



Public Document Pack

Arun District Council
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Littlehampton
West Sussex
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This meeting will be webcast live – please see our web pages for details

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Committee Manager – Jane Fulton (Ext 37611)

27 May 2022

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in **The Council Chamber at The Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Friday 17 June 2022 at 9.30 am** and you are requested to attend.

Members: Councillors Roberts (Chair), Mr Cooper (Vice-Chair), Blanchard-Cooper, Clayden, Gregory, Daniells, Hamilton, Kelly, Northeast, Oliver-Redgate, Worne.

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's Committee pages.

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Question Time, they will be invited to submit the question in advance of the meeting to be read out by an Officer, but of course can attend the meeting in person.
2. It is *recommended* that all those attending take a lateral flow test prior to the meeting.
3. We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms.

Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on **Friday, 10 June 2022** in line with current Committee Meeting Procedure Rules.

It will be at the Chief Executive's/Chair's discretion if any questions received after this deadline are considered.

For further information on the items to be discussed, please contact Committees@arun.gov.uk

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating :

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. **MINUTES**

(Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 11 March 2022 and to note the Minutes from the meeting of the Licensing Sub-Committee held on 7 March 2022.

4. **ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES**

5. **PUBLIC QUESTION TIME**

To receive questions from the public (for a period of up to 15 minutes).

6. **START TIMES**

The Committee is asked to confirm its start times for meetings during 2022/23.

7. **MOBILE HOMES SITE LICENSING DETERMINATION POLICY**

(Pages 7 - 34)

Local Authorities must have procedures in place to deal with applications for site licences for relevant protected sites.

Arun District Council's Mobile Homes (site Licensing applications) Determinations Policy sets out these arrangements and was adopted by Full Council in March 2017.

A review of the Policy has been carried and only minor amendments are deemed necessary.

The revised Policy is provided in Appendix 1 and is recommend for adoption.

8. REVIEW OF MOBILE HOMES LICENSING FEES POLICY (Pages 35 - 56)

Local Authorities have been permitted to charge fees to reclaim the costs of administering and monitoring site licences for relevant protected sites since 2015.

Arun District Council's Mobile Homes Licensing Fees Policy sets out the fee arrangements. The fees policy was first published in 2015 and last reviewed and revised in 2016.

This report details the findings of a review of the Policy and presents a revised Policy for adoption.

9. WORK PROGRAMME (Pages 57 - 58)

The Committee is requested to note its Work Programme for 2022/23.

Note: If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note: Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link - [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

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Agenda Item 3

Subject to approval at the next Licensing Committee meeting

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LICENSING COMMITTEE

11 March 2022 at 9.30 am

Present: Councillors Blanchard-Cooper (Chairman), Cooper (Vice-Chair), Clayden, Gregory, Kelly, Northeast, Oliver-Redgate and Worne

740. APOLOGY FOR ABSENCE

An Apology for Absence had been received from Councillor Staniforth.

741. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

742. MINUTES

The minutes of the meeting held on the 10 December 2021 were approved and the Committee as a correct record and were signed by the Chair.

The Committee also noted the minutes from the Licensing Sub-Committee held on 14 January 2022.

743. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent matters for this meeting.

744. PUBLIC QUESTION TIME

The Chair confirmed that no public questions had been submitted for this meeting.

745. STREET TRADING AND MARKETS POLICY, MAKING OF RESOLUTION TO VARY STREET TRADING DESIGNATIONS AND FEE SETTING

The Licensing Manager provided members with an overview of her report, explaining that there were four matters they needed to consider at this meeting these were:

Licensing Committee - 11.03.22

- the consultations responses,
- approval of the policy,
- to make a resolution regarding the street trading designations and,
- to approve the proposed fees.

She then drew members attention to the consultation responses regarding the policy as well as a number of points in relation to the Street Trading Designation consultation responses inclusive of confirmation regarding queries raised and answered through the consultation process. This included a response from the Leader of Arun District Council who had suggested the committee consider inclusion of additional roads (Sea Road, Rustington, Sea Lane, Rustington and Broadmark Lane, Rustington) as prohibited streets. The prohibited streets that had been proposed had been addressed in terms of a 'if it is not broken, do not fix it' approach, however the Council had also considered proposals where incidents had been brought to its attention over the years. Consideration had also been given to where a nuisance or annoyance for residents was considered as a risk. It was also proposed that York Road was taken outside of the scope of the designation's consultation at the time as it was felt that support to local business was important. The resolution to vary the proposed designations sought to identify the streets in the area that could be considered, the policy did not make provision for everyone in the district to benefit from street trading, it sought to exercise further controls and to ensure that there was not any detriment to any area. It would also allow the council to have effective controls in place to manage the policy as during the pandemic there were some issues that had arisen and the council did not have the controls in place to respond effectively to these issues. It had also been proposed that public authority car parks be included and recognised as areas for public trading.

