



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Mobile Homes Act 2013

Policy

This Statement of Principles was adopted by **Cherwell District Council** at its Council meeting on
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Revisions

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Cherwell District Council Policy Mobile Homes Act 2013

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1. Related documents

The following documents have been consulted when drafting this policy:

- The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)
- Mobile Homes Act 2013 (MHA 2013)
- Regulators Compliance Code
- CDC Corporate Enforcement Policy
- DCLG Guidance on Site Licensing Fee Setting – February 2014
- Manager of Site to be Fit and Proper Person) (England) Regulations 2020
- Guide for local authorities on setting fees for fit and proper person test issued by the Department for Levelling Up, Housing and Communities (2021)
- Health and Safety Act 1974
- Model Standard Conditions Holiday Parks 1989
- Regulatory Reform (Fire Safety) Order 2005
- Model Standard Conditions Residential Parks 2008

2. Introduction

Councils have granted caravan site licenses under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The CSCDA60 was amended by the Mobile Homes Act 2013. The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans, as the existing legislation had not been updated for more than 50 years and was considered inadequate to deal with problems associated with such sites.

This Act introduced some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site license conditions. Local Authorities have the ability to charge a fee for different licensing functions, and serve enforcement notices and publish any site rules relating to a site.

The changes relating to site licensing came into force on 1 April 2014. Licenses issued under the 1960 Act still remain in force, and enforcement powers still apply and local authorities are able to charge fees for functions relating to 'relevant protected sites'. Cherwell District Council charges for the caravan site licensing function to ensure that costs for administering the licensing regime are covered and to ensure that the council has the resources available to monitor compliance with license conditions. The fees are for the recovery of costs only and are not for profit. It is important to note that the local authority can refuse to issue a license. In such circumstances the fee is still payable where the license is not granted.

A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a license is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential

parks, mobile home parks and Gypsy Roma and Traveler sites and so on. Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

Under the MHA 2013 Act & The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 a fee can be charged for:

- Applications to grant a new license
- Applications to transfer or amend an existing license
- Replacement Licenses
- Lodging Site Rules
- Fit and Proper Persons Assessment
- Annual license fees for administering and monitoring existing site licenses.

In accordance with section 10(A) of the Mobile Home Act 2013, this policy sets out the licensing fees structure for Cherwell District Council and details all the licensing functions and requirements involved. Fee levels are calculated by the Council based on the estimated average time and costs involved in undertaking the activities involved.

3. Application for a new site license

All sites require a site license to operate (subject to exemptions in the CSCDA60 and Public Health Act 1936); failure to apply for license is an offence under Section

1(2) of CSCDA60. The council may only issue a license for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the license application.

Exemptions

Tented Camping Sites

- A moveable dwelling which is kept by its owner on land occupied by them in connection with their dwelling-house, and is used for habitation only by the owner or by members of their household
- A moveable dwelling which is kept by its owner on agricultural land occupied by them and is used for habitation only at certain seasons, and only by persons employed in farming operations on that land
- A moveable dwelling while it is not in use for human habitation
- This applies solely to tents, and any caravans or campervans onsite will require a separate caravan site licence

Caravan Sites Licensing Exemptions

- Incidental use within the curtilage of a dwelling-house
- The stationing of a single caravan for no more than two consecutive nights for a maximum of 28 days in any 12 months
- Up to three caravans on a site of not less than five acres, for a maximum of 28 days in any 12 months
- Sites occupied and supervised by exempted organisations
- Sites approved by exempted organisations
- Sites used for social get-togethers or meetings organised by exempted organisations (eg. a rally)
- Sites used to occupy seasonal agricultural or forestry workers, certified travelling showmen, or building and engineering sites
- Sites owned by a Local Authority
- Further details regarding the above information can be found under Schedule 1 of the Caravan Sites and Control of Development Act 1960.

4. Transfer/amendment of existing site license

Where a license holder wishes to transfer the license, an application must be made to the council, for which a fee is payable. The fee must accompany the application to transfer the license. Similarly, where a site owner requests an amendment to site license conditions the council can charge a fee for this function.

