

# Taunton Deane Borough Council

## Licensing Committee – 27 May 2014

### Caravan Site Licensing

#### Report of the Licensing Manager

(This matter is the responsibility of Executive Councillor James Hunt)

#### 1. Executive Summary

<p>Members are asked to consider the Caravan Site Licensing Regime within Taunton Deane and the recommendations set out at section 11 of the report with regard to the adoption of a fees policy and implementation of a revised approach to caravan site licensing following the enactment of the Mobile Homes Act 2013.</p>
---

#### 2. Background

- 2.1 Caravan Site Licensing is administered primarily under the Caravan Sites and Control of Development Act 1960 (CSCDA 1960), the Caravan Sites Act 1968 (CSA 1968) and the Mobile Homes Act 1983 (MHA 1983). These Acts have been amended by the Mobile Homes Act 2013 (MHA 2013).
- 2.2 The MHA 2013 received Royal Assent in March 2013 and was enacted in response to the Government's concern that the law relating to mobile homes was ineffective and out-dated. The Act has brought significant new powers to Local Authorities in respect of charging and enforcement for Relevant Protected Sites. That is those sites licensed for permanent residential occupation.
- 2.3 The Council now has the power to levy fees in respect of applications for the grant of a site licence, an application to transfer and or vary the conditions of a site licence and the deposit of site rules. The Act also allows the Council to charge an annual fee (that a site owner may pass on to residents through pitch fees) to any relevant protected site. Before levying a fee however the Council must publish a fees policy and may only charge in accordance with that policy.
- 2.4 With regard to increased enforcement powers the MHA 2013 has introduced the power for Local Authorities to serve compliance notices and take direct action in respect of breaches of conditions. A provision to charge the site owner for the cost associated with enforcement action was also introduced. These costs cannot be passed on to residents through pitch fees.
- 2.5 Other powers regarding the service of notices and undertaking of emergency works and the requirement to publish and maintain an online register of site rules have also been given to Local Authorities.

#### 3. Report

- 3.1** Currently there are 28 Relevant Protected Sites licensed by the Council with a total of 319 pitches spread across them. 16 of these sites are restricted by condition to occupancy by one or more families whilst the remaining 12 are commercial businesses. Those in family occupancy have 4 or less permanent residential units while the others range from 6 to 60 units.
- 3.2** From the Licensing records for the last four years there have been very few complaints against site owners and no uncorrected breaches of conditions requiring formal intervention by the Council.
- 3.3** Taking the low amount of intervention into account and the fact that the legislation has provided the Council with powers rather than imposed obligations Members are asked to consider the following options with regard to changes to the caravan site licensing regime.
- 3.4** **Option 1.** The Council introduces a full charging policy for applications and enforcement activities and implements an annual inspection programme requiring the payment of an annual fee for all Relevant Protected Sites within the Deane.
- 3.5** This option has the benefit of covering the costs of the Council in administering the regime. And through a programme of inspections will potentially allow the Council to identify issues before formal action is necessary.
- 3.6** However given the lack of proven issues with the licensed sites in recent times Members may wish to consider is it fair to introduce an additional burden on residents (annual fees can be passed on to them by the site owner) or to commit council resources to a programme of activity that may not be needed.
- 3.7** **Option 2.** The Council introduces a charging policy for applications and enforcement activity only for all Relevant Protected Sites but introduces an annual inspection and levies an annual fee against those sites with more than 5 residential units only.
- 3.8** This option recognises the Government's view that small sites are generally family owned rather than commercial operations and therefore present less of a risk of problems requiring intervention by the Council.
- 3.9** As the Council would not be levying an annual fee for sites licensed for less than 5 permanent residential the Council would not be inspecting those sites.
- 3.10** An additional matter that Members will need to consider is the question of the general fees for administration of the licensing regime. If the Council determines to undertake annual inspections and take a more involved stance in the licensing regime overall this will incur additional administration activities and costs. Although they will not be inspected the sites exempted from the annual fee will still have an indefinable cost within that general administration. The Council will therefore need to determine through Corporate Scrutiny whether those sites should be exempt from this portion of the fee as well.

- 3.11 Option 3.** The Council introduces a charging policy for applications and enforcement activity/emergency works only in respect of all Relevant Protected Sites.
- 3.12** This option removes the need for an annual inspection, the additional administrative tasks and associated costs. It does not restrict the power of the Council to act in respect of breaches of condition and ensures that rather than charging all sites regardless of their management and compliance history only those sites with problems will be charged.
- 3.13** This is a similar approach to that adopted by the Health & Safety Executive through the Fee For Intervention (FFI) scheme where if a business is found to be breaking the laws, HSE may recover its costs by charging a fee for the time and effort it spends on helping put the matter right, investigating and taking enforcement action but those who comply with the law are not charged.
- 3.14** In the opinion of officers this option represents the most proportionate and reasonable approach to utilising the new licensing powers, given the history of compliance from site owners in Taunton Deane.

#### **4. Finance Comments**

Without confirmed figures it is not possible to quantify the actual costs against the level of income however Options 1 and 2 would appear to require additional staffing and therefore the level of fees would have to cover this additional cost. Due to the small number of sites it is unlikely that enough income would be achievable to cover the additional cost. Option 3 appears to be the most cost effective as staff cover is only required should problems occur. With limited sites the additional administration at the application level should be achievable with the staffing levels currently in place.

#### **5. Legal Comments**

All the options set out in this report would meet the requirements of the Caravan Sites and Control of Development Act 1960 (CSCDA 1960), the Caravan Sites Act 1968 (CSA 1968) and the Mobile Homes Act 1983 (MHA 1983) amended by the Mobile Homes Act 2013 (MHA 2013).

#### **6. Links to Corporate Aims**

Although there are no direct links to the corporate aims the provision of an effective licensing regime benefits local businesses and the public alike in full accordance with the Council's Corporate Strategy.

#### **7. Environmental and Community Safety Implications**

None

#### **8. Equalities Impact**

No adverse equality impact identified.

## **9. Risk Management**

Although the introduction of new legislation was in response to Government concern over problems with the existing regime this has not been the experience within Taunton Deane. Officers consider that the new ability to effectively respond and achieve cost recovery for enforcement and emergency works mitigates the majority of risk in administering the licensing regime.

## **10. Partnership Implications (if any)**

The Council will continue its joint working with partner agencies to ensure continued good governance.

## **11. Recommendations**

- 11.1** That Members approve one of the three options set out within the report having considered the potential financial impact upon the site owners and residents and the powers available to the Council to protect the safety and amenity of those residents.
- 11.2** Whichever option is approved a fees policy will need to be approved and published by the Council before any fees can be levied.

**Contact:** Ian Carter  
01823 356343  
i.carter@tauntondeane.gov.uk