Drawing members attention to page 111 of the agenda pack, the Licensing Manager explained that this page detailed the proposed fees that had been included for cost recovery purposes which would allow support for the delivery of its functions and had taken into account officer time and any other related charges.

Members then took part in a full debate on the report where a number of points were raised and responded to by Officers, including:

- Discussion on Sea Lane Rustington, Sea Road, Rustington and Broadmark Lane, Rustington and Aldwick Road in Bognor Regis
- The benefit of the policy presented and its ability to support 'pop-up' businesses better alongside the policy assisting with a step further in suggesting future places for street trading that would help enhance areas
- Clarity was sought for wording on page 83 where it stated that '*traders are not permitted to purchase from the public when operating a pitch*'
- Discussion regarding Street Markets and their importance within town centres as a direct link to regeneration, it was felt that there was an importance on having the 'right' stock that market stall holders had available for customers as well as discussion regarding how the council could encourage Street Traders to become future shop owners. It was explained that what this policy

would do was to provide opportunities for start-up businesses, the standard of what was out there would meet the same standards for businesses, it would create an enhancement of the local area and would allow exploration of sustainability issues and the climate agenda.

The Chair stated that the policy had enough detail in it to allow what was on offer in the District to be managed with options and choice for people, but also allowed for the council to enforce more controls where needed. The flexibility within the policy was its strength, it put the residents and the needs of the district at the heart of decisions. In summing up he also stated that he felt the members had, had a good conversation covering economic growth, new start businesses and regeneration which felt exciting and friendly and the report before the Committee was about exactly that.

The recommendations were proposed by Councillor Blanchard-Copper and seconded by Councillor Cooper.

The Committee

RESOLVED – That

- (1) All previous resolutions of the Council made pursuant to Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) to designate specified areas of the District as consent streets or prohibited streets or licence streets for the purposes of regulating street trading under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 are hereby rescinded;
- (2) From the date when this resolution would take effect all areas of land within the District of Arun which are “streets” within the definition of that term contained in Paragraph 1 of Schedule 4 to the Act shall be designated as “consent streets” with the exception of any area of land referred to in resolutions 3 and 4 below;
- (3) There shall be excluded from the designation in resolution 2 above any streets which are designated as “Prohibited Streets”. The streets designated as Prohibited Streets are set out in Appendix 1;
- (4) With the exception of Public Authority owned Car Parks, as set out in Appendix 2, that there shall be excluded from the designation in resolution 2 above any area of land which is from time to time in the ownership and control of a Public Authority or a registered charity other than any highway which is included from time to time on the list of streets maintainable at public expense pursuant to section 36(6) of the Highways Act 1980; and

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(5) For the purposes of resolution 4 above “ownership and control” means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest and “Public Authority” means West Sussex County Council or Arun District Council or any Parish or Town Council the whole or part of whose area falls within the boundary of the Arun District Council.

746. COMMITTEE WORK PROGRAMME 2021/22

The committee received and noted its work programme for the remainder of 2021/22.

(The meeting concluded at 10.13 am)

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Subject to approval at the next Licensing Sub-Committee meeting

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LICENSING SUB-COMMITTEE

7 March 2022 at 9.30 am

Present: Councillors Blanchard-Cooper (Chair), Gregory and Northeast

Apologies: None.

7. ELECTION OF CHAIRMAN

The Sub-Committee

RESOLVED

That Cllr Blanchard-Cooper be Chair of this meeting.

8. DECLARATIONS OF INTEREST

There were no declarations of interest made.

9. EXEMPT INFORMATION

The Sub-Committee passed the following resolution: -

That under Section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

10. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 – INFORMATION RELATING TO INDIVIDUALS

Members were asked to consider the matter of an application for a hackney carriage/private hire driver licence from an applicant.