Applications can be made by license holders to vary or cancel conditions, the fee is payable at the application stage.

5. Variation

A local authority may alter conditions in a site license and does not require the site owner to make an application before it proposes to do so. It does not require the

site owner's "agreement" to vary the site license, although consultation is required, and the owner has a right of appeal against the decision.

In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition)

6. Conditions

The specific purposes for which conditions can be applied are set out in Section 5 of the 1960 Act. The conditions on the existing site license remain the same until the Council deem they are outdated or incorrect and then a review will take place or unless an application is made to amend conditions on the license by the site owner. If the council deems it necessary to alter conditions there will be no fee payable. Site license conditions may be determined with reference to national Model Standards. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 for touring sites, 1989 for holiday sites and 2008 for residential sites. These conditions can be found in appendix 1.

7. Annual fees

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy). The fee is due annually. The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site license conditions. Further charges may be payable to cover the cost of any enforcement action which may be taken to achieve compliance. (See Enforcement costs – section 7.)

The DCLG guidance for fee setting offers a variety of suggested options for local authorities in calculating the annual fee:

Option 1 – fee per pitch (a fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit);

Option 2 – fee based on site size bandings;

Option 3 – fee based on a risk rating that takes into account the size of a site; the level of compliance on a site and confidence in management.

Option 1 has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Sites exempted from annual licensing fees:

- Sites that are not relevant protected sites
- Sites with 5 units or less
- Sites for the site owner and their family (unless they are run for profit or as a business)

These categories of site are exempt from the annual licensing fee as the council do not intend to carry out annual inspections. Any complaints, however, would be dealt with appropriately.

8. Charging arrangements

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 this 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 fee).

Where a new site license is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the license has been granted for the pro-rata amount.

Where an amended license is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following year's annual fee.

In the event an annual fee is not paid within the terms of the invoice the council may apply to the First Tier Tribunal (FTT) for an order requiring the license holder to pay the amount due by a specific date. If payment is not received within 3 months from that date, the local authority may apply to the Residential Property Tribunal for an order to revoke a site license.

9. Enforcement

Local authorities should allow a reasonable period of time after any site license alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.

When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

Section 9A of MHA 2013 allows local authorities to issue compliance notices. A compliance notice may be revoked or varied by the authority. The authority may demand payment of the expenses incurred in consideration and service of the notice (itemised breakdown to be served with the notice).

There is a right to appeal to the tribunal within 21 days of serving the notice

- Section 9D of MHA 2013 allows for works in default in the event of breach: reasonable notice.
- Section 9E of MHA 2013 allows for the taking of emergency action in cases of imminent risk of serious harm to the health or safety of any person who is or may be on the land. The action taken is only such as to remove the imminent risk.

Notices may be served by posting on the land and only such as required to give reasonable notice to the occupier in the circumstances, with a warning that application may be made for a warrant. Notice of the costs and a demand for the same may be served within 7 days of taking action.

A person guilty of a breach of a compliance notice is liable on summary conviction to a fine not exceeding level 5 on the standard scale (or such higher amount as the court determines)

Power of entry

Admission to any land shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier. (This DOES NOT apply to emergency action).

Level 4 fine for obstruction.

There are warrant provisions in section 26 to allow for entry onto land (urgent or notice defeating object of entry)

10. Enforcement costs

Where there has been a breach in a site license condition which comes to the attention of the council we may serve a compliance notice. The CSCDA60 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred, for example legal costs. Charges for enforcement costs cannot be passed onto the residents' pitch fee. If any works in the compliance notice are not carried out the license holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated

with this process would be at the discretion of the court. If a prosecution was successfully taken, the council would have the power to carry out the works in default of the license holder.

11. Site rules

Site rules are different to site license 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 license conditions but will also cover matters unrelated to licensing. The 2013 Act makes amendments to the Mobile Homes Act 1983 in relation to site rules. Regulations made under the 2013 Act require existing site rules to be replaced with new site rules which must be deposited with the local authority within a specified timescale.

