

DECISION TAKER: CABINET MEMBER FOR HOUSING AND ASSET
MANAGEMENT – COUNCILLOR KELSIE LEARNEY

REPORT TITLE: DRAFT CARAVAN SITE LICENSING POLICY 2021

6 SEPTEMBER 2021

Contact Officer: John Easey Tel No: 01962 848429 Email
jeasey@winchester.gov.uk

WARD(S): ALL

PURPOSE

The Government recently introduced regulations (The Mobile Homes (requirement for manager of site to be fit and proper person) (England) Regulations 2020) which bring into force Section 8 of the Mobile Homes Act 2013. The regulations are effective from 1 July 2021.

The council requires a policy indicating how it will assess whether an applicant or the applicant's proposed site manager meets the test, and outlining the fees applicable to applications.

The council has not previously had a policy for the wider subject of site licensing, but has had a published fees policy for this matter.

The advent of the new regulations provided an opportunity to produce such a policy and include matters related to the Fit and Proper Person regulations

RECOMMENDATIONS:

1. That the council adopts the Private Sector Housing Caravan Site Licensing and Fees Policy 2021 Policy as provided.

IMPLICATIONS:1. COUNCIL PLAN OUTCOME

- 1.1 The policy supports the Council Plan 2020 - 2025 priority - Homes for all. Ensuring the provision of residential permanent caravan and mobile home sites meet an acceptable standard of licensing compliance and are suitably managed.
- 1.2 Living Well - The provision of good quality housing provision is linked to well-being. The policy of licensing of sites is aimed at better regulating standards and management of permanent caravan/mobile site homes to reduce the inequalities of this tenure option.

2. FINANCIAL IMPLICATIONS

- 2.1 Financial implications are minimal. There are currently 14 licenced permanent residential sites in the district and the Private Sector Housing team have no expectation of many, if any, new sites requiring a licence and an application for the licence holder or site manager to be included on the register of fit and proper persons during the next 5 years. (NB an individual can be included on the Register for up to 5 years following an application) The scheme will generate very little income (even if a fee were charged for ALL applications) and will require little officer time to administer, time for which the council already levies an annual site licence fee on licence holders

3. LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The policy will require minimal legal input to administer the legislative duties attached to the policy. The council has 14 sites it administers and most comply with the current site licenses and it is not anticipated that many site managers will fail the Fit and Proper Person test. Regulations include prosecutor powers where a failure to comply is identified and a Private Sector Housing Enforcement policy is in place. There is no procurement implications.
- 3.2 The policy has been subject to a Data Protection Impact Assessment and minor actions arising are being taken forward.

4. CONSULTATION AND COMMUNICATION

- 4.1 The proposed Policy has been reviewed, and agreed in principal, by the Corporate Head of Housing and the Portfolio Holder for Housing and Asset Management. In setting the policy the Private Sector Housing team benefitted from legal advice obtained through the Knowledge Hub local authority officer forum for caravan site licencing. The draft policy itself is similar to that adopted and published by Eastleigh Borough Council and updated to include the new regulations. Documents can found in Other Background Documents.

5. ENVIRONMENTAL CONSIDERATIONS

- 5.1 The Caravan Site Licensing and Fees Policy has little impact on environmental implications overall other than the usual service delivery of a digital application process keeping travel and paper use to a minimum.

6. EQUALITY IMPACT ASSESSEMENT

- 6.1 The council manages 14 Caravan/mobile home parks and the residents affected by this policy will be positively impacted. The policy aim is to maintain compliance with conditions of the site licence, to undertake proactive site maintenance to improve standards and to provide better management of sites across all tenures.
- 6.2 The site licencing scheme has been in operation for over 8 years and the specific scheme for relevant protected sites since 2014. The council has not to date received any previous communications or complaints regarding inequality in respect of service delivery.
- 6.3 The policy is introduced in line with the government's legislative impact assessment as part of the statutory regulatory change introduced on 1st July 2021.
- 6.4 An EIA of the Caravan Licensing Policy can be found in background documents.

