

Agenda Item	8.
Report No	CP/18/20

HIGHLAND COUNCIL

Committee: Communities and Place

Date: 25th November 2020

Report Title: Licensing of Residential Caravan Sites

Report By: Executive Chief Officer Communities and Place

1. Purpose/Executive Summary

- 1.1 The purpose of this report is to consider fees for caravan sites following legislation on a licensing system for mobile home sites with permanent residents.

2. Recommendations

2.1 Members are asked to:

- a) note the licensing system for mobile home sites with permanent residents;
- b) note the proposed timescale and phasing for implementation in the Highland area over the next 12 months;
- c) approve the fees for Residential Caravan site licence applications for 2020/21 and 2021/22 as below:

No. of units	New licence application	Renewal application (every 5 years)
1	£328	£268
2-10	£444	£345
11-20	£532	£418
21-40	£582	£442
41+	£650	£492

- d) approve that cost recovery for enforcement action is based on the appropriate productive hourly rate for the grade of officer taking the action with full cost recovery proposed unless it costs more to pursue the cost or where the site owner has made their best efforts to comply with any enforcement action.

3. Implications

- 3.1 Resource – As detailed in the report, the new regulations will have resource implications for the Environmental Health team. There are two costs involved; the fee for the licence and any additional cost involved with enforcement. These can be mitigated through the fee structure permitted by the regulations and the approach to cost recovery for enforcement action.
- 3.2 Legal – Implementation of the licensing regime will ensure compliance with statutory requirements on Residential Caravan site licensing under the Caravan Sites and Control of Development Act 1960 as amended by the Housing (Scotland) Act 2014.
- 3.3 Community (Equality, Poverty and Rural) – Residential home dwellers will have assurance of regulation to ensure the safety of their sites. This supports the Council's outcomes of people living in a safe environment.
- 3.4 Climate Change / Carbon Clever – There are no known risk implications at this time.
- 3.5 Risk – Further delay in introduction may lead to criticism from residents on existing residential mobile home sites.
- 3.6 Gaelic – There are no known risk implications at this time.

4. Background

- 4.1 All caravan sites, subject to a few exemptions, require to be licensed under the Caravan Sites and Control of Development Act 1960. This applies to residential sites, and holiday and touring sites. Model Standards have been issued by the Scottish Government to aid Local Authorities to issue a licence with suitable conditions. These site licences were granted in perpetuity. In Highland there are 180 licensed sites.
- 4.2 For a number of years, the UK and Scottish Governments have been researching developments in use of residential caravans and park homes. Some shortcomings in protection offered to residents were identified. The new licensing scheme was developed over several years, and followed two public consultations, and research in 2013 by Consumer Focus Scotland. This research found that although many sites were well run, some residents had experienced problems with maintenance, security or safety standards on sites; and some experienced issues around intimidation, abusive behaviour, vandalism, violence, or damage to property.
- 4.3 In Highland Council, the administration and enforcement of caravan site licensing is carried out by the Environmental Health team.

5. Licensing of residential caravan sites

- 5.1 The framework for the licensing of residential caravan sites was considered and passed by the Scottish Parliament as Part 5 of the Housing (Scotland) Act 2014. The new licensing scheme was introduced by the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 which came into force on 1st May 2017. Statutory guidance on the regulations has been published. The expectation was for existing residential sites to have started the licence process by 1 May 2019.

