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**TO: Communities, Housing and Planning Policy Board**

**ON: 15 January 2019**

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**REPORT BY: Director of Communities, Housing and Planning Services**

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**HEADING: Licensing of Mobile Home Sites with Permanent Residents**

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**1. Summary**

- 1.1 The Scottish Government has recently introduced new legislation which amends requirements for the licensing of mobile home sites with permanent residents.
  - 1.2 The licensing requirements have been significantly changed and include a charging structure to permit local authorities to set fees for work associated with issuing a licence for any site, including inspection of the site and administration of the application.
  - 1.3 Fees have been proposed for approval by this Policy Board for the initial license and thereafter for any renewal.
  - 1.4 All sites to which this applies require to be licensed by 1 May 2019.
  - 1.5 There are only a small number of sites within Renfrewshire with permanent residents which are likely to be affected by the new requirements – currently under 5.
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**2. Recommendations**

- 2.1 It is recommended that the Policy Board:
  - (a) notes the changes which are being implemented for the licensing of mobile home sites with permanent residents;
  - (b) approves the scheme for charges for licence fees for such sites, as detailed within the attached appendix of this report.

- (c) delegates power to the Director of Communities, Housing and Planning Services under the Council Scheme of Delegated Functions to undertake relevant regulatory and enforcement activities and charge appropriate fees for licensing and regulation under the new legislation.
  - (d) notes that under the Council Scheme of Delegated Functions authorised officers within Communities and Public Protection already have the powers to issue, vary, renew, refuse or revoke licenses under the Caravan Sites and Control of Development Act 1960 and that the Appeal process set in this legislation is directly to the Sheriff Court – with no formal appeal process within the local authority.
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### 3. **Background**

- 3.1. The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 provides amendments to the Caravan Sites and Control of Development Act 1960 and introduces a new system for licensing and controlling caravan sites with permanent residential caravans.
- 3.2. Key elements of the new system are:
  - local authorities will have a range of powers, and appropriate discretion in deciding how to use them, in relation to the granting, management, and revocation of licences.
  - licences will now require to be renewed every 5 years.
  - the site licence holder (and anyone directly managing a site) must be a fit and proper person.
  - an effective process for site owners and applicants to appeal any decisions by a local authority.
  - Any site which is currently licensed has until 1 May 2019 to apply for and obtain a new site licence.
- 3.3 The changes are significant as previously there was no requirement for licence renewal and once a licence was granted there were only limited powers to address any failure to comply with conditions on a site licence, except through reporting matters for prosecution to the Procurator Fiscal. These new provisions will offer local authorities more options for ensuring any breaches of site conditions are resolved more effectively in future.
- 3.4 This is a positive change and will help to ensure the safety and welfare of residents on licensed sites, but it also potentially increases the resource and administrative burden upon local authorities. The Act allows local authorities to recover the costs of licensing sites through a scheme of fees. The fee structure however does not cover any additional work required to monitor sites, respond to concerns or enforce non-compliance issues during the lifetime of a licence.

- 3.5 The new legislation introduces a range of enforcement powers for these sites which are available for use in their regulation. These enforcement powers will be applied proportionately and in line with the Council's Integrated Enforcement Policy, taking cognisance of the Scottish Regulator's Code of Practice.
- 3.6 Where informal approaches to address issues with sites are not successful, or where issues require more serious and urgent attention there are now a number of formal options available to officers. These are as follows:
- Improvement notices.
  - Penalty notices.
  - Revoking a licence.
  - Appointment of interim management.
  - Emergency action on site.
  - Report to the Procurator Fiscal for prosecution.
- 3.7 Local authorities will have the power to recover the costs of enforcement activity in certain situations.
- 3.8 A key change in the legislation is that sites will now have to have apply for renewal of the site licence every 5 years. Previously site licences were held without any need to re-new and could be transferred to a new holder without any level of check or scrutiny.
- 3.9 The process for considering new applications by Councils is supported by Scottish Government guidance and a link to the guidance document is included here: <https://www.gov.scot/publications/guidance-local-authorities-licensing-system-mobile-homes-sites-permanent-residents/> The consideration and determination of licence applications is significantly more involved than was required previously and the process will provide better protection for residents living on such sites. The legislation gives applicants have the right to appeal any determinations to refuse, grant or renew a licence at the Sheriff Court. Guidance on the standards that need to be complied with in relation to residential mobile home sites has also been prepared by the Scottish Government and can be accessed at: <https://www.gov.scot/publications/model-standards-residential-mobile-home-site-licences/>
- 3.10 The determination of any application or renewal will be made by Environmental Health Officers in the Communities and Public Protection service who already have the powers required under the Council Scheme of Delegated Functions in relation to the overarching legislation, the Caravan Sites and Control of Development Act 1960. Determinations are required to be based on objective evidence and will consider information from appropriate enforcement bodies and interested parties (such as Police Scotland and Scottish Fire and Rescue Service). The fit and proper test is similar to the one currently used for Landlord Registration.

