

Cumberland Council Caravan Sites and Mobile Homes Policy

This document sets out the Councils policy framework for dealing with the residential and commercial caravan site licences, including tents licences.

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1. Introduction

Under the Caravan Sites and Control of Development Act 1960 (CSCDA 1960) the Council, issues site licences for caravan parks and mobile home parks that have relevant planning permission.

This policy includes all licensable sites under the Caravan Sites and Control of Development Act 1960 and tent licences issued under the Public Health Act 1936. These include permanent residential sites, touring sites, holiday parks, tents, camping pods, wooden chalets etc. Caravan sites and other licensable sites which are subject to licensing by local authorities to ensure they are safe and healthy places to reside.

In Cumberland Councils geographical area, there is a growing number of licenced sites both for tourism and the expansion into alternative provisions such as wooden chalets, park homes for ownership or rental units within the park home sector. Good quality, well managed sites for mobile homes and caravans provide a valuable source of accommodation for many people living and visiting our area.

Permanent residential accommodation, also known as 'Park homes', represents a small proportion of all licensed sites across Cumberland, however the park home as a lifestyle option has increasingly been promoted over the last couple of decades as an affordable alternative to traditional housing which has seen the numbers slowly increase within our area. Cumberland Council, licences and regulates the site licenses for just over 30 residential caravan/park home sites across the area. Park homes are caravans, not houses and existing housing provisions designed to protect the occupants do not apply. The services and amenities that are provided are covered by different legislation, some of which is set out within legislation as civil matter when failings arise around tenancy law and pitch fees.

Commercial caravan sites for leisure sector, make up the largest portion of licenced sites, with approx. 180 licenced commercial sites across Cumberland. These are referred to within this document as Holiday statics, touring and campsites. The sale of holiday mobile homes and pitch agreements are governed differently and the use of a mobile home in a holiday parks is done under contract, not a tenancy. The newly introduced Digital Markets, Competition and Consumers Act 2024, applies which protects consumers from unfair commercial practices. (for example, misleading selling).

The policy is intended to strengthen the existing licensing regime and incorporate the new legislative provisions introduced under the Mobile Homes Act 2013 and to introduce an inspection programme to ensure that site conditions are complied with. This will help ensure that site owners fulfil their legal obligations, standards are maintained and people coming into the area using the facilities and living on sites permanently are adequately protected.

2. Purpose

The purpose of this policy is to set out clearly, the way in which the Council intends to secure effective compliance with legislation while minimising the burden to the Council, individuals, organisations, and businesses. Our approach is to provide informal advice, assistance and information to site owners, tenants and owner occupiers, in order to improve standards overall within the sector and which does not rely on service requests when things go wrong.

The Mobile Homes Act 2013 came about when the government announced major reforms to the caravan site legislation with the aim of giving greater protection to occupiers of residential caravans and mobile homes. These changes include the ability for Local Authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees. As part of the changes the Council must adopt a policy on charging fees. This Policy therefore sets out the Councils policy for implementation of a fee charging structure, in addition to the park home sites licence conditions and procedures for enforcement.

3 Scope – Procedures and Policy

3.1 THE APPLICATION PROCESS

Application forms for licensing are available through the Councils website and directly from the service. A completed application form must be accompanied by a stipulated documents and fee were applicable. The Council will subject to available resources offer advice and support to applicants on how to meet the licence conditions. This may involve phone calls, meetings, written communication or site visits, upon request, prior to an application being granted. All applications will be determined within 8 weeks of receipt provided planning permission has been sought and granted. Tent licences will be determined in 4 weeks. The Council has no discretion over the issue of a site licence unless it applies to a permanent residential site or a tent licence. All sites will be inspected prior to the licence, transfer or variation being released. Where an application is refused the reasons for refusal and any appeal process will be clearly documented with the refusal letter.

3.2 FIT AND PROPER PERSON REQUIREMENTS

The MHA 2013 made provisions for regulations to be made requiring site owners to be “fit and proper persons” and for Local Authorities to keep such registers up to date. This update came in to force during 2021, upon the introduction of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 and the guidance issued by government. The procedure note for applicants is contained in **Appendix 1**. The Fit and Proper person test will not apply to the non commercial family protected sites or to Holiday statics, touring and campsites. The process of assessment for the register will be carried out on a risk based process, as detailed within **Appendix 4**.

3.3 SETTING LICENCE FEES AND CHARGES

The Mobile Homes Act 2013 enables Local Authorities to fix different fees or to determine that no fee is required to be paid in certain cases in relation to residential sites. The fees associated with applying initially for a new site licence, for transfers, standard amendments, site expansion amendments and for annual fees. Fees are reviewed annually and the details are provided within the Councils annual charging report. There are no applicable fees for Holiday statics, touring and campsites that are solely regulated under the Caravan Sites and Control of Development Act 1960. [Appendix 2](#)

Regulation 10 of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 permits the Council to charge a fee for the processing of applications for Fit and Proper person tests. A local authority is not permitted to make a profit from the fees and therefore the proposed fees will be updated annually and will continue to be based on the cost of administering the regime. The Regulations state that the same fee must be charged for all FPP tests, regardless of the size of site or reputation of the owner or manager. The costs will be calculated on the likely costs of administering these tests and calculate the time that it will take on average for these tests. In most cases the person would remain on the register for 5 years and after that time, or when there was a change of management or ownership, a new fee would be payable.