In discussing the matter, the Legal Advisor reminded the Sub-Committee of the Council's Taxi Policy, in particular Section 34 of the Policy which confirms that the licensing authority is required to ensure that an applicant is a 'fit and proper' person to hold such a licence and the factors to be considered where are there any previous convictions, warnings, cautions or charges.

Members were satisfied that the applicant met the fit and proper test, and it was noted that there have been no further offences since 2016.

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The Sub-Committee

RESOLVED

3.2 To grant the licence, subject to a knowledge test and driving assessment being completed to the satisfaction of officers.

11. LICENSING ACT 2003, S51 APPLICATION FOR REVIEW OF A PREMISES LICENCE

The Chair confirmed the live webcast had recommenced for this item and asked all attendees to introduce themselves.

The Licensing Manager acting for the licensing authority as a responsible authority spoke on behalf of all parties to the hearing. It was confirmed that discussions had taken place last week and this morning with the licence holder who had accepted responsibility for the offences and the failings that were uncovered following inspections by authorities over the last few months. He apologises for these failings and is keen to work with authorities to remedy the situation. It has been agreed between all parties this morning that a suggested outcome for members of the Sub-Committee to consider that a proportionate approach would be to suspend the licence for 1 week (7 days) and that the Designated Premises Supervisor (DPS) must be changed within a maximum of 8 weeks. The reason that the DPS is not being suggested for change sooner is because the licence holder would like to replace the previous DPS with an individual who has sat their personal licence course, however they still need to obtain their personal licence. The council are also receptive to the fact that a DBS check may also take an additional few weeks and wish to set things on the right footing moving forward. Members had also been provided with additional information packs for their review, of which, included updated training material and new arrangements that has been put in place by the licence holder.

The Sub-Committee

RESOLVED

That they agree with the licensing authority's proposal to suspend the licence for 7 days and to change the DPS within a timeframe of 8 weeks. Full reasoning will follow within 5 working days, and it will include the right of appeal

(The meeting concluded at 10.37 am)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF LICENSING COMMITTEE ON 17 JUNE 2022

SUBJECT: Mobile Homes Site Licensing Determination Policy
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REPORT AUTHOR: Neil Williamson – Environmental Health Team Leader
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DATE: 26 May 2022

EXTN: 01903 737676

AREA: Technical Services

EXECUTIVE SUMMARY:

Local Authorities must have procedures in place to deal with applications for site licences for relevant protected sites.

Arun District Council's Mobile Homes (Site Licensing Applications) Determinations Policy sets out these arrangements and was adopted by Full Council in March 2017.

A review of the Policy has been carried and only minor amendments are deemed necessary.

The revised Policy is provided in Appendix 1 and is recommended for adoption.

RECOMMENDATIONS:

That Committee:

1. Adopt the Mobile Homes (Site Licensing Applications) Determination Policy; and
2. Delegate authority to the Group Head of Technical Services to make minor amendments to the Policy.

1. BACKGROUND:

Local Authorities must have procedures in place to deal with applications for site licences for relevant protected sites.

Arun District Council's Mobile Homes (Site Licensing Applications) Determinations Policy sets out these arrangements and was adopted by Full Council in March 2017, with subsequent minor amendments, the last being in 2019. The Policy is to be reviewed every five years.

A review of the Policy has been carried and only minor changes deemed necessary. This includes reference to the fit and proper person arrangements, which are considered under a separate council policy, correction of typographical errors, improvements to formatting and removal of unnecessary appendices.

It is recommended that delegation is given to the Group Head of Technical Services to make minor amendments to the Policy to ensure it remains current, with a full review still carried out every five years and reported to the Licensing Committee.

The revised Policy is provided in Appendix 1 and is recommend for adoption.

2. PROPOSAL(S):

That Committee:

1. Adopt the Mobile Homes (Site Licensing Applications) Determination Policy; and
2. Delegate authority to the Group Head of Technical Services to make minor amendments to the Policy.

3. OPTIONS:

1. Amend and adopt the Mobile Homes (Site Licensing Applications) Determination Policy
2. Do not adopt the Mobile Homes (Site Licensing Applications) Determination Policy
3. Amend the delegation to the Group Head of Technical Services
4. Do not delegate to the Group Head of Technical Services

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		X
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal	X	
Human Rights/Equality Impact Assessment	X	
Community Safety including Section 17 of Crime & Disorder Act	X	
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:

Legal: The legal implications are covered in the report. There are no additional legal implications.

