



A case to make you realise why you should avoid caravan site licensing if you don't currently do it

Aims

- To let anyone who doesn't deal with caravan site licensing know how bad it is
- To emphasise with other licensing officers about the pain it brings
- Possibly offer some hope

July 2014

- New job – excited about the new challenge
- Suggested to read up about caravan sites as Blaby have a “little problem” they would like me to pick up.

Guidance

Mobile Homes Act 2013: a best practice guide for local authorities on enforcement of the new site licensing regime

Published 13 March 2015

Misunderstanding

- **small problem** (*literal – used worldwide*)
- A minor issue, possibly viewed as petty. Easily overcome or too trivial to even bother.
- **small problem** (*non-literal – UK variant only*)
- A major disaster or cataclysmic event. Impossible to overcome using any conventional means.

Picture the scene ...



Ownership and Management

- Owner was the daughter of the person who clearly made himself in charge
- Only Land Registry I've ever seen where the mortgage company's address is in Beirut
- Person in charge well known to many officers in Planning and Environmental Health

Paradise Lost

- Originally given permission for use as a Gypsy and Traveller site
- On appeal the occupation condition was removed
- Mobile homes sold to non-travellers, most of whom were elderly
- Caravan site licence issued with Model Standards conditions

Paradise Never There in the First Place

- Requirement of planning appeal was to create a new Gypsy and Traveller site
- Mobile homes sold to non-travellers, most of whom were elderly
- Some had checked with the Council prior to purchase but bought them anyway
- No licence had been issued

Issues on Paradise Lost

- Concerns over gas safety – there had been a leak
- Concern over electricity supply
- Some oil tanks leaking and possibly dangerous
- No street lighting
- Water supply not always adequate
- Fire Safety concerns – including separation distances and residents wanting fire fighting equipment and alarms
- No notice board, including no public liability insurance certificate displayed

Paradise Lost

- Very active Residents' Association
- Did not include adjacent site – “not a proper mobile homes park”
- Tried to take own action – successful Tribunal cases
- Owner still uncooperative and works not undertaken

Paradise Lost Licence

- Issued in 2013
- Based on 2008 Model Conditions
- Had it been properly issued?
- Included conditions relating to fire fighting equipment and alarms
- Residents upset that it contained a condition which in effect said that they could not have wooden sheds between the caravans

Previous Enforcement on Paradise Lost

- General feeling that it was too difficult
- One officer tried to take matters further but owner still uncooperative
- Fire Service refused to accept that the RRO applies
- Residents' Association starting to become more vociferous

Issues on Paradise Not ... etc.

- Same as for Paradise Lost, but in addition ...
- Non-compliance with planning permission
- Possible (probable) fraudulent sale of homes
- No licence had been issued
- Residents starting to get tetchy

Licence Reviews

- Licence reviewed for Paradise Lost in 2016 to take account of concerns
 - 'Persuaded' the Fire Authority that the RRO did apply to the common parts
 - As per the Model Standards guidance removed all conditions relating to fire safety other than separation distances and fire risk assessment
 - Allowed sheds to remain by “drawing a line in the sand” with existing contraventions
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- Paradise Not There Council decided to amend planning permission to remove occupation condition
 - Licence issued in 2015 based on model standards

Enforcement Action

- First question – how to prove breach of conditions
- Many people view the Model Conditions as vague – risk of appeal
- Contractors wary of visiting site

Breach of conditions

- Gas – eventually convinced Gas Safe to check the alleged unsafe work done by the owner
- Electrics – no certificate as required by the conditions
- Lighting – looked up and no streetlights
- Notice board – pretty obvious it wasn't there but what's the risk?
- Oil tanks – old metal tanks stacked on a few bricks (not too difficult a decision)
- Water – by far the hardest to demonstrate

Water Pressure / Flow Complaints - Paradise Lost Mobile Homes Park

House No	Date	Time	Notes	Time to fill 1 litre (seconds)	Fail 10 second test Yes / No	Fail 7 second test Yes / No	Fail 15 second test Yes / No
7	03/01/2016	12:30	Impossible to have a shower when	26	Yes	Yes	Yes
7	03/01/2016	23:35	dishwahr is running	26	Yes	Yes	Yes
7	14/01/2016	09:55	When tap is on in the kitchen you can't	40	Yes	Yes	Yes
7	14/01/2016	10:00	have tap on in bathroom.	40	Yes	Yes	Yes
20	16/12/2015	07:45	Virtually no flow of water	65	Yes	Yes	Yes
20	20/12/2015	09:25	No flow, hardly able to fill machine	55	Yes	Yes	Yes
20	26/12/2015	10:15	No flow - no water at all	1000	Yes	Yes	Yes
20	07/01/2016	17:00	No water for shower = boiler not firing up	1000	Yes	Yes	Yes
				10 second test		7 second test	15 seconds
			Total No of tests	316		316	316
			Total No of failed tests	248		309	203
			% No of failed tests	78		98	64

