



**Malvern Hills District Council**

**Mobile Homes and Caravan Site Licensing Policy**

**March 2015**

## MALVERN HILLS DISTRICT COUNCIL

### MOBILE HOMES AND CARAVAN SITE LICENSING POLICY

#### Section 1 Context, Purpose and Definitions

1.1 Good quality, well managed sites for mobile homes and caravans provide a valuable source of accommodation for many people. There are 1516 licensed caravans or mobile homes in the District on 50 licensed sites, providing 254 residential pitches, 189 touring caravan pitches and 1073 units for holiday lets.

1.2 This is the Council's policy for all licensed sites for Mobile Homes and Caravans in the administrative area of Malvern Hills District. The framework for developing local policies is set out in relevant legislation; Caravan Sites & Control of Development Act 1960, Caravan Sites Act 1968, Mobile Homes Acts 1983 & 2013.

1.3 This Policy applies to any caravan site which falls within the scope of the Caravan Sites and Control of Development Act 1960. This means any site where caravans are stationed, whether for residential or holiday use. This Policy sets out how the Council will carry out its statutory responsibilities for caravan site inspection, licensing and enforcement. Provision is made for:

- A register of all residential sites whose rules are deposited with the Council
- A site licensing procedure (including a register of sites, to be made available on the Council's website)
- Determination and annual review of site licensing fees and enforcement charges
- Implementation of Model Standards (including the updating of site licence conditions to reflect the Model Standards where necessary)

1.4 This Policy seeks to:

- Clarify the Council's expectations regarding the standards to be met by owners of caravan sites within the District.
- Provide advice and assistance to occupiers of mobile homes and caravans to ensure that they are able to live in safe and healthy homes.
- Ensure that any enforcement action taken by the Council is effective and proportionate.

## 1.5 Definition of a caravan

A caravan is defined as “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted”. This definition excludes any railway rolling stock which is for the time being on rails forming part of a railway system, or any tent.

The definition (as amended by the Caravan Sites Act 1968) includes a twin-unit caravan provided that:

- a) it is composed of not more than two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices and;
- b) (when disassembled) it is physically capable of being moved by road from one place to another - whether by being towed or by being transported on a motor vehicle or trailer.

Provided also that (when assembled):

- Its length (exclusive of drawbar) does not exceed 60 feet (18.288m);
- Its width does not exceed 20 feet (6.096m);
- The overall height of the living accommodation (measured internally from the floor to the lowest part of the ceiling at the highest level) does not exceed 10 feet (3.048m).

## 1.6 Site licensing requirements, fees and charges

1.7 Many sites in the District are used exclusively for holiday purposes, which takes them outside the definition of Relevant Protected Sites set out in the Mobile Homes Act 2013. Nevertheless, they still require a licence.

1.8 Sites which include a mix of residential and holiday uses are regarded as Relevant Protected Sites for the purposes of that Act. Fees will be payable only in respect of Relevant Protected Sites.

1.9 No licensing work will be carried out until an application is made to the Council in writing, and the relevant fee has been paid in full. The basis for determining what fees are payable is set out in Section 3 of this policy, together with an indicative fee scale (as set out in Table 1 below).

1.10 Fees are set on a cost recovery basis, and will be reviewed annually and amended if necessary to reflect the actual costs of site licencing incurred by the Council. Costs of enforcing site licence conditions (where applicable) are recoverable in respect of all licensed sites.

#### 1.11 Publication of fees and charges

A current scale of fees will be published on the Council's website each year in March, and will come into effect on the following 6 April. All fees, where due, will be levied and become payable in line with this policy from 6 April 2016.