Human Rights/Equalities: The equality impact assessment identifies a positive impact on older people of having an up-to-date policy that provides transparency on the decision-making process.

Community Safety: The purpose of the site licensing regime is to ensure that sites are operated in such a way to protect the amenity and safety of the sites for residents and others they may affect.

7. REASON FOR THE DECISION:

To ensure the determinations policy is kept under review and remains current.

8. BACKGROUND PAPERS:

Appendix 1 – Mobile Homes (site licensing applications) Determinations Policy (rev 2022)

Appendix 2 – Equality Impact Assessment Mobile Homes Determinations Policy

[Determinations Policy 2019](#)

[Mobile Homes Act 2013: advice to local authorities on the new regime for applications for the grant or transfer of a site licence](#)

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Mobile Homes (Site Licensing Applications) Determinations Policy



Version: 006
Dated: May 2022

OVERVIEW

The Caravan Sites and Control of Development Act 1960 (the 1960 Act) was amended by the Mobile Homes Act 2013 (the 2013 Act). As a result, local authorities must have procedures in place to deal with applications for site licences for relevant protected sites¹, or for their transfer, under the new framework. These changes apply only to applications made on or after 01 April 2014.

This policy has been prepared having regard to the above Acts, the Mobile Homes (Site Licensing) (England) Regulations 2014, specific government advice² and other relevant legislation, guidance and good practice.

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¹As per the definition in Appendix A of Department for Communities and Local Government Guidance: advice to local authorities on the new regime for applications for the grant or transfer of a site licence (March 2015).

²Department for Communities and Local Government: Mobile Homes Act 2013: advice for local authorities on the new regime for applications for the grant or transfer of a site licence (March 2015).

2. BACKGROUND

- 2.1 It is an offence under the 1960 Act for anyone to own and/or operate a caravan site on their land without holding a relevant licence. Thus, if a person purchased a site and a licence was subsequently refused or if they failed to apply for a licence where necessary, that person could be prosecuted and face an unlimited fine on conviction. In the meantime, the licence granted to the previous owner would continue in force. This is because (and subject only to such restrictions relating to planning permission) a licence continues in perpetuity until it is transferred or revoked by a court or tribunal (in certain circumstances only). The licence holder remains liable for obligations and liabilities arising out of the licence and any enforcement action.
- 2.2 Local authorities are able to charge a fee for considering applications for the grant, variation or transfer of a licence. They are also able to charge an annual fee for monitoring and administration of existing site licences³.
- 2.3 The regime applies to relevant protected sites which are the majority of residential caravan sites within Arun's district. The exemptions include static caravan holiday sites and touring caravan sites.
- 2.4 The council has discretion whether to grant or approve a transfer of a site licence and cannot grant or approve a transfer without making relevant enquiries into the proposed licence holder's suitability to hold the licence⁴.
- 2.5 The council may approve or refuse applications to grant or transfer site licences. Separately, licence conditions may be varied at the request of applicants or at the instigation of the council. In all cases there is a right of appeal in the first instance to the First Tier Tribunal (Property Chamber) within 28 days of notification of a decision.

3. REVIEW AND PUBLICATION

3.1 This policy is a working document that may be subject to change from time to time, for example, due to changes in legislation or national guidance. The determination policy was first adopted in March 2017. This version, 006 (May 2022) will be reviewed every five years. Minor changes and corrections can be made by the Group Head of Technical Services and will be recorded in Appendix A – History of Policy Revisions.

3.2 This policy will be published on Arun District Council's website at: www.arun.gov.uk.

³See Arun District Council's Mobile Homes Site Licensing Fees Policy (2022 Revision).

⁴The discretion does not exist on the death of an existing site licence holder.

