



PRIVATE SECTOR HOUSING

Caravan Site Licensing & Fees Policy

2021

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1. Wider Context

The purpose of Caravan Site Licensing is to ensure that this often-overlooked form of tenure (typically occupied by some of the most vulnerable residents) meet the minimum acceptable standard and are suitably managed. Licensing is aligned to our priority around ensuring residents have healthy places to live, work and enjoy leisure and cultural activities.

Licensing also feeds into Eastleigh Borough Council's key corporate priority around tackling health inequality and deprivation, ensuring our residents in most need of help are supported.

A person's home environment is a significant influence over their overall health & wellbeing and the lower a person's social and economic status, the poorer their health is likely to be and in part this is related to the availability of access to reasonable standards of accommodation. Licensing of housing, in particular relevant protected sites, is aimed at better regulating the standard in this type of tenure so as to lessen any widening of health inequalities for those residents.

2. Objectives

- To provide a service that is consistent, transparent, and proportionally targets at relevant protected sites that are subject to licensing in accordance with the Mobile Homes Act 2013 & Parts 1 & 3 of the Caravan Sites & Control of Development Act 1960.
- To provide a service that complements and is consistent with the Council's current policies, strategies and corporate objectives.
- To ensure all charges related to the service are consistent, transparent, and proportional, with due regard given to individual specifics of each relevant protected site licensed
- In addition, the policy hopes to encourage site owners to maintain compliance with the conditions of the site licence and to undertake proactive maintenance so as to provide better standards across the site for the residents.

3. Scope of the policy

This document outlines the policy adopted by Eastleigh Borough Council to address relevant protected sites required to be licensed.

This policy is consistent with the Private Sector Housing Enforcement Policy which was produced in accordance with the principles of good enforcement that were prescribed within the Enforcement Concordat produced by the Better Regulation Unit and to which the Council was a signatory in 1998.

This service shall include assistance, advice, education and the promotion of good practice to businesses, organisations and the public, in addition to statutory action, where appropriate

4. Legislation, Regulations & Guidance

Below is the key legislation & guidance covering caravan site licensing

4.1. Legislation & Regulations

- Caravan Sites & Control of Development Act 1960
- The Mobile Homes Act 2013

- Local Government (Miscellaneous Provisions) Act 1976
- The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020
- The Mobile Homes (Site Rules) (England) Regulations 2014

4.2. Guidance

- Model Standards 2008
- Mobile Homes Act 2013 – Explanatory Notes
- Park Homes: Site Licensing – Definition of relevant protected site
- Mobile Homes Act 2013: A guide to local authorities on setting site licensing fees
- Mobile Homes Act 2013: A Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime
- Mobile Homes Act 2013: Advice to local authorities on the new regime for applications for the grant or transfer of a site licence

5. Licensing Scheme

In accordance with the legislation mentioned previously, the Council shall licence all caravan sites within the Borough, except where they meet one of the specified exemptions from the licensing requirements.

5.1. Exemptions

Exemptions are specified in Schedule 1 of the Caravan Sites & Control of Development Act 1960¹ and includes:

- Where used within curtilage of a dwelling/house
- Forestry workers, builders, travelling showmen or seasonal workers (like fruit pickers) stay in caravans on the site
- The site is 5 or more acres and there are 3 or less caravans there for 28 days or less a year
- You're a member of an organisation like a caravan club and have a caravan exemption certificate
- your site is approved by an organisation with a caravan exemption certificate
- members of an exempted organisation stay in their caravans on the site
- your site is used for a social get-together of members of an exempted organisation (a 'rally')
- sites owned by licensing authority

6. Responding to Licence Applications

The Council endeavours to provide an initial response to all licensing application within 3 working days following the day of receipt.

6.1. Inspections

The Council will endeavour to inspect, when it is considered necessary and subject to capacity, all relevant protected sites that are subject of a licence application before the licence is granted. The Council is committed to ensuring improved housing standards for our residents and maintaining a

¹ Schedule 1: Caravan Sites & Control of Development Act 1960 - <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62/schedule/FIRST>

strong stance in enforcing this commitment. For this reason, all inspections required in determining an application for a Caravan Site Licence will be undertaken by authorised officers of the Council.

It is the Council's position that by ensuring all inspection and associated activities are retained internally we will be better able to ensure a high standard of inspections being carried out and prevent undue bias in the process. This, it is believed, is the best way to ensure good standards for our residents and a robust basis on which licences are determined.

