

Title of Report:	Outworkings of the 2021 Review of the Caravans Act (NI) 2011
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	13th June 2023
For Decision or For Information	For Decision

Linkage to Council Strategy (2019-23)	
Strategic Theme	Healthy and Engaged Communities
Outcome	Provision of Council response
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	NIL
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to seek Councils views and comments on the proposal to exempt the Northern Ireland Housing Executive (NIHE) from the requirement to hold a caravan site licence for its Travellers' sites.

2.0 Background

- 2.1 The Department for Infrastructure (DfI) holds responsibility for the Caravans Act (Northern Ireland) 1963. Caravan sites are controlled through the Act's licensing system which is administered by District Councils. NIHE has responsibility for the provision of serviced sites for the Irish Travelling community.
- 2.2 DfC has published the summary report relating to the 2021 Review of the Caravans Act (Northern Ireland) 2011 and is available at <https://www.communities-ni.gov.uk/publications/2021-review-caravans-act-northern-ireland-2011>
- 2.3 One of the recommendations in section 7 of the report is a proposal for an amendment to the Caravans Act (NI) 1963 seeking exemption to licences for Travellers' sites on land owned by the Housing Executive.
- 2.4 DfI are considering this proposal and issued correspondence on 27th April 2023 (see Appendix 1 to this report) seeking the views of Council.
- 2.5 A suggested response is detailed below:

Causeway Coast and Glens Borough Council has no significant concerns or objections to providing Northern Ireland Housing Executive with an exemption from obtaining a Caravan Site Licence under the Caravans Act 1963 for the provision of caravan sites for Irish Travellers providing such sites will be required to adhere to the safety requirements of the Model Licence Conditions for Caravan Sites and the Northern Ireland Fire Service.

3.0 Recommendation

- 3.1 It is recommended that Council endorses the response.

Regional Planning Governance & Legislation



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Council Chief Executives

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Your reference:
Our reference: DFIPG 113/23

27 April 2023

Dear Chief Executives

Outworkings of 2021 Review of the Caravans Act (NI) 2011

The Department for Communities has now published the summary report relating to the 2021 Review of the Caravans Act (Northern Ireland) 2011 ([2021 Review of Caravans Act \(Northern Ireland\) 2011 | Department for Communities \(communities-ni.gov.uk\)](#)).

Section 7 of this report contains a summary of the recommendations. One of the recommendations in the report is in respect of Irish Travellers (Section 7.3 recommendation 17) and states:

“DfC, on behalf of the Housing Executive, will pass to DfI for its consideration proposals for an amendment of the 1963 Act seeking exemption to licences being required for sites on land owned by the Housing Executive”

As you are aware the Department for Infrastructure currently holds responsibility for the Caravans Act (Northern Ireland) 1963 (“1963 Act”). Under the 1963 Act the development of caravan sites, including residential sites and their physical standards are controlled through planning permission granted for the use of land as a caravan site and the 1963 Act’s site licensing system.

The licensing system under the 1963 Act is currently administered by District Councils who are responsible for the issuing and enforcement of site licenses.

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In 2003 the responsibility for the provision of serviced sites for the Irish Travelling community transferred from District Councils to the Northern Ireland Housing Executive (NIHE). Under the current legislative framework the NIHE is **not exempt** from the requirement to hold a site licence for its Traveller sites.

This is in contrast to the position prior to 2003 where these sites did not require a licence because District Councils were the licensing authority and a site licence is not required for the use as a caravan site of land occupied by a District Council (paragraph 11 of the Schedule to the 1963 Act). This has resulted in a difference in the licensing arrangements between Northern Ireland and the other UK jurisdictions. Elsewhere Traveller sites do not require a site licence.

The Department has agreed to consider this request and is therefore seeking your views on the proposal to exempt the NIHE from the requirement to hold a site licence for its Travellers' sites.

It should be noted that even if a decision is made to exempt the NIHE they will still be required to have regard to the Department's Model Licence Conditions and the Northern Ireland Fire & Rescue Service (NIFRS) Fire Safety Guide for Caravan Site Operators when providing appropriate sites.

Any subsequent proposals to amend the 1963 Act to exempt the NIHE will be subject to public consultation, the agreement of an incoming Minister and Executive, as well as the availability of a suitable legislative vehicle.

I would appreciate if you could send your response to David Doherty david.doherty@infrastructure-ni.gov.uk by **CoP 30 June 2023**.

Yours sincerely



DR KATHRYN McFERRAN
(Acting) Director

Cc: Heads of Planning