4. POLICY

- 4.1 Arun District Council will have regard to relevant published guidance, national documents and legislation in making site licensing decisions. It will be transparent in the decision-making process and will give written notifications to relevant parties of its decisions and the reason(s) for those decisions.
- 4.2 Applicants are required to and are taken to have read this policy prior to making a relevant application in order that they may submit at the outset any information they wish to have considered.
- 4.3 Determination of an application will be completed as soon as is reasonably practicable. This means that wherever reasonably practicable, the council will reach a decision within two calendar months of receipt of: a valid application; any further information required (see 4.4.3, below), whichever is the later.
- 4.4 A valid application will comprise:
- 4.4.1 The information specified in the relevant application form made available on the council's website: by completion and submission of the form or in a written document containing the specified information. The form's declaration will be confirmed as being read and understood; the form will be dated and signed by the applicant or their agent. The making of electronic applications is strongly recommended but where a written application is made, it should contain affirmation of the same declaration and should be signed and dated by the applicant or their agent.
 - 4.4.2 The application must be accompanied by the relevant fee.
 - 4.4.3 Any further information reasonably required by the council: this may include, but is not limited to, details requested on the topics included as matters for consideration (below).
 - 4.4.4 Where subsequent information is required but not provided, the application may be refused. The fee will not normally be returned in such circumstances.
 - 4.4.5 Where subsequent information is provided by the applicant and this is not to the satisfaction of the council, the council may decide to determine the application using only the information available to them at a specified cut-off date.
 - 4.4.6 The council may decide to determine an application where the proposed licence holder does not actively engage with the council and/or respond to its enquiries either directly or through the applicant/agent.
- 4.5 In order to determine the suitability of the proposed site licence holder, it is for the council to decide what information or documents it will require and the weight

Mobile Homes (Site Licensing Applications) Determinations Policy

given to these in order to evaluate and determine the application. This will include the proposed licence holder's management processes and financial standing, including information to help ascertain their interest or estate in the site (and the duration of any lease or any restrictions contained within any lease), the funding arrangements that will be in place for managing the site (including for meeting obligations under the licence) and the management structure that will apply to the site (including the competence of the purchaser and/or any nominated manager to manage a caravan site).

4.5.1 The above assessment is entirely separate to the process for determination of a Fit and Proper Person Test application⁵.

4.6 Where it is proposed to change the boundaries or extent of the site, this may require planning permission. If such planning permission is required and has not been sought or given, the council must not grant the site licence. If planning permission has been given, the council may still refuse the application if it considers that the development would have an adverse impact on the amenity of the site, its access of the quality of any site services, for example, where an extended site impacts adversely on the amenities already provided to existing residents (e.g. through removal of recreation space for additional pitches).

4.7 The council wishes to ensure existing sites that are licenced as whole sites are not divided amongst several licences or that land is removed from an existing licence if this would adversely impact upon the integrity of the site. In this policy, integrity means that the amenity of the site, access to its services and the quality of such services is not diminished by changes or by land being removed from a licenced area. It includes where evidence of long-term maintenance and/or improvements planned for the future sustainability of a site is lacking.

4.8 The council may refuse an application if granting the application would mean it would be unable to ensure the site as a whole is adequately managed or maintained, through the licence or otherwise.

4.9 Matters for consideration will include, but may not be limited to, the matters listed at 4.1 to 4.8 (above) and the following:

4.9.1 The suitability of the proposed licence holder to manage the site under the terms and conditions of the licence and to provide for the long-term maintenance of the site.

⁵See Arun District Council's Fit and Proper Person Test Determination Policy (2021).

4.9.2 Whether the proposed licensing arrangements would reduce the amenity of, access to or quality of services on the site.

4.9.3 The conduct of any existing licence holder.

Mobile Homes (Site Licensing Applications) Determinations Policy

- 4.9.4 Whether the existing licence holder has been convicted of failing to comply with any compliance notice relating to the site.
- 4.9.5 Whether the existing licence holder is being investigated in relation to an offence pertaining to the site regarding a breach of condition(s).
- 4.9.6 Whether the existing site licence holder is involved in proceedings relating to 4.9.4 (above) where a determination is pending.
- 4.9.7 Whether, in relation to an existing site licence holder for the relevant site, the council has applied to a court or tribunal for an order revoking the site licence and a determination is pending.
- 4.9.8 Whether any licence conditions need to be attached to a new licence or retained or amended on an existing site licence.
- 4.9.9 Evidence that the existing or proposed licence holder or any director, manager secretary or similar other officer of any company associated with the management or running of the site has been investigated, prosecuted or is under investigation for offences relating to caravan sites anywhere in the United Kingdom of Great Britain and Northern Ireland.
- 4.9.10 Where relevant, whether the council has asked for, or the existing or proposed licence holder (or both) has provided a written undertaking. The Council will consider, but is not bound to accept, any undertaking. Such undertakings would be in relation to:
 - i. The carrying out of works considered necessary by the council to ensure a suitable standard of maintenance and remedy any breach of a licence condition.
 - ii. The payment of any money owed to the council in relation to the site.
 - iii. The taking of any action considered necessary by the council in respect of improving the standard of management.
 - iv. The substitution of any parties in relation to any notices served under caravan site licensing legislation or any relevant court or tribunal proceeding that has been commenced but not yet disposed of.
- 4.9.11 Any other matters not mentioned above and prescribed in The Mobile Homes (Site Licensing) (England) Regulations 2014.
- 4.9.12 Any other matters deemed to be relevant by the council in the particular circumstances of any application.
- 4.10 The council will support contact from anyone planning to buy, sell or transfer a relevant protected site to check whether the council would accept an application for the transfer of a licence or to grant a new licence in replacement of an existing licence. This approach should ensure that a tentative decision can be reached in advance of a formal application which could therefore be dealt with relatively quickly.

