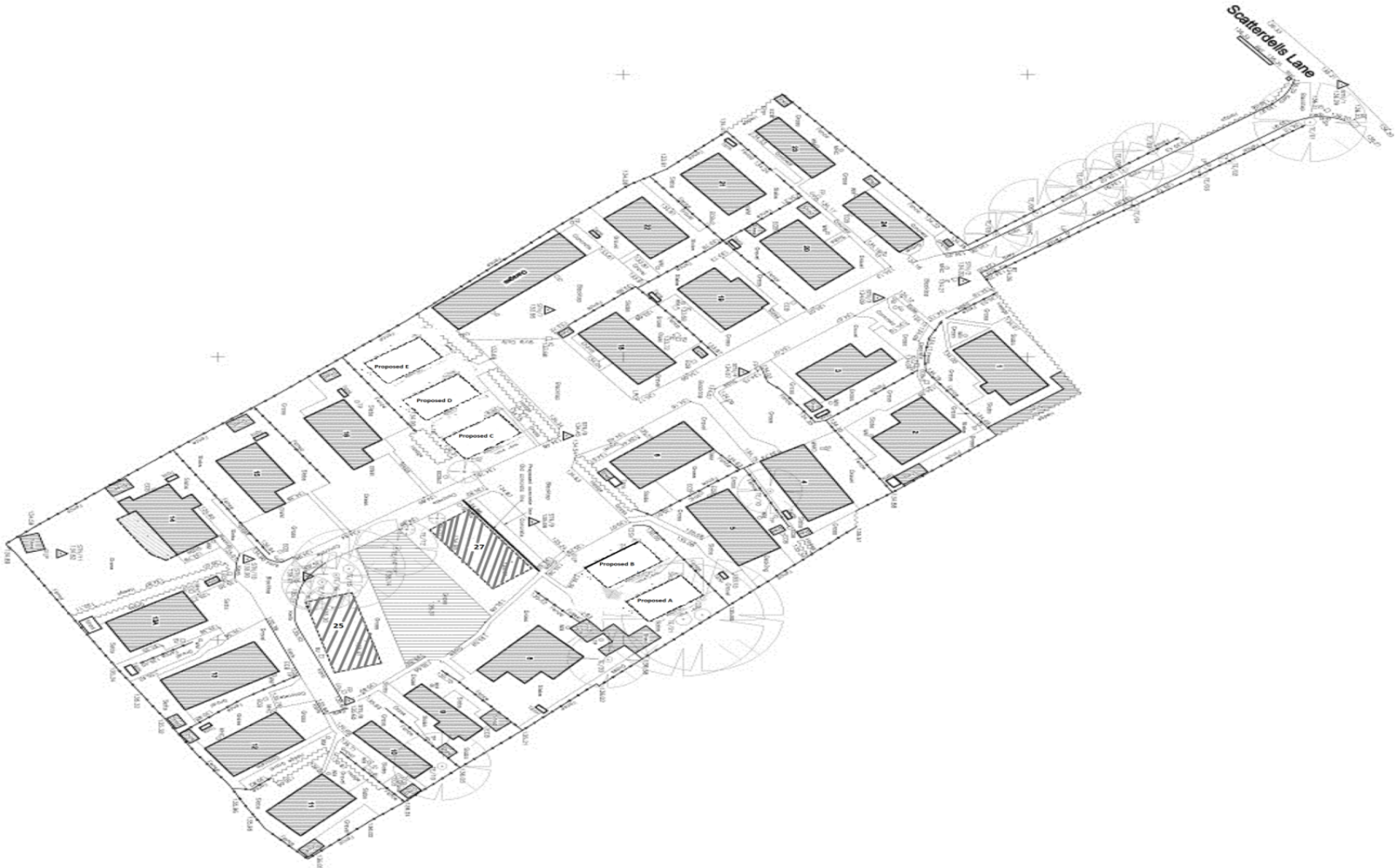
The number of caravans allowed on the site at any one time shall not exceed 30, sited in position as detailed in Appendix 2 and as agreed by the licensing Sub Committee 17 December 2013.

The above change would enable an increase in the number of mobile homes allowed on site.

Recommendation: That the application be approved for the reasons set out above and subject to the following conditions:

The number of caravans allowed on the site at any one time shall not exceed 30, sited in position as detailed in Appendix 2 and as agreed by the licensing Sub Committee 17 December 2013.

APPENDIX 2 – PROPOSED SITE PLAN



7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to an individual which would be likely to reveal their identity.