This will enable the Council to identify and address issues on those sites that are not in compliance with the Model Standards 2008 or are otherwise prejudicial to health or in such a state as to cause a nuisance.

6.2. Determining Applications

All licence applications will be determined by an authorised officer of the Council. The Council aims to process, decide and (where granted) issue a site licence within 9 months from receipt of a valid application. An application will be considered duly valid at the point all the following has been received:

- A completed application form
- Full payment of the correct licence application fee
- ALL supplementary paperwork as specified on the application form

At the point an application is valid, acknowledgement of this will be provided to the applicant through their preferred means of contact

Determinations will have due regard to the following criteria which must be satisfied:

- Compliance with model standards 2008 or any other model standards that are applicable (ascertained through site inspection).
- There are satisfactory arrangements for the management of the site
- The proposed site rules (if any) are in compliance with the site rule regulations.
- The site is managed / owned by a fit and proper person that has been entered on the fit & proper person register.

6.2.1. Provisions for Management of the Site

Satisfactory provisions for management of the site consist of:

- A clear and accessible system be in place for the site residents to report defects, including emergency repairs and arrangements for remedying such defects
- A system of periodic inspections by management to identify repairs and maintenance matters pro-actively.
- A declaration from the site owner, where he/she is not the manager, that adequate funding will be provided to the manager to deal with repairs.
- A declaration from the site owner / manager as to the time periods which all standard repairs and emergency repairs will be endeavoured to be completed in.

6.2.2. Site Rules

The Council must be satisfied that the proposed site rules (should there be any) provided by the applicant must be in full compliance with the Mobile Homes (Site Rules)(England) Regulations 2013 and that systems are in place should the site owner / manager propose to alter, add or cancel a site rule so as to comply with the procedural requirements of the regulations.

6.2.3. Fit and Proper Person

Under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 the “relevant person” (owner and/or site manager) of relevant protected sites must apply for entry on to a Fit & Proper Person register held by the Council except where they meet a specified exemption. This applies to new and existing sites alike.

An authorised officer of the Council will undertake the assessment. Further details of the assessment requirements, procedures, specified exemptions, details held on the register and duration of any entry can be found in Appendix 1.

As permitted under the regulations, the Council shall charge a fee for consideration of an application for entry onto the fit & proper person register and this must be paid in full before the application will be considered valid.

7. Duration of Licence

As required under the Caravan Site & Control of Development Act 1960, where an application for a licence has been determined to grant a licence, the duration of the licence is required to be issued in perpetuity except where the planning permission granted for the site has a specified expiry date, then the site licence will be issued with an expiry date consistent with that on the sites planning permission.

8. Licence Conditions

A site licence shall always have the model standards 2008 attached as conditions. However, discretion may be given to the Authorised Officer to amend or add to these model standards, on a case-by-case basis where it is felt the particular circumstances of the individual site mean there is appropriate justification to do so.

9. Ongoing monitoring of compliance to licence conditions

Every licensed site shall be inspected at least once a year in order to identify any hazards and areas of non-compliance with the conditions attached to the site licence. The Council aims to provide an inspection report to the site owner / manager within 1 month of the inspection being carried out. Any hazards or areas of non-compliance will be brought to the site owner/manager’s attention and a specified timescale to address the items identified given. Subsequent site visits may then be made to check these have been complied

Inspections will assess the whole of the site and any hazards and non-compliance will be considered in reference to the Private Sector Housing Enforcement Policy.

As permitted under the Mobile Homes Act 2013, an annual fee will be charged to licence holders of relevant protected sites for the monitoring regime. This will be charged retrospectively in March for the financial year just gone.

10. Variation of Licences

A licence may be varied by the Council on agreement. Variation may be requested either by the licence holder, a relevant person or the Council. Where a variation is requested by the licence

holder or relevant person a Variation Request Form must be completed and submitted. As permitted under the Mobile Homes Act 2013, the Council shall charge a fee for consideration of a variation request and this must be paid in full at the point of submitting the form for the request to be considered valid.

11. Transfer of Licences

A licence may be transferred by the Council on agreement to a new licence holder upon request from the current licence holder or a relevant person. Where a transfer is requested by the licence holder or relevant person, a Transfer Request Form must be completed and submitted. As permitted under the Mobile Homes Act 2013, the Council shall charge a fee for consideration of a transfer request and this must be paid in full at the point of submitting the form for the request to be considered valid. The proposed new licence holder must have also applied for fit & proper assessment and been granted and entered onto the register accordingly.