- 5.2 The reformed licensing scheme only applies to sites which are used as relevant permanent sites. A relevant permanent site includes mobile home sites exclusively used for residential purposes, mixed holiday and residential sites, and private sites for travelling persons and/or gypsies. It does not apply to staff accommodation used to manage a holiday site or show people sites.
- 5.3 The key measures of the new licensing system are:
- it introduces a 5-year licence period;
 - it introduces a requirement that a site licence holder (and anyone directly managing a site) is a fit and proper person;
 - there are response standards introduced to local authorities to determine, within 3 months from date of receipt of a valid application and fee, applications and to inform them of any decision;
 - it provides an effective process for site owners and site licence applicants to appeal against decisions by the local authority;
 - it gives local authorities a range of enforcement powers; and
 - it sets out new processes and measures for:
 - issuing a new site licence;
 - renewing a site licence;
 - transferring a site licence; and
 - revoking a site licence.
- 5.4 The Scottish Government have published model standards to be used as basis for licence conditions. These state licence conditions should be applied which secure an environment that allows site residents to live safely on a site and which also take into account issues such as the amenity of the site. As with existing model standards for touring caravan sites, the document states model standards should be applied with due regard to all the circumstances, including the physical character of the site, any services or facilities that may be already available within convenient reach, and any other local conditions. Where an existing site does not meet the standards set out in the model standards the Council can consider a transitional period to allow the site to meet new requirements. Any new conditions applied in light of the model standards should be reasonable and proportionate. Officers will take due regard of the model standards when setting licence conditions.
- 5.5 Unfortunately, in Highland the introduction of the scheme could not be prioritised over other workload in the Environmental Health team and it has been further delayed this year with the Covid19 Pandemic. A graduate intern was employed in January 2020 to assist in progressing the scheme and the intention is for licensing to commence in December 2020 and for licences to be issued for all existing sites by the end of the summer 2021.
- 5.6 To manage the application workload, sites will be encouraged to apply in a phased manner over 6 months:
- sites in Inverness, Nairn and Badenoch & Strathspey will be invited to apply in December 2020;
 - sites in Caithness and Sutherland will be invited to apply in March 2021;
 - sites in Ross & Cromarty, Skye and Lochaber will be invited to apply in May 2021;

6. Highland Position

- 6.1 The information currently held on existing licensed caravan sites has been reviewed and indications from these records indicate around 20 residential caravan sites will need licensed because they house residents permanently. Many are just single units

and there are very few with more than 20 units on site. Work is ongoing to identify other sites that may require licensing.

- 6.2 Colleagues in the Housing team have confirmed that caravans play a role in providing housing in Highland with a small number of households applying for social rented housing in Highland living in caravans.

7. Licensing Fees

- 7.1 Under the licensing regime a Local Authority is able to charge a fee for handling a 'First Site Licence' application, and for a licence renewal. It cannot charge a fee for handling a site licence transfer application, or for transmission of a site licence.
- 7.2 The statutory guidance defines 'first site licence application' as the first application for site licence under the new licensing regime, either because the site is a new site, or because it is an existing site but this will be the first time it will have a licence under the new system.
- 7.3 The fee must reflect the reasonable cost of handling a 'First Site Licence' application or a renewal application. The Fee can also vary depending on the size of the site.
- 7.4 The Regulations state that the matters that a local authority is to take into account when fixing a fee for a relevant permanent site application are the expenses that the authority reasonably expects to incur in relation to:
- a) receiving, logging and storing an application and any further information given to the authority;
 - b) checking an application;
 - c) requesting further information and checking that information once received;
 - d) arranging any appointments and attending any meetings required in relation to an application;
 - e) checking that an applicant is entitled to the benefit of planning permission for the use of the land as a relevant permanent site otherwise than by a development order;
 - f) satisfying itself that the persons mentioned in paragraphs' (1)(b) or (2)(b) of Section 32D to the 1960 Act as amended are fit and proper persons;
 - g) carrying out any risk assessment of the site that the authority considers necessary;
 - h) carrying out one inspection of the site including the cost of travelling to and from a site;
 - i) drafting, revising and finalising a licence;
 - j) deciding whether to issue or refuse a licence and informing an applicant of a decision; and
 - k) considering any representations made by the applicant following the local authority informing the applicant that it is considering refusing an application in accordance with Section 32D(4)(b) of the 1960 Act as amended.
- 7.5 In preparing the proposals for the new licensing system the Scottish Government carried out research and discussions to establish the potential level of fees. Based on research and interviews undertaken the Scottish Government estimated that the fee associated with granting a first site licence to a residential mobile home park would be £600.
- 7.6 A range of fees have been introduced in Scotland and examples are provided in **Appendix 1** for information.
- 7.7 Officers have reviewed the potential workload in Highland and have proposed the following fees for 2020/21 and 2021/22 as below:

No. of units	New licence application	Renewal application (every 5 years)
1	£328	£268
2-10	£444	£345
11-20	£532	£418
21-40	£582	£442
41+	£650	£492

7.8 Details of the calculations in the format provided by the Scottish Government guidance are provided in **Appendix 2**.

7.9 As per the Council's Scheme of Delegation, future increases in the fees can be applied by the Environmental Health Manger by a factor agreed by the Council.

8. Cost recovery for enforcement action

8.1 The licensing regime enables the Council to recover expenses incurred in enforcement action from the person specified in the action. Recovery is at the discretion of the local authority and includes the costs of issuing notices, undertaking works in default and obtaining expert advice. The cost recovery measures mean that the cost of enforcement action cannot fall on those site licence holders who comply with the law and licence conditions.