- 3.11 Under these changes, Councils are able to charge a fee for handling new licence applications and renewals. The fees proposed in Appendix 1 reflect the reasonable costs expected to be incurred in determining new licence and renewal applications, with the expectation that renewal costs will not be the same as new licence application costs.
- 3.12 An example for charges has been included within the Scottish Government guidance and this has been used as a template to estimate charges for Renfrewshire Council. A breakdown of proposed costs for Renfrewshire has been included within the appendix and these are provided as indicative costs, based on estimated hours work. It would be the intention that an hourly rate for each activity will be charged and the fee may subsequently be higher/lower dependant on the time each activity takes.
- 3.13 At this time, there are only a small number of mobile home sites with permanent residents within Renfrewshire which are likely to be affected by the new requirements – currently under 5.
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### **Implications of the Report**

1. **Financial** – Appendix 1 sets out a scheme of charging for the license fees for mobile sites with permanent residents for the approval of Board. This is in line with Scottish Government Guidance relating to the scale of fees to be charged.
2. **HR & Organisational Development** – None
3. **Community Planning** –  
  
**Renfrewshire is safe** - Regulation of mobile home sites with permanent residents and ensuring that the site operator is a 'fit and proper person' to hold a site licence will ensure that safety standards on sites will achieve a high standard and residents will have a safe environment to live.
4. **Legal** - this is new legislation and guidance which requires the Council to licence relevant sites and to monitor compliance with model standards the appeal process is to the Sheriff Court.
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights**
  - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website

8. **Health & Safety** – None
  9. **Procurement** – None
  10. **Risk** – None
  11. **Privacy Impact** – None
  12. **CoSLA Policy Position** – Not applicable
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**List of Background Papers**

- (a) Scottish Government Guidance to Local Authorities on the Licensing System for Mobile Homes Sites with Permanent Residents

The foregoing background papers will be retained within Communities, Housing and Planning Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Chris Dalrymple, Communities and Regulatory Manager 0141 618 4609, [chris.dalrymple@renfrewshire.gov.uk](mailto:chris.dalrymple@renfrewshire.gov.uk)

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OR/CD/FC  
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## Appendix 1

### Mobile Home (Permanent) Site Licence Fee – Schedule of Charges. (Including Explanation of Fee Calculations).

Task	Indicative Time (FTE hours)	Cost per hour	Other Costs	Total Cost
Receiving, logging, and storing information relating to the application, including Checking and authorising the application by manager	3	£74.70	£0	£224.10
Fit and proper person checks. <i>Compiling Information, including checks with Police regarding applicant. Checks with other local authorities regarding other licensed sites operated by applicant. Consideration of representations of interested parties regarding any issues which may influence assessment of fit and proper persons (this includes site residents). Instruction to applicant to provide criminal record checks for any matters of concern or ambiguity. Disclosure etc. if required.</i>	3	£74.70		£224.10
Site inspection and assessment <i>(Site inspection carried out by 2 qualified officers for the purpose of corroboration. (initial and verification parts of inspection).</i>	2	£149.40* *(2 Officers)	Mileage at 45p/mile	£298.80
Determination of application <i>(Drafting licence approval and conditions; refusal of licence application; processing of appeals and representations; legal advice and support.)</i>  Checking and authorising the application by manager	3	£74.70		£224.10
<b>TOTAL</b>				<b>£971.10</b>