12. Revocation of Licences

The Council cannot revoke a site licence but may apply to a magistrate's court for an order of revocation where a licence holder has been convicted 3 or more times of relevant offences, such as defaulting on compliance notice(s).

13. Formal Proceedings

Having regard to the Private Sector Housing Enforcement Policy, formal action will be considered when a licensable site is found:

- operating without a licence
- operating² where the "relevant person" is not on the fit & proper person register and no application for their inclusion on the register has been made but not yet determined.
- not operating in accordance with the licence conditions
- parts or the whole of the site in a hazardous condition following a site inspection

14. Fees

The Council shall charge in respect of site licensing for the following:

- site licence application
- request for site licence variation
- request for site licence transfer
- annual fee for monitoring of site licence compliance
- fit & proper person application.

The fees shall be determined from a schedule of permitted cost items (Appendix 2) and shall be reviewed annually.

The Council shall also charge in respect of any enforcement action taken such as;

- service of a compliance, works in default or emergency works notice

² On or after 1st October 2021

- cost of any works carried out in default
- cost of any emergency works undertaken

The fee for serving a notice shall be in line with other enforcement charges for similar action and shall be reviewed annually. The cost sought to be recovered with any works in default or emergency works will be the full cost of the works themselves (excluding VAT).

Appendix 1.0 Fit & Proper Person Assessment

1.1 Regulations

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, requires the Council to assess applications and keep a register of whether the “relevant person” (owner or site manager) is a fit and proper person to manage a relevant protected site.

1.2 Offences

The regulations create three offences. These being:

- Operating a site in contravention of the fit & proper person regulations, i.e. where the site owner or their appointed manager has not been assessed by the Council as a fit & proper person.
- Withholding information or including false or misleading information in a registration application.
- Failing to comply with a condition.

The Council are responsible for enforcing the regulations. Any site owner the Council believe to have committed one of the above offences may be prosecuted and on summary conviction would be liable to a level 5 (unlimited) fine.

If a site owner is convicted for operating a site without they or their appointed manager having been assessed by the Council as a fit & proper person, the Council may apply to a tribunal (or a magistrates court if convicted twice or more) for an order to revoke a site licence.

1.3 Exemptions

Under the above regulations there are specified sites which are exempt from the requirement of the fit & proper person assessment. These are listed below:

- Non-commercial family-occupied sites are exempt from these regulations.
- Holiday and touring sites (on the grounds that they are not a relevant protected site)

1.4 Applications

Site owner's will be required to apply for inclusion onto the fit and proper person register. Once received, the council may:

- Grant the application unconditionally,
- Grant the application subject to conditions, or
- Reject the application

A fee is charged for consideration of an application and only on receipt of full payment of this fee will an application be valid.

A Criminal Records Certificate (also referred to as DBS) issued no more than 6 months before the date of application must be supplied along with the application.

1.4.1. Assessment

The assessment will be undertaken by an authorised officer and due regard will be given to the following matters when making assessment.

- Any previous convictions relating to offences involving fraud, violence, arson or drugs, or listed in Schedule 3 of the Sexual Offences Act 2003 (offences attracting notification requirements)
- Contravention of any provisions of law relating to housing, caravan sites, mobile homes, public health, planning, environmental health or of landlord and tenant law
- Contravention of the Equality Act 2010 in, or in connection with, carrying out of any business.
- Having harassed any person in, or in connection with, the carrying on of any business
- Having been personally been insolvent within the past 10 years
- Having been disqualified from acting as a company director within the past 10 years
- Has the right to work in the UK
- Being a member of any redress scheme for dealing with complaints in connection with the management of the site
- Where any other local authority has rejected an application for the relevant person to be included in a register

In addition to the above the Council will take account of other relevant matters including but not limited to whether the applicant has:

- Secured “proper management of the site” in terms of compliance with the site licence and long-term maintenance of the site.
- Whether the relevant person has a sufficient level of competency to manage the site.
- Whether there is a sufficient management structure and funding arrangements.
- Been refused a licence or convicted of breaching the conditions of a licence
- Been in control of a caravan site where work in default was carried out by a local authority and the debt is outstanding.

1.4.2. Decision

Once an application has been received, the Council must make a decision as soon as reasonably practicable to either;

- Grant the application unconditionally, include on to the register for a period of 5 years and serve a final decision notice on the applicant; or
- Serve a preliminary decision notice on the applicant (either refusal of the application or grant of the application subject to conditions)

Applicants receiving a preliminary decision notice may make written representation to the Council within 28 days, beginning on the day after the notice was served.

