

CAMBRIDGE CITY CARAVAN SITE LICENSING & FEE POLICY

To:

Councillor Mike Todd-Jones Executive Councillor for Housing

Housing Scrutiny Committee

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Report by:

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Wards affected:

All

Not a Key Decision

1. Executive Summary

- 1.1 The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) introduced a licensing system to be operated by Local Authorities to regulate the establishment and operation of caravan sites in their area of which there are currently two in the City further details of which can be found here: [Caravan and camp sites - Cambridge City Council](#)
- 1.2 Subsequently the enactment of the Mobile Homes Act 2013 introduced the ability for Local Authorities, (LA's), to charge site owners fees for applying for a site licence, for amendments or transfers of existing licenses, for annual fees and for site owners depositing site rules with the Local Authority.
- 1.3 Additionally, the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 now require LA's to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site.

- 1.4 The above factors combined have created a need for an encompassing policy setting out how the Council will carry out its statutory responsibilities for caravan site licensing, inspection, fit and proper person determination enforcement and fee setting.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 Approve the adoption of the proposed Cambridge City Caravan Site Licensing & Fee Policy as attached in Appendix A of this report.

3. Background

- 3.1 Under the Caravan Sites and Control of Development Act 1960 the Council issues site licences for caravan park homes which that have relevant planning permission of which there are currently 2 licensed sites within the City.
- 3.2 The legislation has since been amended by the Mobile Homes Act 2013 which aims to raise standards in the industry. This also provides for enforcement that is more effective when site licence holders fail to comply with their licence obligations.
- 3.3 The changes relating to site licencing came into force on 1 April 2014. Licences issued under the 1960 Act still remain in force, but the new enforcement powers apply for Local Authorities, enabling them to charge fees for functions relating to 'relevant protected sites'.
- 3.4 A relevant protected site is defined in the Mobile Homes Act 2013 as any land to be used as a caravan site other than one where the application for a licence is:
 - For holiday use only, or
 - Subject to restrictions or conditions, which limit the times of the year when the site may be used for stationing caravans for human habitation.

- 3.5 Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks, park home sites and Gypsy and Traveller sites.
- 3.6 Other sites which are not relevant protected sites, are still subject to licencing under the 1960 Act, but no fee is required to be paid.
- 3.7 Following the subsequent implementation of the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 and setting of a fee for inclusion in Fit and Proper Person Register under the Regulations, the council is proposing the introduction of an encompassing Caravan Site Licensing and Fee Policy.
- 3.8 The policy document forms Appendix A to this report and covers the following within its scope:
- 3.9 **Licensing conditions, inspections & enforcement** – The Councils responsibility for the licensing of caravan sites includes the application and enforcement of appropriate conditions. The specific purposes for which conditions can be applied are set out in Section 5 of the CSCDA 1960. Site licence conditions may be determined with reference to national Model Standards. ‘Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 – Section 5’ form Appendix 1 of the policy. The Council has the power to update site licence conditions in line with Model Standards as modified from time to time by the Government. The aim of such standards is to promote the safety and welfare of the residents.
- 3.10 CCC carries out scheduled annual inspections of all licensed sites following which site owners are advised of any actions required to ensure compliance with the site licence conditions.
- 3.11 **Site Rules** - Site rules are different to site licence conditions in that they are neither created nor enforced by local authorities. They are a set of rules created by the site owner for residents to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing. Regulations made under The Mobile Homes Act 2013 require site rules to be deposited with the Local Authority. Site rules for the existing two caravan sites within the City are held on the Councils register of site rules accessed via this web link on the Councils website [Caravan and camp sites - Cambridge City Council](#)

- 3.12 **Fit & Proper Person Assessment Criteria** - The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) (“the Regulations”) introduce the requirement for caravan site owners to apply to their Local Authority for the relevant person (themselves or their appointed manager and anyone involved in the day-to-day management of the site) to be added to the register of Fit and Proper Persons managing sites in their area. This will involve an application and assessment process. When conducting the fit and proper person assessment, the local authority must have regard to:
- (i) whether the person has a sufficient level of competence to manage
 - (ii) the site;
 - (iii) the management structure and funding arrangements for the site or
 - (iv) the proposed management structure and funding arrangements.

These points for consideration have been included in this section of the policy which forms Appendix A to this report.

- 3.13 **Fees for licence, annual inspection and Fit & Proper Person Register applications** - When fixing a fee, the Local Authority:

- Must act in accordance with its fees policy
- May fix different fees in different cases
- May determine that no fee is required in some cases.

- 3.14 Any fees charged must fairly cover the costs (or part of the costs) incurred by the Local Authority in performing its function under Part 1 of the 2013 Act (excluding the costs of enforcement action or any functions relating to prohibiting caravans on commons or provision of sites by the Local Authority itself).

- 3.15 In setting its fees policy and the fees to be charged, the Council had regard to the Ministry for Housing, Communities and Local Government guidance for setting licencing fees under the 2013 Act which enables the Council to be able to charge for:

- The issuing of the first site licence.
- Generic fees for all sites for the issuing of the licence.
- Annual renewal: monitoring and administration of existing site licences.
- The depositing of site rules.
- The transfer of a licence.
- The alteration of a licence (initiated by the site owner).

- The inclusion of a relevant person to the Fit and Proper Person register.

3.16 Section 10A (5) of the 1960 Act (as amended by the 2013 Act) states that a fees policy must include provision about the time at which the annual fee is payable. For the purpose of the policy, the period covered by the annual fee will be 1 April to 31 March and will be invoiced on the 1 April each year or as soon as practicable after.

3.17 A summary of the fees for each of the processes set out on this policy are shown below. These are broken down fully in Appendix 2 of the Cambridge City Caravan Site Licencing & Fee Policy, which is attached as Appendix A to this report:

Fee Type	Fee
New Site licence fee, (inc. depositing of rules & update of the public register).	£320
Annual inspection fee, (inc. transfer / variation).	£256
Application to register Fit & Proper Person, (5 yearly registration).	£384

4. Implications

a) Financial Implications

Administration of this legislation and the associated requirements will be delivered through existing resources within the Residential Team, part of the Council's Environmental Services Environmental Health Department. The ability to recover the Council's cost in administration of providing this element of the service will contribute to the overall cost of providing this service.

b) Staffing Implications

None. It is anticipated that the relatively minor number of applicable applications will be administered through existing resources.

c) Equality and Poverty Implications

Please see attached Equality Impact Assessment (EqIA)

d) Net Zero Carbon, Climate Change and Environmental Implications

There are no climate change or environmental related implications associated with this policy therefore the overall rating is 'Nil'.

e) Procurement Implications

None.

f) Community Safety Implications

None.

5. Consultation and communication considerations

There is no requirement for any consultation in relation to this policy. Current caravan site licence holders within the City have been advised of this, particularly the required fit and proper person assessment and associated fee charging structure.

6. Background papers

Background papers used in the preparation of this report:

- [Caravan Sites and Control of Development Act 1960 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1960/25)
- [Mobile Homes Act 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2013/15)
- [The Mobile Homes \(Requirement for Manager of Site to be Fit and Proper Person\) \(England\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2020/1251)
- [Mobile Homes Act 2013: a guide for local authorities on setting licence fees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees)

7. Appendices

Appendix A - Cambridge City Caravan Site Licensing & Fee Policy

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Claire Adelizzi, Team Manager – Residential, tel: 01223 457724, email: Claire.adelizzi@cambridge.gov.uk.