This does not include the costs of enforcement, for which charges may be separately levied when enforcement action is necessary. The details of the charges relating to enforcement will be published in the annual charging report and will be based on hourly Officer rates.

3.4 TIME WHEN FEES ARE PAYABLE

Section 10A(5) of the Amended Act states that the Fees Policy must include provision about the time at which the annual fee is payable. For the purpose of this policy the period covered by the annual fee will mirror the financial year (1 April to 31 March) Invoices will be sent out during the year will require payment within 30 days. Where a new site is licensed part way through the year then an invoice with the same payment terms will be sent shortly after the licence is issued for the pro-rata amount.

Where a site is expanded part way through the year to include additional units the corresponding higher fee would apply from that point. In such cases an invoice with the same payment terms, covering the difference between the original and increased fee for the remainder of the financial year will be sent shortly after the amended licence has been issued.

2.4 SITE RULES

Site rules are different to site licence conditions in that they are neither created nor enforced by the Council. They are a set of rules created by the site owner which residents have to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing. The rules will need to be deposited with the Local Authority and a fee is built into the charging structure for depositing these rules.

2.5 SITE CONDITIONS

The legislation allows the Council to adopt model standard for site conditions which will form part of the site licence. The extent of any remedial works that maybe required under new site conditions will vary according to size, complexity, and whether there are issues arising with residents. Any works required will be agreed with individual site owners and time scales agreed for implementation in line with the enforcement policy.

3. ENFORCEMENT OF THE MOBILE HOMES ACT 2013

Subject to those exemptions within legislation there is a requirement for site owners to ensure that their park home sites are licensed. Failure to do so would be an offence under Section 1(2) of the CSCDA 1960 which can attract a fine not exceeding level 4 (currently £2500) on the standard scale upon summary conviction.

From the 1st April 2014 The MHA 2013 introduces the ability for Local Authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions. The legislation also allows Local Authorities to charge a fee in relation to this.

Any enforcement will be inline with the authorities existing enforcement policies and based on the principles of openness, clear standards, proportionality, consistency of approach, targeting to areas of greatest need, and transparency as contained in the Enforcement Concordat.

4 CHARGES FOR ENFORCEMENT UNDER THE ACT

In order to set the charging fee at an appropriate level, charges reflected in this policy are based on an hourly officer rate determined by how much time is taken to carry out the enforcement, the rate will be set annually, as part of this policy any future amendments to officer rates will be automatic.

The cost associated with administering the works in default for park home site enforcement will be set at 15% of the total cost of the works, unless otherwise updated in the annual charging report.

5 DETERMINING INSPECTION FREQUENCY

Each site will be risk assessed using a risk rating tool. This will determine the inspection frequency of all sites under this policy, but also the annual inspection fee which relates to residential commercial sites.

The risk the site presents will be categorised as Low, Medium and High, with the inspection outcome determined between 6 months and up to 3 years.

All residential commercial sites will initially be deemed to be a low risk rating and will be inspected annually and therefore only pay one inspection fee. However if the risk increases, due to management concerns or service requests raised with the Council, then they will become medium risk sites, as more site visits may be required. A high risk site will be a site that has generated frequent interventions and visits throughout the year and their annual charge will reflect this additional oversight.

The same routine inspection criteria will be applied to holiday sites and tents, in terms of risk management. The smallest of the sites may also default to follow up

questionnaire and requests for safety and management documentation, within the three year inspection cycle.

Residential family sites that are non-commercial sites as indicated under the 2013 Act, will be moved to the lowest risk and be removed from the inspection schedule completely, Officers will only inspect those sites if any complaints arise or matters come to an Officer attention during the bi annual Traveller, Gypsy and Show person caravan count.

A standard questionnaire will be put into place to enable those sites who are non-commercial to provide any safety documentation every 3 year to satisfy the requirements of the licence, but a fit and proper person test will not apply. No annual charge will be incurred for non-commercial sites.

Appendix 3

6 COMPLAINTS

In the event that an individual or company is not satisfied with the Service or they do not agree with the action taken by the investigating officer, they should first contact the relevant section manager who will then escalate the complaint to a Senior Manager if appropriate. If this does not resolve your complaint the Council also has a formal complaints system

List of Appendices

Appendix 1, Charges, reviewed annually.

Appendix 2, Fit and Proper person update 2021

Appendix 3, Risk scoring matrix for determining inspection frequency

Appendix 4: Fit and Proper Person Risk Register score