8.2 These cost recovery provisions give the Council the option to recover costs. The statutory guidance recommends that a local authority takes into account the following factors when deciding on whether or not to recover costs in a particular case:

- (a) the seriousness of any breaches of the 1960 Act or licence conditions;
- (b) how much it will cost the local authority to pursue costs, and how this balances against the amount to be recovered;
- (c) the level of resources that have been dedicated to taking action by the local authority;
- (d) if the costs are not recovered, what impact that will have on other work the local authority wishes to carry out; and
- (e) whether a site owner has made their best efforts to comply with any enforcement action taken or has been obstructive and uncooperative and thereby increased the costs of the local authority.

8.3 It is proposed that:

- the Committee approve that cost recovery for enforcement action is based on the appropriate productive hourly rate for the grade of officer taking the action with full cost recovery proposed unless it costs more to pursue the cost or where the site owner has made their best efforts to comply with any enforcement action.

Designation: Executive Chief Officer Communities and Place

Date: 16 November 2020

Authors:

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Background Papers:

Scottish Government information on Residential mobile homes:

<https://www.gov.scot/policies/homeowners/mobile-homes/>

Scottish Government guidance for local authorities on Licensing system for mobile home sites with permanent residents:

<https://www.gov.scot/publications/guidance-local-authorities-licensing-system-mobile-homes-sites-permanent-residents/pages/1/>

Scottish Government Mobile homes: model standards for residential site licenses

<https://www.gov.scot/publications/model-standards-residential-mobile-home-site-licences/>

Appendix 1

Examples of fees in Scotland

Aberdeen City Council

Aberdeen City Council approved the following fees for sites of different sizes at the Council meeting of 17 December 2018:

Units	Fee Type	Charge
1-10	New	£376.71
1-10	Renewal	£324.45
11-20	New	£735.42
11-20	Renewal	£648.00
21-40	New	£1470.84
21-40	Renewal	£1297.80
41-70	New	£2573.99
41-70	Renewal	£2111.50
70+	New	£3677.10
70+	Renewal	£3244.50

Aberdeenshire Council

Licence Application Fee (No fee chargeable for licence transfer application)

Units	Fee Type	Charge
1	New	£227.50
1	Renewal	£169.50
2-10	New	£382.00
2-10	Renewal	£323.00
10+	New	£594.00
10+	Renewal	£451.00

Argyll and Bute

£620 for new applications. The Licence must also be renewed every 5 years.

There is no fee for an application to transfer a site licence to a new applicant within the current licence period but there will be a fee for renewal.

Comhairle nan Eilean Siar

Units	Fee Type	Charge
1-5	New	£284.00
1-5	Renewal	£284.00
6-10	New	£340.00
6-10	Renewal	£340.00
11+	New	£340.00 + £100 per 10 units (or part thereof)
11+	Renewal	£340.00 + £100 per 10 units (or part thereof)

Recovery cost for expenses occurred in enforcement action: £82.00 Hourly rate

Revision/re-issue of non-residential caravan site licence for mixed usage site: No Charge

East Lothian

Units	Fee Type	Charge
1-25	New	£520.00
26-50	New	£840.00
51-100	New	£1520.00
101+	New	£1700.00

Duplicate licence: £26.00

Variation of licence: £62.00

Falkirk Council

Application for a new site licence or the renewal of an existing site licence:

Units	Fee Type	Charge
1-3	New	£150.00
3-40	New	£400.00
40+	New	£600.00

Variation of licence £60.00.
Issue of duplicate licence £30.00.

Glasgow City Council

An initial application costs £600 and a renewal application is £300.

There is no fee for a transfer of a licence.

Inverclyde Council

£255.00 fee.

North Ayrshire Council

Sites with residential usage are subject to a **£647 fee**.

There is no fee to transfer a Licence, or to transfer it into the name of an Executor.