A Local Authority would need to satisfy itself that replacement or new site rules deposited with them have been made in accordance with the procedures prescribed by statute. The council will be required to establish, keep up to date, and publish a register of site rules or the variation or deletion of site rules.

Any site rules deposited with the Council for the first time, or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

12. Fit and Proper Person

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI No.1034) (the 2020 Regs), require that a local authority must be satisfied that the owner of a mobile home site is a fit and proper person to manage the site, or that a person appointed by the owner to manage the site is a fit and proper person to do so. Fit and proper person must be appointed to all protected site licenses and are subject to new applications at least every 5 years. Regulation 10 allows the Council to charge a fee for fit and proper person assessments. All fit and proper applications will be subject to an administration fee.

The local authority also has the power to appoint a fit and proper person to manage the site, with the owner's consent.

This requirement is to ensure that those responsible for operating the site license and managing the site are of sufficient integrity and good character to be involved in the management of a regulated site for mobile homes to which an application relates, and as such they do not pose a risk to the welfare or safety of persons occupying mobile homes on the site.

These Regulations do not apply to non-commercial family-occupied sites which are not operated on a commercial basis in accordance with Regulation 3.

13. Suitability

When considering whether a person is 'fit and proper' the local authority must have regard to the suitability of the person concerned ("the relevant person"). Schedule 3 Paragraphs 2 to 4 of the Regulations make reference to those matters that must be considered by the local authority as part of any application. These include:

Whether the relevant person is able to secure the proper management of the site. This includes, but is not limited to:

- Compliance with the site license
- The long-term maintenance of the site
- Whether the relevant person has sufficient level of competence to manage the site
- The management structure and funding arrangements for the site or proposed management structure and funding arrangements

Other matters to be considered are whether the relevant person has:

- Committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)
- Has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law
- Has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
- Has harassed any person in, or in connection with, the carrying on of any business
- Is, or has been within the past ten years, personally insolvent
- Is, or has been within the last ten years, disqualified from acting as a company director
- Whether the relevant person has the right to work within the United Kingdom
- Whether any other local authority has rejected an application for the responsible person to be included in a register.

The local authority may also have regard to the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) if it appears to the authority that that person's conduct is relevant to the question of whether the relevant person is a fit and proper person to manage the relevant protected site or proposed relevant protected site (as the case may be).

The authority can also consider any evidence as to any other relevant matters.

14. Fit and Proper Person Register

The authority must also publish the register online and the contents of the register will be in accordance with the Regulations.

A person's inclusion in the register has effect for a maximum period of five years.

Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person's inclusion is for, up to a maximum of five years.

In order to comply with the fit and proper person requirement a site owner must at least two months before the period (for example five years) comes to an end submit a new application for the person (or alternative) to be included in the register.

15. Local Authority Register

The Local Authority will keep a public register of all licensed site which will contain the following details:

- Name and address of site (if available the Geographic Information Service mapping code should also be logged)
- License number
- Name of the license holder, the site owner (if different) and any person managing the site on behalf of either of those persons
- Type of site
- Address of site
- The number of pitches
- The license site rules (if any)
- Planning references

- #### Offences

An owner (occupier) of land commits an offence if they cause or permit any part of the land to be used as a relevant protected site (which falls within the scope of the Regulations) without the manager of the site being registered with the local authority as a fit and proper person.

An applicant also commits an offence if they:

- withhold information from a registration application
- include false or misleading information in a registration application
- fail to comply with a condition imposed under Regulation 6(2)(b) or Regulation 8(1)

An owner (occupier) of land who is guilty of an offence is liable on summary conviction to a level 5 fine (unlimited). Where an owner (occupier) of land who holds

a site license in respect of that land contravenes the relevant Regulations, the First-tier Tribunal (FTT) may, on application by the authority, make an order revoking the site license in question on the day specified in the order.

Where:

- an owner (occupier) of land who holds a site license in respect of that land is convicted of an offence under Regulation 11 for a contravention of the fit and proper person requirement, and
- has been convicted on two or more previous occasions of the offence in relation to that land

The court before which the occupier is convicted may, on application by the local authority, make an order revoking the site license in question.

