

### **Delegation of authority - relevant legislation**

To enable Officers to carry out their functions, the Executive Committee is recommended to delegate authority to the Head of Planning, Economy and Housing for the actions identified below in respect of the following legislation:

#### **Caravan Sites and Control of Development Act 1960**

To inspect sites, and to issue, vary or transfer licences as required.

#### **Caravan Sites Act 1968**

Action to protect occupiers against eviction and harassment.

#### **Mobile Homes Act 2013**

- Mobile Homes (Site Rules) (England) Regulations 2014
- Mobile Homes (Site Licensing) (England) Regulations 2014
- any subsequent Regulations

To set and periodically review the policy and fees for site licensing, to determine charges for enforcement and to issue and enforce Compliance Notices as necessary.

#### **Environmental Protection Act 1990**

To serve Abatement Notices as necessary

#### **Public Health Act 1936**

To apply the “filthy or verminous” provisions of the Act to caravans

To apply the general nuisance provisions of the Environmental Protection Act (s.238) to caravans

### **Further details of the Legislation are set out below**

#### **Caravan Sites and Control of Development Act 1960**

The Caravan Sites and Control of Development Act 1960 (the 1960 Act) requires that land owners do not allow their land to be used as a caravan site unless they hold a valid site licence EXCEPT where the following exemptions apply:

- Where the use is incidental to the enjoyment as such of a dwelling house within the curtilage of which the land is situated.

## Appendix 2

- Caravans on agricultural land where the accommodation is provided during a particular season for persons employed in farming or forestry operations on land of the same occupation.
- Use by a person travelling with a caravan for no more than two nights (as long as the caravans have not been present for more than 28 days during the previous year)
- Where land comprises, together with any adjoining land which is in the same occupation and has not been built on or is not less than 5 acres. Where within 12 months any of the land did not have any caravans stationed exceeding 28 days and if there were not more than 3 caravans stationed at one time.
- Sites occupied and supervised by approved exempted organisation e.g. Caravan Club, Girl Guides Association. Where the site is used for the purpose of recreation and is under supervision of the organisation.
- Caravans used on Building and engineering sites if the accommodation is used by persons employed in connection with the operation.
- Use of land as a caravan site by a travelling showman who is a member of an organisation of travelling showmen and who is at the time travelling for the purpose of his business or who has taken up winter quarters with his equipment for some period falling between beginning of October and the end of March.
- Caravans used on sites owned by a Local Authority.
- Gypsy sites occupied by County Council or regional Councils.

Section 5 (6) of the 1960 Act permits central government to specify model standards for to which the Local Authority must have regard when deciding on conditions to attach to the site conditions. The 2008 Model Standards have been produced for residential caravan sites. Following to Mobile Homes Act 2013 these are to be considered when applying licence conditions to new sites and those which have been substantially redeveloped.

The Council will attach conditions to the licences of all caravan and mobile home parks specifying the minimum standards which must be achieved and maintained by the site owner. These conditions are aligned with the published Model Standards for the type of site.

Site licence conditions will include the following as a minimum:

- The maximum total number of caravans which may be stationed on the site
- The occupation type of caravans permitted on the site (ie residential, holiday or tourer)

## Appendix 2

- Requirements for the preservation of amenity
- Requirements for the marking of site boundaries and pitch boundaries
- Minimum spacing required between mobile homes for fire safety
- Requirements for the provision and maintenance of fire fighting equipment
- Requirements for the display of notices – including a copy of the site licence
- Specifications for car parking provisions, roadways and footpaths.

Section 26 (1) of the 1960 Act authorises officers of the authority to enter at all reasonable hours, onto land which is used as a caravan site or in respect of an application for a site licence.

The Council cannot refuse to grant a licence and a licence cannot be issued for a limited period (unless the planning permission specifies a time limit).

### Caravan Sites Act 1968

The 1968 Act contains provisions for the protection of occupiers against eviction and harassment. The definition of harassment is confined to a site owner "illegally depriving occupiers of occupation" of their mobile home or "carrying out acts calculated to interfere with the peace and comfort of an occupier with the intention of causing them to leave" or "to stop them exercising a right or remedy that they may have".

### Mobile Homes Act 2013

The Mobile Homes Act 2013 builds on the Caravan Sites and Control of Development Act 1960. There is greater protection to occupiers of residential mobile park homes, including new changes for selling and gifting park homes and the replacement of existing park rules with new. The Local Authority has also been provided with additional powers. A Compliance Notice can be used to enforce licence conditions. Any appeals can now be dealt with by the Residential Property Tribunal.

Residential sites are referred to as 'Relevant Protected Sites'. The manager of such a site must be a 'fit and proper' person and a register of managers is to be maintained by the Local Authority.

The 2013 Act enables Local Authorities to charge an annual fee for a site licence application from a 'relevant protected site' for residential caravan sites not those sites to be granted for holiday use only or where the site has a condition that there will be times of the year where no caravan will be stationed for human habitation.

## Appendix 2

### Mobile Homes (Site Licencing) (England) Regulations 2014

These Regulations provide prescribed matters which the Local Authority must have regard to when deciding whether to issue a site licence or to consent to transfer the licence. These include, licence holders interest in the land, ability to manage, funding of the site and whether the amenity would be reduced. In addition whether the existing licence holder is under investigation for any relevant criminal offence.

### Mobile Homes (Site Rules) (England) Regulations 2014

Section 12 of these Regulations allow a Local Authority to charge a fee to deposit any site rules of a protected site. The Local Authority must then establish and keep up to date a register of these sites which has deposited site rules and publish this on line.

### Environmental Protection Act 1990

Section 268 of the Public Health Act 1936 applies the general nuisance provisions under the Environmental Protection Act to tents, vans, shed and similar moveable structures for human habitation. As well as applying filthy or verminous provisions to caravans.