#### 1.12 Enquiries and Advice

This policy and other relevant information for site owners and residents is available on the Council's website:

[www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)

All enquiries regarding this policy should be addressed to the Housing Team at The Council House, Avenue Road, Malvern, WR14 3AF or by email to:

privatesectorhousing@wychavon.gov.uk

## **Section 2 – Site Licensing, Inspections and Enforcement**

### 2.1 Licensing

2.1.1 The owner of any caravan site which falls within the scope of the Caravan Sites and Control of Development Act 1960 is required to apply for a licence, unless exempted from these provisions of the Act. No licensing work will commence until the relevant fee is paid.

2.1.2 Sites managed by the following organisations are exempt from licensing:

- Local authorities
- The Caravan Club
- The Camping Club of Great Britain and Ireland
- The Boy Scouts Association
- The Girl Guides Association
- The Motor Caravanner's Club

Other organisations may apply for a certificate of exemption from by the Secretary of State.

2.1.3 When an application is received by Malvern Hills District Council (together with the relevant fee, where applicable) the applicant will be notified of its receipt and an appointment will be made to visit the site.

2.1.4 The Council will make a decision either to licence the site, or to refuse a licence, within 6 weeks of receipt of a duly made application. Where a licence is refused, the applicant will be advised of the reasons for refusal, and their right of appeal.

2.1.5 The Council cannot license a site unless planning permission has been granted. The relevant officer will consult with the Planning Authority to confirm that the site has planning permission for the relevant use, and will then visit the site to confirm the details of the licence (if any), to assess compliance with any existing licence conditions, and to determine whether new conditions are appropriate, before drafting and issuing a new licence.

2.1.6 Applications made after the effective date of the relevant regulations (expected in 2017) must demonstrate that the proposed manager is a fit and proper person; and details of the approved manager will be recorded in the Council's site register.

## 2.2 Inspections and enforcement

2.2.1 Licensable caravan and mobile home sites will be identified through Council records, housing surveys and from local information. The details of these sites will be added to the Council's database. Where an inspection is undertaken under the provisions of the 1960 Act, notification of any required improvements will be issued to the owner or person responsible.

2.2.2 Where an application is received for licensing of a caravan site which lacks planning permission, the Planning Enforcement team will take the lead. The appropriate enforcement action will be determined according to the facts of each case. A caravan site licence for the land will not be issued until planning permission (or a Certificate of Lawful Existing Use) is granted.

2.2.3 An initial inspection is required for the purpose of granting a licence. A further inspection will take place within 6 months of the granting of any site licence. Following re-inspection, a risk assessment will be undertaken.

2.2.4 The Council will also carry out scheduled inspections of all licensed sites in accordance with their assessed level of risk, without notice, and will advise site owners of any actions required by the site owner to ensure compliance with the site licence conditions.

2.2.5 All sites will be risk rated (High, Medium or Low risk) based on the relevant officer's assessment, and taking into account any complaints received, any contraventions of licence conditions, and the quality of site management.

2.2.6 Sites categorised as High risk will be those where there is evidence of poor site management and/or complaints from occupiers/neighbours and/or

contraventions of licence conditions. High risk sites will be re-inspected every 6 months until the relevant officer's concerns have been addressed. They will then be redesignated Medium or Low risk, as deemed appropriate.

2.2.7 Medium risk sites will be those able to evidence satisfactory site management and considered generally satisfactory by the relevant officer. They will be re-inspected every 2 years. If a re-inspection indicates that the management of the site and/or site conditions and compliance with standards have improved, then the site may be redesignated as Low risk. However, if substantiated complaints are received during this period, or if standards decline further, they may be redesignated as High risk, and enforcement action may become necessary.

2.2.8 Low risk sites will be those which have good management and good site conditions and will be inspected every 3 years, subject to the same reservations set out in 2.2 7 above.

### **Section 3 – Site licence conditions, Fees and Charges**

3.1 The Council's responsibility for the licensing of caravan sites includes the application and enforcement of appropriate conditions. The specific purposes for which conditions can be applied are set out in Section 5 of the Caravan Sites and Control of Development Act 1960. Site licence conditions may be determined with reference to national Model Standards. The Council has a power to update site licence conditions in line with Model Standards as modified from time to time by the Government. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 (touring sites) 1989 (holiday sites) and 2008 (Residential Sites).