16. Applications

The Regulations use various terms in the application process, and these are outlined below:

'Relevant person' is defined in Paragraph 2 of the Regulations and is "the subject of the fit and proper person assessment under Regulation 7". Please note that this could be the site owner or person appointed to manage the site by the site owner.

'Relevant officer' is defined in Paragraph 1 of Schedule 2 of the Regulations, where the applicant is a company, a relevant officer will be a director or other officer of the company; or, where the applicant is a partnership, a partner; or, where the applicant is a body corporate, a member of the management committee of that body.

'Required Information' is defined in Paragraph 14 of Schedule 2 of the Regulations as: the person's name and business contact details; details of the person's role or proposed role in relation to the management of the site; where the person has not yet been appointed, the address, telephone number and email address (if any) at which the person may be contacted in respect of the application; details of each relevant protected site (other than that to which the registration application relates) - for which the person holds a license issued under Section 3 of the Caravan Sites and Control of Development Act 1960, or in which the person has a legal estate or equitable interest, or which the person manages.

17. Criminal Record Certificates

Criminal Records Certificates must be issued under Section 113A (1) of the Police Act 1997 and will be required where:

- (a) The Relevant person is an individual, and

(b) For each individual in relation to whom the applicant is required to provide information, for example, a site manager

A criminal record certificate in the form of a basic Disclosure and Barring Service (DBS) must be provided. The local authority has the discretion to request the applicant supply an enhanced DBS certificate should it be deemed necessary.

The DBS certificate must have been issued no more than six months before the date the application is received by the local authority. It is incumbent upon the site owner to ensure that any certificates provided meet this requirement.

18. Decisions, Notifications and Right of Appeal

Once an application has been received the local authority may:

- Grant the application unconditionally
- Grant the application subject to conditions
- Reject the application

After a full and complete application is received (including the relevant fee), the local authority will process the application in accordance with the timescales in section 3 above.

Where an application is to be rejected a preliminary decision notice will be issued to the applicant. The Head of Regulatory Services, or equivalent, will be consulted in advance of issuing the preliminary decision notice.

Any preliminary decision notice will be in accordance with the Regulations and will provide the applicant with 28 days, beginning with the day after the day on which the notice was served, to make written representations to the authority. Once written representations have been received the authority may then make a final decision which may include approving an application subject to specific conditions.

Where the authority may seek to remove a relevant person from the register or to impose further conditions, a notice of proposed action will be issued in accordance with the Regulations. Again, any relevant person may make written representations within 28 days of such a notice being issued.

The local authority may withdraw or amend:

- A preliminary decision notice before service of the final decision notice
- A final decision notice before the decision to which it relates takes effect
- A notice of proposed action before the proposed action is taken

A person on whom a final decision notice is served may appeal to a First-tier Tribunal (FTT) against:

- Any decision to include the relevant person on the register for an effective period of less than 5 years
- Any decision to include the relevant person on the register subject to conditions, and
- Any decision to reject the application

A person on whom a notice of action is served may appeal to the FTT against:

- Any decision to remove the relevant person from the register
- Any decision to impose a condition on the inclusion of the relevant person in the register
- Any decision to vary a condition

No compensation may be claimed for loss suffered, pending the outcome of the appeal, in consequence of the local authority making a final decision or taking action relevant to Regulation 8(1) (a), (b) or (c).

19. Publishing and revising the fee policy

This fees policy will be published on the Council's websites at <http://www.cherwell.gov.uk> .

The fees are determined based on experience of dealing with site licensing historically and consideration of the Council's requirements under the Act.

