

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Licensing Committee
<b>Date of Meeting:</b>	13 October 2016
<b>Subject:</b>	Mobile Homes and Caravan Sites Licensing Policy
<b>Report of:</b>	Bhavdip Nakum, Licensing and Systems Officer
<b>Corporate Lead:</b>	Richard Kirk, Interim Environmental Services and Housing Group Manager
<b>Lead Member:</b>	Councillor J R Mason, Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	One

## **Executive Summary:**

This report proposes that the draft Mobile Homes and Caravan Sites Licensing Policy be approved for a 12 week consultation with public and relevant parties.

## **Recommendation:**

**To APPROVE the draft Mobile Homes and Caravan Sites Licensing Policy for a 12 week consultation with the public and relevant parties.**

## **Reasons for Recommendation:**

To ensure that the Council's policy is robust in providing a safe service to the residents and visitors of the borough and to provide clarity to applicants, existing licence holders and members of the public.

## **Resource Implications:**

Total cost will be met from existing resources.

## **Legal Implications:**

Mobile Homes Act 2013, Caravan Sites and Control of Development Act 1960

## **Risk Management Implications:**

If the Council does not fulfil its duties under Mobile Homes Act 2013 and Caravan Sites and Control of Development Act 1960, it may be liable to legal challenges.

## **Performance Management Follow-up:**

A Licensing Committee meeting will be held to consider consultation responses and either adopt the policy or recommend further amendments.

## **Environmental Implications:**

None

## **1.0 INTRODUCTION AND BACKGROUND**

- 1.1** Tewkesbury Borough Council has the responsibility to regulate mobile homes and caravan sites under the provisions of Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968 and Mobile Homes Acts 2013. Good quality, well managed sites for mobile homes and caravans provide a valuable source of accommodation for many people. As of 2016, there are 80 sites and 1,696 residential, touring and seasonal mobile homes in the borough.
- 1.2** The principal legislation concerning the licensing of caravan sites and mobile home sites is the Caravan Sites and Control of Development Act 1960. This requires local authorities to issue, without charge, Caravan Site Licences for certain types of caravan sites.
- 1.3** The 1960 Act has now been amended by the Mobile Homes Act 2013 which was introduced to provide greater protection to permanent occupiers of mobile home sites. The changes introduced by the 2013 Act came into force on 1 April 2014. These powers include the ability for local authorities to charge fees for their licensing functions in respect of relevant protected sites (sites that are wholly or partly residential). Under the 2013 Act there is an expectation that Councils will inspect sites annually and use the additional powers to ensure compliance with relevant site licence conditions. Councils can charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site.

## **2.0 MOBILE HOMES AND CARAVAN SITES LICENSING POLICY**

- 2.1** In order to charge fees, the Council must publish its Fees Policy and incorporate a review period of these fees.
- 2.2** On 27 November 2008, the Council adopted model standards (Appendix 2 of the policy draft) for residential caravan sites and approved the standard conditions for residential caravan site licences (Appendix 3 of the policy draft). The Council also authorised Officers to take steps to impose the new conditions, if approved, on some or all existing licensed residential caravan sites, particularly those at risk of flooding. These resolutions are now incorporated in the new policy.
- 2.3** The fees are charged on a cost recovery basis. Fees have been set using Officer experience as to the typical time taken for various activities, Officer grades and on-costs which include:
- a) administration of licence fees;
  - b) pre-inspection preparation;
  - c) site inspection (including travelling time and mileage allowances at current rates);
  - d) post inspection administration e.g. formal notification of compliance or non-compliance;
  - e) re-inspection due to non-compliance; and
  - f) general administration (maintaining files, electronic records and cost accounting)

## **2.4 Estimated Costs**

### **2.4.1**

<b>Task</b>	<b>Time (minutes)</b>
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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 £186.25 Made up of: Staff time charge @ £25 per hour = £168.75 Indicative mileage (30 miles) @ 45p/mile = £13.50 Land Registry fee = £4.</b>	<b>6 Hours 45 minutes</b>

2.5 The proposed policy is attached as **Appendix A**

### 3.0 OTHER OPTIONS CONSIDERED

3.1 None

### 4.0 CONSULTATION

4.1 Consultation will be required to take place over a twelve weeks period after the draft policy is approved for consultation. It will be undertaken with all required parties, stakeholders and also with the general public. Any responses received during the

consultation period will be taken into account and considered by the committee.

**5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

5.1 Environmental Health Enforcement Policy

**6.0 RELEVANT GOVERNMENT POLICIES**

6.1 The Government has produced best practice guidance to local authorities on enforcement of the new site licensing regime.

**7.0 RESOURCE IMPLICATIONS (Human/Property)**

7.1 Met from existing resources.

**8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

8.1 An effective Mobile Homes and caravan Site Licensing Policy can help promote community safety and increase public confidence.

**9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

9.1 None

**10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

10.1 Licensing Committee decision on 27 November 2008

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**Background Papers:** A Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime

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**Appendices:** Appendix A – Draft Mobile Homes and Caravan Sites Licensing Policy