Where a preliminary notice has been served, the Council must make a final decision and serve a final decision notice as soon as reasonably practicable after the 28 day representation period.

1.5 Register

The Council are required to establish & maintain an up-to-date register of the persons who have been assessed to be fit and proper persons to manage a site. The register must also contain information on rejected applications.

The register is required to be available for inspection by members of the public and to be published online.

1.5.1. Information contained in the register

The register must contain the following details:

- Name & business contact details of the relevant person
- Name & address of the site to which application relates
- The status of the person
- The dates of first & last day of the period the persons inclusion in the register is effective.
- Whether any condition is attached to the person's inclusion in the register
- Where any condition is attached
 - The number of any such condition(s)
 - The dates of the first & last day of the period on which the condition applies (if applicable)
 - The date any condition is varied or satisfied (if applicable).

Where an application has been rejected the following information must be included on the register

- Name & Address of the site to which the application relates
- That an application in respect of the site has been rejected
- The date on which the application was rejected

1.5.2. Period of Entry

Where an entry on to the register has been granted this will be for a period as determined by the Council not being longer than 5 years, at which point re-application and assessment will be necessary.

Where information regarding a rejected application is included on the register, this shall remain until such time as a successful fit & proper person application is made in respect of the owner or manager of the site.

1.5.3. Removal from the register & variations of conditions

Where a person is included on the register, and subsequently new evidence relevant to the person's inclusion becomes available, the Council may:

- Remove the person from the register
- Impose a condition on the person's inclusion onto the register, or
- Vary or remove a condition already imposed by virtue of the regulation

1.6 Notice of Proposed Action & Notice of Action

Prior to taking any action to either remove a person from the register, impose a condition, or vary an existing condition the Council must serve a Notice of Proposed Action on the site owner.

The subject of the Notice of Proposed Action has the opportunity to make a written representation within 28 days, starting from the day after the notice was served.

Following the end of the representation period, the Council must consider fully any representation made and, as soon as reasonably practicable, decide whether to continue to take the action proposed. If it is decided to continue with the action, then a Notice of Action must be served on the site owner within 5 working days of the decision being made.

1.7 Withdrawal or amendment of Notices

There may be circumstances where the Council may decide not to continue with an action it has previously decided to take. In such circumstances the Council may withdraw or amend :

- A preliminary decision notice before service of the final decision notice,
- A final decision notice before the decision to which it relates takes effect, or
- A notice of proposed action before the proposed action is taken.

In order to withdraw or amend a notice in any of the above circumstances the Council must serve notice on the person on whom the original notice was served detailing the withdrawal or amendment and the implications of the decision in relation to their entry on the register.

1.8 Appeals

A person on whom a final decision notice or notice of action is served, still has a right of appeal to the First Tier Tribunal (Property Chamber).

1.9 Local Authority appointed site manager

In exceptional circumstances where a site licence holder has been unable to find a fit & proper site manager to put forward, they can approach the Council to discuss if it can appoint a suitable alternative person.

The Council and site licence holder would discuss and agree the terms on which the Council could assist in finding a suitable site manager and the scope of that person's authority.

Where the Council is able to identify a suitable person, the person must undergo the fit & proper assessment and their details included on the register. Any costs incurred by the Council in making the appointment will be able to be recovered from the site licence holder.

Appendix 2.0 Fees – permitted cost items

2.1 Site Licence Application Fee

Enquiry	Time	Hr. Rate	Total
Enquiry received and service request entered onto database	45min		
Information pack and application form sent out	20min		
Enters details of application onto database	60min		
Returned application form received	90min		
Check application form is correct including correct fee			
Verify particulars entered into database relate to application			
Processing			
Examine application documentation and certificates or declarations submitted	60min		
Make assessment of site layout, provision of amenities/utilities, fire safety etc	60min		
Finance receive payment of fee, issue receipt and process payment	60min		
Inspection			
Verification inspection of the site	90min		
Issue			
Prepare licence documents and certificates	120min		
Check and sign certificates / licence as necessary, and serve by post	30min		
Update database register and public register	20min		
			Total

Variable additional costs			
Assist with application by phone or person in office	30min		
Return incomplete application to applicant with letter	15min		

*Adjustment on base fee related to size of site also applied (see section 2.7)