This policy will be implemented and managed by the Licensing Team. It will be reviewed, and Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

20. Appendix 1



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

CONDITIONS FOR HOLIDAY CARAVAN SITES (TOURING)

Cherwell District Council

CARAVAN SITES & CONTROL OF DEVELOPMENT ACT 1960

LICENCE CONDITIONS

HOLIDAY CARAVAN SITES (TOURING)

Topic	Chapter
Site Occupation	1.0
Density and Space Between Caravans	2.0
Roads and Footpaths	3.0
Fire Fighting Appliances	4.0
Storage of Liquefied Petroleum Gas (LPG)	5.0
Electrical Installations	6.0
Water Supply	7.0
Drainage, Sanitation and Washing Facilities	8.0
Refuse Disposal	9.0
Parking	10.0
Recreation Space	11.0
Notices	12.0
Management	13.0

1.0 SITE OCCUPATION

- 1.1 Only genuine touring caravan(s) and self-propelled caravan(s) in full mechanical order specially designed for the purpose shall be allowed on the site.

2.0 DENSITY AND SPACE BETWEEN CARAVANS

- 2.1 No caravan shall be nearer than 6 metres to any other caravan in separate family occupation and not less than 3 metres clear space shall be permitted between units in any circumstances. Where awnings are used, the distance between any part of the awning and an adjoining caravan shall not be less than 3 metres. Awnings shall not face each other or touch.

- 2.2 Without prejudice to separation distances and other prescribed distances, the gross density shall not exceed 75 caravans to a hectare (30 per acre).

3.0 ROADS AND FOOTPATHS

- 3.1 Roads of suitable material not less than 3.7 metres wide or, if they form part of a clearly marked one ways traffic system, 3 metres wide, shall be provided.
- 3.2 Footpaths of suitable material not less than 0.75 metres wide shall be provided.
- 3.3 A speed limit of 10 m.p.h. shall be enforced by the Site Operator on all carriageways.
- 3.4 Emergency vehicles shall be able to secure access at all times to within 90 metres of any unit on the site.

4.0 FIRE PRECAUTIONS

Requirement to comply with the Regulatory Reform (Fire Safety) Order 2005.

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection and, when demanded, a copy of the risk assessment shall be made available to the local authority. Fire precautions necessary to safeguard persons identified by the assessment shall be provided and maintained.

Fire safety measures required where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- 4.1 Fire points shall be established so that no caravan or site building is more than 90 metres from a fire point. They shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

- 4.2 Where water standpipes are provided within 30m of caravan or site buildings and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 meters from the nozzle, such water standpipes shall be

situated at each fire point. There shall also be a reel that complies with British Standard 5306 Part 1, with a hose not less than 30 metres long, permanently connected to a water standpipe with a water supply of sufficient pressure and terminating in a small hand control nozzle. Hoses shall be housed in a box painted red and marked "HOSE REEL".

- 4.3 Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants shall be installed within 100 metres of every caravan standing. Hydrants shall conform to British Standard 750. Access to hydrants and other water supplies shall not be obstructed or obscured.
- 4.4 Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with either water extinguishers (2 x 9 Litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

FIRE WARNING

- 4.5 A means of raising the alarm in the event of a fire shall be provided at each fire point. This could be by means of a manually operated sounder, e.g. metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.

MAINTENANCE

- 4.6 All alarms and fire fighting equipment shall be installed, tested and maintained in working order by a competent person. A log book shall be kept to record all tests and any remedial action and be available for inspection by, or on behalf of, the licensing authority.
- 4.7 All equipment susceptible to damage by frost shall be suitably protected.
- 4.8 Wherever there is a likelihood of fire spreading due to vegetation catching fire, suitable beaters, of the type used by the Forestry Commission, shall also be provided at each fire point.

FIRE NOTICES

- 4.9 A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice shall include the following:-

"On discovering a fire

- i. Ensure the caravan or site building involved is evacuated.

- ii. Raise the alarm
- iii. Call the fire brigade (the nearest telephone is sited

.....

- iv. Attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment”.

FIRE HAZARDS

- 4.10 Long grass and vegetation shall be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings shall be removed from the vicinity of caravans. The space beneath and between caravans shall not be used for the storage of combustible materials.

TELEPHONES

- 4.11 An immediately accessible telephone shall be available on the site for calling the emergency services. A clearly written and legible notice shall be displayed by the telephone stating the name and address of the site.