3.2 The Mobile Homes Act 2013 (which came into force on the 1<sup>st</sup> April 2014) amended the Caravan Sites and Control of Development Act 1960. Part 1 of the Act includes a power for Local Authorities to charge fees for their licensing function in respect of Relevant Protected Sites (typically known as residential parks, mobile home parks and gypsy and traveller sites). This power also applies to the residential parts of sites with mixed holiday and residential uses.

3.3 The scale of annual licensing fees payable (set according to site size) and the standard fees for new site licences, transfers and variations of existing site licences are set out in Annexe 1 to this policy, and will be reviewed annually.

3.4 In line with emerging good practice, sites with only one unit or those accommodating only one family will be exempt from annual inspections and the accompanying charges. If enforcement action becomes necessary, an enforcement charge will be payable in accordance with this Policy.

3.5 Indicative enforcement costs are detailed in Annex 2 which will be reviewed and published annually.

3.6 The main focus of enforcement activity will be informal advice and education, including the provision of information in leaflets, on the website and directly by telephone or in person. Formal enforcement action will be taken under the relevant legislation only when informal action has failed to secure an acceptable improvement in standards or compliance with licence conditions.

3.7 As part of the legislative changes introduced by the Mobile Homes Act 2013, Local Authorities now have additional enforcement tools to address breaches of site licence conditions. The Council may serve a compliance notice, which must be accompanied by a detailed breakdown of the relevant expenses.

3.8 Enforcement charges will be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred (e.g. legal costs). Site owners may not pass on Enforcement charges to residents in their pitch fees.

3.9 If any works required by the compliance notice are not carried out the licence holder commits an offence, and the Council may consider taking legal proceedings. The award of costs associated with this process will be at the discretion of the court.

3.10 In the event of a successful prosecution, the Council has powers to carry out works in default, and to recharge the licence holder accordingly.

**Annexe 1**

**Schedule of Site Licensing Fees**

<b>Fee Type</b>	<b>Fee 2015/16</b>	<b>Fee 2016/17</b>
Issue of site licence:  Band A – 1 caravan/family Band B – 2 to 5 caravans Band C – 6 to 20 caravans Band D – over 20 caravans	No charge No charge No charge No charge	Band A – exempt Band B - £125 Band C - £175 Band D - £250
Variation of site licence	No charge	£200
Transfer of site licence	No charge	£75
Deposit of site rules	£50	£50
Compliance Notice Fee (per notice issued)	Recharge = staff time @ £25 per hour + 10% admin charge	Recharge = staff time @ £25 per hour + 10% admin charge
Other enforcement action	Recharge = staff time @ £25 per hour + 10% admin charge	Recharge = staff time @ £25 per hour + 10% admin charge

**Annexe 2**
**Estimated costs for enforcement action**

<b>Task</b>	<b>Time (minutes)</b>
Initial Enquiry – phone call, email.	10
Sending out application form and/or leaflets	5
Receipt of documents, letter to arrange first visit	15
Creating a hard file/scanning documents to computer	15
Obtaining planning permission details	15
Processing the licence fee/enforcement fee	45
Land registry search	10
Reviewing documents	15
Initial site visit	30
Indicative travel time (initial site visit)	30
Downloading photographs to computer file	15
Preparing reports on contraventions/action required	90
Drafting or amending licence	60
Review by manager and Legal Services	30
Updating public register	10
Risk rating the site	5
Review of decisions (or defending appeals)	45
<b>Indicative total costs to be recharged</b> £184-75	6 hr 45 min
<b><u>Made up of:</u></b>	
Staff time charge @ £25 per hour = £168-75	
Indicative mileage (30 miles) @ 40p/mile = £12-00	
Land Registry fee = £4-00	