2.2 Licence Variation Request

Enquiry	Time	Hr. Rate	Total
Enquiry received and service request entered onto database	30min		
Variation request form sent out	15min		
Returned variation request form received	15min		
Enters details of request onto database			
Check form is correct including correct fee	15min		
Verify particulars entered into database relate to request			
Processing			
Examine variation request documentation submitted	40min		
Make assessment of suitability of variation requested	40min		
Issue			
Prepare varied licence documents and certificates	30min		
Check and sign new certificates / licence as necessary, and serve by post	15min		
Update database register and public register	15min		
			Total

Variable additional costs			
Assist with request form by phone or person in office	30min		
Return incomplete request form to applicant with letter	15min		

2.3 Licence Transfer Request

Enquiry	Time	Hr. Rate	Total
Enquiry received and service request entered onto database	30min		
Transfer request form sent out	15min		
Returned transfer request form received	15min		
Enters details of request onto database			
Check form is correct including correct fee	15min		
Verify particulars entered into database relate to request			
Processing			
Examine transfer request documentation submitted	40min		
Make assessment of suitability of transfer requested	40min		
Issue			
Prepare new licence documents and certificates	30min		
Check and sign new certificates / licence as necessary, and serve by post	15min		
Update database register and public register	15min		
Total			

Variable additional costs			
Assist with request by phone or person in office	30min		
Return incomplete request form to applicant with letter	15min		

2.4 Annual Site Licence Monitoring Fee

Inspection	Time	Hr. Rate	Total
Annual inspection of the site	90min		
Processing			
Make assessment of condition & compliance of site with licence	90min		
Complete rating assessment on database	60min		
Issue			
Prepare site inspection report	90min		
Check and sign inspection report, and send by post	20min		
Update database register and public register	20min		
Total			

Discounts	Band	%	Total
Reduction for good outcome of rating assessment	A	- 50	
	B	- 10	
	C - E	0	

*Adjustment on base fee related to size of site also applied (see section 2.7)

2.5 Fit & Proper Person Assessment Application (NEW)

Enquiry	Time	Hr. Rate	Total
Pre-application advice	30min		
Receive application and enter onto database	60min		
Check application is valid (complete, signed, fee etc.)	30min		
Process fee & send out receipt	10min		
Examine application documentation and certificates and declarations submitted			
Examine application documentation and certificates and declarations submitted	90min		
Update case records with initial assessment	10min		
Passed to Senior Officer for review	30min		
Grant of application – final notice or preliminary notice			
Grant of application – final notice or preliminary notice	60min		
*Establish any conditions applicable	15min		
*Review any conditions with Senior Officer	15min		
**Review representation paperwork	12min		
**Discuss representation response with Senior Officer	6min		
**Produce and issue response to representation & relevant notice	9min		
Add relevant person details to register	20min		
Update database records	10min		
			Total

*assumed one in every 2 cases (estimated time for activity divided by 2 shown in table)

**assumed one every 5 applications (estimated time for activity divided by 5 shown in table)

2.6 Explanatory Notes:

The Government has provided in the Mobile Homes Act 2013 provision for local authorities, to charge for licensing services with a view that caravan site licensing should be self-financing.

The cost of the site licence application, transfer request, variation request, annual site licence fee and fit & proper person assessment are intended to reflect the ease with which a caravan site can be licensed. It is intended that the cost of the licensing services reflects the increased time and workload involved for larger sites but to also recognise and reward those site that are consistently well managed and maintained. It is also intended to recognise that a number of the very small sites within the Borough are owner occupied sites with extended family and not run for profit as a business and that where charges apply to these sites, they reflect this.

Some costs incurred by the Council will apply equally to all sites (e.g. sending out and validating applications/request forms, invoicing etc), however, some costs will vary depending on the site, such as the size of the site affecting the length of time it takes to undertake an inspection and where this is the case, approximate average times have been used.

2.7 Caravan Licensing Fees & Enforcement Charges (2021)

Caravan Sites	Amount (£)
Caravan Site Licence Application base fee*	485.00
Caravan Site Variation of Licence/Conditions Request	165.00

Caravan Site Transfer of Licence Request	165.00
Annual Administration of Site Licence base fee*	280.00
Service of Compliance Notice	500.00
Service of Works in default Notice	500.00
Service of Emergency Works Notice	500.00
(NEW) Cost of fit & proper person register application	240.00
Cost of depositing site rules with Local Authority	0.00

*% increase/reduction in fee based on size of site

Adjustments for Size of Sites		
		% adjustment
No. of Homes on Site	0 – 10	-20
	11 – 20	-10
	21 – 30	0
	31 – 40	+10
	41 – 50	+15
	51 – 100	+20
	100 +	+25