5.0 STORAGE OF LIQUIFIED PETROLEUM GAS (LPG)

- 5.1 LPG storage supplied from tanks shall comply with the LPGA Code of Practice No. 1 ‘Bulk Storage at Fixed Installations’.
- 5.2 LPG supplied from cylinders, shall comply with the LPGA Code of Practice No. 7 ‘Storage of full and empty LPG Cylinders and Cartridges’ applies.
- 5.3 Metered supplies from a common LPG storage tank, shall comply with the LPGA Code of Practice No 1 described in Condition 5.1 above. In this case and where a mains supply is available, the Gas Safety (Installation and Use) Regulations 1998 may apply.
- 5.4 Exposed gas bottles, bulk storage tanks or cylinders shall not be within the separation boundary of an adjoining unit.
- 5.5 LPG installations shall conform to BSEN 1949: 2011 – ‘Specification for the installation of liquefied petroleum gas systems for habitation purposes in leisure accommodation vehicles and accommodation in other vehicles’.

6.0 ELECTRICAL INSTALLATIONS

- 6.1 Where sites are provided with an electricity supply, the supply shall be sufficient in all respects to meet all reasonable demands of the caravans situated on them.

6.2 All electrical installations, other than the Electricity Supplier works and circuits subject to regulations made by the Secretary of State under any Electricity Act, shall be installed, tested and maintained in accordance with the provisions of the current Institution of Electrical Engineers (IEE) Regulations for electrical installations.

6.3 Work on electrical installations and appliances shall be carried out only by competent persons such as the manufacturer's appointed agent, the

electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractors' Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations shall be inspected periodically: under IEE Wiring Regulations, every year or such longer period (not exceeding 3 years), as is considered appropriate in each case. When an installation is inspected, it shall be judged against the current regulations.

6.4 The inspector shall, within 1 month of such an inspection, issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which shall be retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with the site licence. The cost of the inspection and report shall be met by the site operator or licence holder.

6.5 If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies shall be rectified. Any major alterations and extension to an installation and all parts of the existing installation affected by them shall comply with the latest version of the IEE wiring Regulations.

6.6 If there are overhead electric lines on the site, suitable warning notices shall be displayed at the entrance to the site and on supports for the line. Where appropriate, particular attention shall be drawn to the danger of masts of yachts or dinghies contacting the line.

7.0 WATER SUPPLY

7.1 The sites shall be provided with a water supply in accordance with appropriate Water Byelaws and statutory quality standards.

7.2 Readily accessible water standpipes with an adequate supply of water shall be provided and sited so that that no caravan standing is more than 50 metres from a water standpipe. Alternatively each caravan standing shall be provided with an individual piped water supply.

7.3 The water standpipe(s) shall be provided over concrete base of sufficient size and to a design approved by the Licensing Authority together with a trapped gully drained to a proper outfall.

8.0 DRAINAGE, SANITATION AND WASHING FACILITIES

8.1 Adequate provision shall be made for drainage from the site generally, including roads, footpaths and paved areas, to the satisfaction of the Licensing Authority.

- 8.2 Satisfactory provision shall be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by and maintained to the satisfaction of the local authority.
- 8.3 Properly designed disposal points for the contents of the chemical closets shall be provided, with an adequate supply of water for cleaning the containers. This supply shall be clearly marked 'Not Suitable for Drinking'.
- 8.4 Waste water disposal points shall be provided so that each pitch is no further than 50 metres from a waste water disposal point. The appropriate Water Authority shall be consulted about the arrangements for disposal of water likely to be contaminated.
- 8.5 Waste water shall not be discharged or thrown into any ditch, stream or watercourse or be allowed to spill on to any land.