Fire Safety

- Complaints about lack of fire fighting equipment
- No alarm system

Informal Action

- Nothing posed an imminent risk that we were aware of
- I asked nicely,
- lots of times
- Owner made more promises that better times were on their way than ~~Boris Johnson~~, ~~Liz Truss~~, Rishi Sunak [insert name here]
- No real improvements made

Compliance Notices

- Had been introduced shortly before I picked up this case so still very new
- Served on the licence breaches
- Further promises from the owner
- Pretence of some works starting but no more
- Cutting a long story short
- PACE interview – offered as a token gesture but she came in!
- In 2016, prosecution and guilty verdict – all sorted 😊

What Next?

- Works did not progress
- Deciding on works in default – best option or not?
- Hard to recover very extensive costs (likely to be between £70 and £100k) and would not make owner take responsibility for managing site
- Second prosecution to really hurt them?
- But before final decision was made

Bankruptcy and Sale

- In 2017 the owner sold the site and declared bankruptcy without telling the Council
- New owner did not engage with us
- No application to transfer the licence so it was still with the previous owner
- Same problems on site – who to enforce against?
- Licence holder bankrupt and no legal right to enter the land – so pointless to take further action
- New owner was not the licence holder



Legal Action Version 2

- Read the legislation very carefully (also a bit of legal advice) and decided that action could be taken against the owner as a licence existed for the site
- Bit unknown if this would work as had not been challenged in Tribunal
- Should we serve compliance notices on the new owner?
- Threatened prosecution for operating without a licence
- Eventually received a transfer application

Licence Transfer

- Poor application lacking in detail
- Poor start to the owning of this site
- Infrastructure problems still there
- No evidence that the new owner would be a responsible manager
- Residents worried about the new owner
- Residents also worried about the licence holder not being the owner

New Problems

- Previous notice on electrics said do the test and provide a certificate, did not know whether there were faults
- Had reason by then to suspect there were bigger issues
- Finally found a contractor willing to go on site
- Site visit due to take place when I was in France
- Licence not transferred at this stage ...

Emergency Works

- Concern of finding serious problems
- None of our team had any idea how to take emergency action or really much experience in caravan licensing
- Very quickly wrote a procedure and all of the notices for the sites in case they were needed – hoped that it would be correct
- Inspection found that there was inadequate earthing to all mobile homes and posed a significant and imminent risk
- Emergency works conducted over the next few days
- Cost over £13,000 and no sign that the owner wanted to pay
- Then served compliance notices for all the other licence breaches

Should the licence be transferred?

Surely an easy decision!

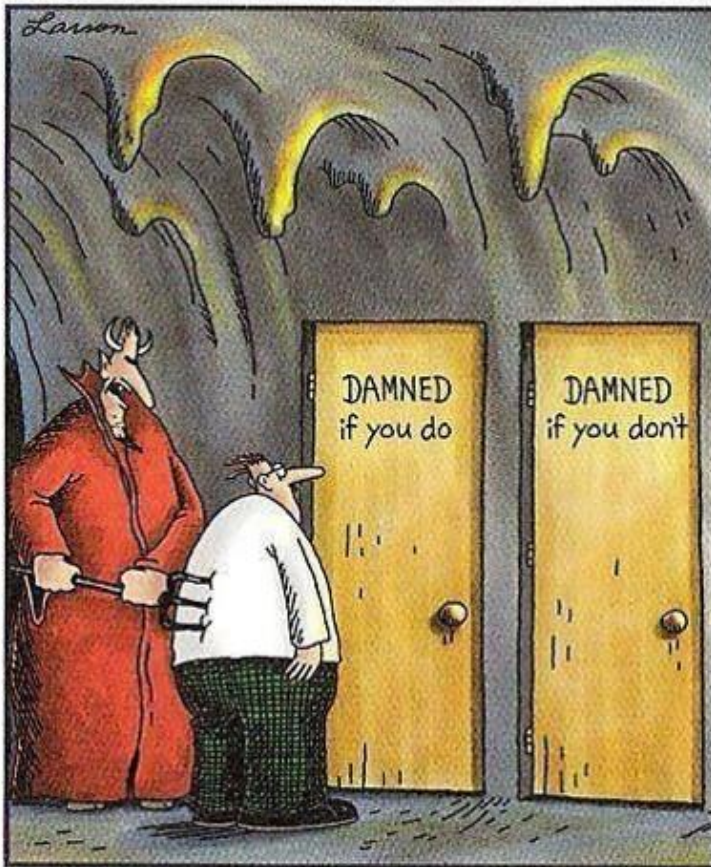
Took ages to apply

Application lacking detail

Hasn't done any works

Should the licence be transferred?