7. RISK MANAGEMENT

- 7.1 The Regulations came into force on 1 July 2021 and allow existing site licence holders until 30 September 2021 to submit applications. There is a legal and reputational risk in not having a suitable Policy and fee structure in place before the deadline for applications.

| Risk | Mitigation | Opportunities |
|--|---|---|
| <u>Property</u> Site Managers do not comply with the caravan licensing policy and/or fail the Fit and Proper Person test. | Licensing enforcement powers. 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. | Good news story Improved caravan/mobile home site standards and management regime. |

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| <u>Community Support</u> None | | Positive impact on the community through improved caravan/mobile home site standards and management regime. |
| <u>Timescales</u> | | |
| <u>Project capacity</u> None - capacity within current business area. | | |
| <u>Financial / VfM</u> Minimal financial implications. The policy will require little officer time to administer and the council already charge an annual site licence fee on licence holders. | | Good news story Improved caravan/mobile home site standards and management regime |
| <u>Legal</u> Minimal legal implications. The policy will require minimal legal input to administer the legislative duties attached to the policy. | | |
| <u>Innovation</u> | | |
| <u>Reputation</u> Positive impact. The policy of licensing of sites is aimed at better regulating standards and management of caravan /mobile home sites to reduce the inequalities of this tenure option. | | |
| <u>Other</u> | | |

8. OTHER KEY ISSUES

8.1 None

9. SUPPORTING INFORMATION:

9.1 The Policy states how the council will fulfil the statutory requirements of Caravan Site Licensing. The only areas where the council has notable

discretion is in the matters of fees, and in considering more anecdotal matters relating to the behaviour of applicants for the Fit and Proper Person test.

- 9.2 The council has previously agreed and published a fees policy for Caravan Site Licencing, LR442 Licensing and Regulation Committee Report -18.3.13 (found in background documents). Fees have since been subject to an annual rate of inflation increase. The fess policy is subsumed into this new Policy with the sole change of the fee for applications under the new regulations.

The council already charges an annual site licence fee to all sites affected by these new regulations. This fee is expected to be set to cover the council's costs in running the licencing scheme and not to be a source of profit.

Officers do not envisage the work involved in accepting applications from existing sites to be extensive. Officers have a good long term relationship with the majority of licence holders. The policy is expected to involve a brief administrative check of applications and supporting documentation.

An application, once approved, can allow the applicant to be listed on the register of fit and proper persons for up to 5 years, and there is no reason why a shorter term would be considered for current licence holders.

The existing annual site fee over 5 years more than adequately covers officer time that may be spent dealing with applications, but a fee would be appropriate to charge should a site wish to add or change a site manager during that period. The fee for a new licence application and the subsequent annual fee more than adequately covers officer time that may be involved in dealing with a new site application.

The regulations allow the council to take into consideration past complaints from residents or other parties, regarding consideration of an applicant's behaviour. The regulations and available guidance provide little to clarify the extent of such consideration and as such the Policy indicates that such matters will be considered on their merit on a case by case basis. Should an application be refused on such grounds the regulations require the council to give reasons and the applicant has a route of appeal through the First Tier Tribunal enabling such decisions to be tested.

10. OTHER OPTIONS CONSIDERED AND REJECTED

- 10.1 Charging fees to all applications under the Fit and Proper Person regulations. This was rejected on the grounds stated above – that the current annual site licence fees, aggregated over a 5 year period, more than adequately cover the officer time and the cost of processing applications.

BACKGROUND DOCUMENTS:-

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

LR442 – Licensing and Regulation Committee Mobile Homes Act 2003. Fees Policy and Licensing Residential Park Home Sites - 19 March 2013. [Previous committee report for site licence fees](#)

Other Background Documents:-

[Mobile Homes \(Requirement for Manager of Site to be Fit and Proper Person\)\(England\) Regulations 2020](#)

[Mobile Homes Act 2013](#)

[Equality Impact Assessment – Caravan Licensing Policy](#)

[Government Guidance on the Fit and Proper Person regulations](#)

[Eastleigh Borough Council Policy](#)

APPENDICES:

Appendix 1 - Draft Caravan licensing Policy

Appendix 2 - Previously published site licence fees guidance – updated April 2021 to include annual increase.