

Park Homes - Discussion Paper

Site Licensing: Changing the licence holder

November 2013

Responses from:- East Devon District Council; West Devon District Council; South Hams District Council; North Devon District Council; Exeter City Council

Questions

1. Do you agree that these are the matters a local authority should be required to consider when deciding a licensing application? (Para 33 – 34)

If not, explain?

- YES

2. Do you think there are any other issues a local authority should have regard to when deciding a licensing application? (Para 34)

If so, what are these?

- Additional sites owned/managed within the district or elsewhere in the country.

3. Do you agree that a local authority should be able to seek an undertaking in connection with its approval of a transfer or grant of a licence? (Para 35)

- How does an undertaking relate to the conditions attached to a licence?

4. Do you agree with the matters that such an undertaking could relate to? Are there other matters? (Para 36)

- YES

5. Do you agree with the proposed structure for notification and appeals? (Para 39 – 42)

- YES

6. Do you think the tribunal should only award compensation for significant loss or should it also be able to take account of expenditure incurred in relation to the site which would not have been incurred but for the local authority's decision? (Para 47)

- This depends on the type of expenditure.

7. Do you think the other factors that the tribunal should have regard to in considering a compensation application are the right ones? If not why? (Para 47)

- Require clear definitions of 'significant'; 'genuine'; and 'wholly unreasonable'

8. Do you agree that this type of information should be required to be given when applying for a transfer of a licence? (Para 53)

- YES with the addition of Ownership and/or management of other sites both within the district and elsewhere in the country and a history of compliance with relevant legislation and regulations.

9. Do you agree that this type of additional information should be required to be given when applying for a grant of a licence? (Para 61)

- YES with the addition of Ownership and/or management of other sites both within the district and elsewhere in the country and a history of compliance with relevant legislation and regulations.

Response form - East Devon District Council, West Devon District Council, North Devon District Council, Exeter City Council

Questions

1. Do you agree that these are the matters a local authority should be required to consider when deciding a licensing application? (Para 32 - 34)

If not, explain?

• YES

2. Do you think there are any other issues a local authority should have regard to when deciding a licensing application? (Para 34)

If so, what are these?

• Additional sites owned/managed within the district or elsewhere in the country
3. Do you agree that a local authority should be able to seek an undertaking in connection with its approval of a transfer or grant of a licence? (Para 35)

• How does an undertaking relate to the conditions attached to a licence?

4. Do you agree with the matters that such an undertaking could relate to? Are there other matters? (Para 36)

• YES

5. Do you agree with the proposed criteria for notification and appeals? (Para 38 - 42)

• YES

6. Do you think the tribunal should only award compensation for significant loss or should it also be able to take account of expenditure incurred in relation to the site which would not have been incurred but for the local authority's decision? (Para 43)

• This depends on the type of expenditure.

7. Do you think the other factors that the tribunal should have regard to in considering a compensation application are the right ones? If not why? (Para 43)

• Require clear definitions of 'significant', 'genuine', and 'wholly unreasonable'

8. Do you agree that this type of information should be required to be given when applying for a transfer of a licence? (Para 33)

• YES with the addition of Ownership and/or management of other sites both within the district and elsewhere in the country and a history of compliance with relevant legislation and regulations

9. Do you agree that this type of additional information should be required to be given when applying for a grant of a licence? (Para 37)