North Lanarkshire

Caravan Site Licence - **£600 (initial application), £300 (renewal application), £Nil (transfer of licence)**

Orkney Islands

Residential Caravan Site Licence - **£739.00 initial fee, valid for 5 years. Renewal fee 50% thereafter.**

West Lanarkshire Council

Site Licence Application Fees for Mobile Home (Permanent Resident) Sites 2020/21

Units	Fee Type	Charge
1-10	New	£618.00
1-10	Renewal	£511.00
11-20	New	£1236.00
11-20	Renewal	£1023.00
21-40	New	£2471.00
21-40	Renewal	£2045.00
41-70	New	£4326.00
41-70	Renewal	£3579.00
71-100+	New	£6183.00
71-100+	Renewal	£5114.00

Appendix 2: Highland Council – calculation of fees

New licence application

Tasks	Indicative Salary (including National Insurance and other contributions)	Cost per day	1 Unit		2-10 units		11-20 units		21-40 units		41+ units	
			Indicative Time (days Full Time Equivalent)	Costs	Indicative Time (days Full Time Equivalent)	Costs	Indicative Time (days Full Time Equivalent)	Costs	Indicative Time (days Full Time Equivalent)	Costs	Indicative Time (days Full Time Equivalent)	Costs
Statutory minimum												
Receiving, logging, and storing information relating to the application	£32,140	£123.28	0.14	£17.26	0.2	£24.66	0.3	£36.98	0.3	£36.98	0.3	£36.98
Checking and authorising	£52,167	£200.09	0.1	£20.01	0.2	£40.02	0.3	£60.03	0.4	£80.04	0.5	£100.05
Fit and Proper Person												
Compiling information, reviewing records	£52,167	£200.09	0.4	£80.04	0.5	£100.05	0.5	£100.05	0.5	£100.05	0.5	£100.05
Visiting site												
Transport costs	£52,167	£200.09	0.2	£73.02	0.2	£73.02	0.2	£73.02	0.2	£73.02	0.2	£73.02
On site (1 official)	£52,167	£200.09	0.29	£58.03	0.43	£86.04	0.71	£142.07	0.86	£172.08	1	£200.09
Reporting, review application	£52,167	£200.09	0.3	£60.03	0.4	£80.04	0.4	£80.04	0.4	£80.04	0.5	£100.05
Informing applicant of a decision	£52,167	£200.09	0.1	£20.01	0.2	£40.02	0.2	£40.02	0.2	£40.02	0.2	£40.02

TOTAL COST	£328.39	£443.83	£532.20	£582.22	£650.25
Statutory minimum application criteria	£37.27	£64.67	£97.01	£117.02	£137.03
Fit and Proper Person	£80.04	£100.05	£100.05	£100.05	£100.05
Visiting site	£211.08	£279.11	£335.14	£365.15	£413.18

Renewal application

Tasks	Indicative Salary (including National Insurance and other contributions)	Cost per day	1 Unit		2-10 units		11-20 units		21-40 units		41+ units	
			Indicative Time (days Full Time Equivalent)	Costs	Indicative Time (days Full Time Equivalent)	Costs	Indicative Time (days Full Time Equivalent)	Costs	Indicative Time (days Full Time Equivalent)	Costs	Indicative Time (days Full Time Equivalent)	Costs
Statutory minimum												
Review of database and sending out of reminder letter and application	£32,140	£123.28	0.07	£8.63	0.07	£8.63	0.07	£8.63	0.07	£8.63	0.07	£8.63
Receiving, logging, and storing information relating to the application	£32,140	£123.28	0.07	£8.63	0.1	£12.33	0.15	£18.49	0.15	£18.49	0.15	£18.49
Checking and authorising	£52,167	£200.09	0.1	£20.01	0.2	£40.02	0.3	£60.03	0.35	£70.03	0.4	£80.04
Fit and Proper Person												
Compiling information, reviewing records	£52,167	£200.09	0.43	£86.04	0.5	£100.05	0.5	£100.05	0.5	£100.05	0.5	£100.05
Visiting site												
Transport costs	£52,167	£200.09	0.2	£73.02	0.2	£73.02	0.2	£73.02	0.2	£73.02	0.2	£73.02
On site (1 official)	£52,167	£200.09	0.2	£40.02	0.3	£60.03	0.43	£86.04	0.5	£100.05	0.6	£120.06
Reporting, review application	£52,167	£200.09	0.1	£20.01	0.2	£40.02	0.2	£40.02	0.2	£40.02	0.3	£60.03
Informing applicant of a decision	£52,167	£200.09	0.1	£20.01	0.1	£20.01	0.2	£40.02	0.2	£40.02	0.2	£40.02

TOTAL COST	£267.73	£345.47	£417.66	£441.67	£491.70
Statutory minimum application criteria	£28.64	£52.35	£78.52	£88.52	£98.53
Fit and Proper Person	£86.04	£100.05	£100.05	£100.05	£100.05
Visiting site	£153.06	£193.07	£239.10	£253.10	£293.12