LAUNDRY

- 8.6 Laundry facilities shall be provided in a separate room in accordance with the following standard:-

Deep sinks with running hot and cold water, or mechanical washing machines shall be provided. These are to be based on a standard of 1 deep sink, or mechanical washing machine, per 25 caravans or part thereof;

TOILETS

- 8.7 Toilet blocks with adequate supplies of water shall be provided in accordance with the following standards: -

Men: 1 WC and 1 Urinal per 25 caravans or part thereof; Women: 2 WC's per 25 caravans or part thereof;

2 wash basin (with hot and cold water) for each sex per 25 caravans or part thereof;

1 shower or bath (with hot and cold water) for each sex per 25 caravans or part thereof;

- 8.7 Toilet blocks shall be provided with artificial lighting to the satisfaction of the Licensing Authority.
- 8.8 Toilet blocks shall be sited so that they are not nearer than 10 metres and not more than 90 metres from any standing.

- 8.9 On sites licensed for more than 70 caravans, a suitably sited and designed toilet, wash basin, shower or bath and water point shall be provided for the use of disabled persons.

9.0 REFUSE DISPOSAL

- 9.1 Every caravan standing shall have an adequate number of suitable non combustible refuse bins with close-fitting lids, or plastic refuse sacks. Arrangements shall be made for the bins to be emptied regularly. Where communal refuse bins are also provided these shall be of similar construction and housed within a properly constructed bin store.

10.0 PARKING

- 10.1 Subject to a minimum 3 metre clear space as described in 2.1 above, one car only may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces shall be provided to meet the additional requirements of the occupants and their visitors. Plastic or wooden boats shall not be parked between units.

11.0 RECREATION SPACE

- 11.1 Where children occupy the site, space equivalent to about one-tenth of the total area shall be allocated for children's games and/or other recreational purposes. This provision is necessary because of the limited space available round the caravans. Where there are suitable alternative publicly provided recreational facilities which are readily accessible, the Licensing Authority will consider omitting this condition.

12.0 NOTICES

- 12.1 A suitable sign shall be prominently displayed at the site entrance indicating the name of the site. All such advertisements shall be within the size limits allowed by Class 2 of the Town and Country Planning (Control of Advertisements) Regulations 1989. (Sl. 1989/670).
- 12.2 A copy of the site licence with its conditions shall be displayed prominently on the site.
- 12.3 A clearly defined plan of action shall be displayed on the site setting out the measures to be taken in the event of an emergency. The plan shall show where the police, fire brigade, ambulance, and local doctors can be contacted, and the location of the nearest public telephone. The plan shall also give the name and location/telephone number of the site licence holder or his/her accredited representative. At sites subject to flood risk, warning notices shall be displayed giving advice about the operation of the flood warning system.

- 12.4 All notices shall be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting. See also 4.9, 4.11, 5.6, 6.4 and 6.6.

13.0 MANAGEMENT

- 13.1 All buildings, roads and carriageways shall be maintained in good order and repair and in a clean and wholesome condition to the satisfaction of the Licensing Authority.
- 13.2 The Site Operator shall be responsible for maintaining the site in a tidy and orderly condition, free from litter, rubbish and rank growth. He shall also use his best endeavours to ensure that no rubbish or litter is thrown or deposited on the site or onto or into land or natural watercourses adjoining the land.
- 13.3 The site operator shall be responsible for ensuring that the grass is kept reasonably short during the whole of the period that any of the caravans on the site are occupied.
- 13.4 The Site Operator shall ensure that farm animals are not allowed on the site during the whole of the period that any of the caravans are occupied.
- 13.5 The Licensing Authority may require a caretaker/manager to be resident on site.
- 13.6 The conditions attached to the site licence may be subject to alteration by the Council from time to time in accordance with Section 8 of the Act.

NOTE *Any person aggrieved by any condition subject to which a site license has been issued to him in respect of any land may, within 28 days of the date of which the license was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated. (Section 7)*



CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 MODEL LICENCE CONDITIONS FOR PERMANENT, RESIDENTIAL CARAVAN SITES

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.
- (b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total ~~distance between the extremities of two facing caravans is not less than 5 metres, except where~~ sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.

- (viii) Roads shall be maintained in a good condition.
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- (ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

6. Bases

- (i) Every unit must stand on a concrete base or hard-standing.
- (ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

15. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers
(2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

- (ix) A record shall be kept of all testing and remedial action taken.
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- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the caravan or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade “(the nearest phone is sited at)”