- Approving someone on a poor application and poor compliance history carried reputational risks to the Council
- However, balanced against this:
- Risks of enforcing against owner if they were not the licence holder
- Sales of homes stopped because of the state of limbo – residents seriously affected
- Residents pleading for the situation to be resolved
- Undertakings requested
- Hard to obtain when the owner doesn't respond to any letter, phone call, request via their solicitor, carrier pigeon etc.



"C'mon, c'mon—it's either one or the other."

- Decision taken to allow the transfer on the basis that the risks to the residents (state of limbo and risks of enforcement failing) took precedence over the reputational risk
- Date of transfer is the date both parties signed the form – this pre-dated the emergency works and compliance notices.
Happy days 😊

Prosecution No 2

- Compliance notices not acted on
- Only option was to prosecute
- Not interested in a big fine as wanted the money spent on the site
- Considering works in default if convicted – not convinced best solution
- Revocation of licence – requires two previous convictions and where does that leave the residents?
- Decided to go for Criminal Behaviour Order if secured a conviction
- Statements from Residents Association and some individuals on how the problems on site affected them

Prosecution No 2

- Court summons issued and suddenly owner paid the £13,000 for the emergency works
- Owner did not attend hearing and found guilty in absence
- £20,000 fine
- CBO granted despite Clerk's protestations
- Magistrates asked the Clerk what could they do to force the works to be done
- Clerk had to say the CBO probably would
- All sorted 😊

What Court Summons?

- Owner applied to Court to say he hadn't received the summons – accepted
- Conviction quashed and CBO cancelled
- 2nd hearing – owner attended
- Pled guilty and submitted undertaking that works would be completed in 3 months
- £800 fine and we did not apply for CBO due to undertaking

What Happened Next?

- Not a lot
- 3 months later
- Still not a lot
- 6 months later
- ~~• Still not a lot~~
- Actually significant progress







Result – December 2019 to January 2020

- Gas works completed
- New electrical installation (cost approx. £70,000)
- Lighting columns
- Oil tanks replaced
- Road had new gravel
- Notice board installed – with liability insurance certificate
- Water supply seemed okay after an adjacent site was found to have been stealing it and then stopped – not sure how this was resolved and did not ask
- In summary – compliance with licence conditions
- Even received an invite to the Residents Association Christmas meal which I had to politely refuse on the grounds of not accepting a gift

Lighting columns and new gravel



All important noticeboard – with insurance certificate



Result of this Case

- No problems at this site since January 2020.
- Completed the routine inspection a year ago with no issues
- Owner one of the first to apply for the fit and proper person test - accepted
- Knock on effect to other sites as we now seem to have a reputation for being annoyingly persistent
- Sadly hasn't made them all perfect though
- One real positive is that the Fire Authority now accept and respond to all our consultations when a licence is reviewed or issued

Residents Associations

- Can be the bane of your life but ignore them at your peril
- Took the Council's failure to take serious action for many years as we didn't care
- Refused to accept that I was acting correctly and that I genuinely wanted to see things improve

Residents Association

- Try to avoid protracted and excessive communication
- Learnt this too late as the record eventually exceeded 2,000 actions!
- One reply from the Residents Association to an email I sent said, “Thank you for you email, that all seems clear.”
- The next day I received correspondence saying, “A more considered reply is attached” ...
- It’s safe to say that I preferred the less considered reply



Ombudsman case – why not 😊

- Requested all documents, case notes and a full timeline – 4+ years and over 1,500 actions
- 16 specific questions to answer
- Took a month to write the response and had to send every single document
- Residents view on fire safety (keeping sheds) very useful when responding to their complaint about fire safety
- Result – the Council had acted correctly all the way through but it would have been nice to have consulted the residents when the licence was reviewed in 2013
- They had been consulted during a second review in 2016, well before the Ombudsman case so any potential harm this had caused the residents had already been mitigated

Residents Association

- Can be extremely useful to work with them
- Could not have got the electrical works completed without them as no supplier would take on the account for the new supply. The RA took this on as a collective.

Residents Association



Residents Association

- Most important thing to remember is:
- On no account must you ever, when talking to someone who lives in a mobile home, use the “C” word.
- Saying they live in a **caravan** is highly offensive even if it is technically correct.

Practical Advice

- If you are not currently involved in caravan site licensing, keep it that way
- Read the legislation and guidance - it won't make you feel any better but at least you'll know what you're up against
- You can bet that there will be a least one resident who has read it all!
- Be incredibly persistent
- My colleagues and family will no doubt agree that I am one of the most irritating people they know as I just don't know when to stop
- The only method that has worked in caravan licensing is a variant of the nag and bother technique
- nag, bother, compliance notice, prosecution, CBO and repeat
- On a serious note, it does require significant support from your Legal team and senior officers, including a willingness to commit and risk significant sums of money

Any questions?