Mobile Homes (Site Licensing Applications) Determinations Policy

- 4.11 The council recommends that formal applications for the grant or transfer of a licence should be made before ownership is transferred, or in the case of a new site, acquired. This would ensure the proposed licence holder does not fall foul of the criminal offence (operating a site without a licence) in section 1 of the 1960 Act.
- 4.12 Where the application is for a transfer of a licence, the council will not alter the conditions of the licence. However, if such an application was received and the council was planning to change the licence conditions, it can refuse the application and request that an application is made for the grant of a new licence. Nonetheless, it is expected that the applicant would agree with the local authority at the pre-application discussion stage (4.10, above), regarding the type of application required.
- 4.13 The council has a wide discretion in determining site licence conditions. Determining site Licence conditions may arise from the Council's own initiative or by application of the site owner. In either case, the council will have regard to the current, relevant Model Standards⁶ when setting conditions. When considering whether to alter or amend existing site licence conditions and when proposing conditions for a new site, the council may consult with relevant parties. This may include site owners, Residents' Associations or individual caravan occupiers/owners. The consultation period will be a minimum of 28 days. For new applications, relevant parties will be given a seven day period within which to comment on proposed conditions.
- 4.14 The options for the council at determination are as follows:
- 4.14.1 To grant a new site licence, normally with conditions⁷.
 - 4.14.2 To grant a request to transfer an existing site licence.
 - 4.14.3 To grant a request to transfer and vary an existing site licence.
 - 4.14.4 To grant a request to change site licence conditions.
 - 4.14.5 To refuse a request to transfer an existing site licence but with a counter-request to apply for a new licence (where the council was planning to change the licence conditions).
 - 4.14.6 To refuse an application to grant a new site licence.
 - 4.14.7 To refuse an application to transfer a site licence.

⁶For relevant protected sites, these are currently the Model Standards 2008 for Caravan Sites in England, Department for Communities and Local Government (April 2008). Model standards also exist for other types of site.

Mobile Homes (Site Licensing Applications) Determinations Policy

- 4.14.8 To refuse a request to transfer and vary a site licence.
- 4.14.9 To refuse a request to change site licence conditions.
- 4.14.10 To vary a site licence, on receipt of an application in a way different to that proposed by the licence holder.
- 4.14.11 After initiating a proposed variation, to not vary a condition (to which there is no right of appeal).
- 4.14.12 Where necessary, to revoke a site licence.
- 4.15 Once a determination has been made, the council will notify the relevant parties of the decision, the reason(s) for the decision and the details of any appeal procedure. Where appropriate, the notification will explain the effect of the decision on all parties, for example, where a refusal means the existing licence holder will remain until such time as either the council's decision is successfully appealed or a new application is made and the council decides to issue, or consent to, the transfer of the site licence.
 - 4.15.1 There is no right of appeal against a decision to issue a new, varied or transferred licence.
 - 4.15.2 There is a right of appeal against conditions contained in a new licence; this does not extend to transferred or varied licences.
 - 4.15.3 There is a right of appeal against decisions to refuse.
 - 4.15.4 Appeals may be made by the applicant to the First Tier Tribunal (Property Chamber) within 28 days from the date of receipt of the notification of the decision. The tribunal may have regard to any undertakings given by either the existing licence holder or the proposed licence holder.

⁷ Where the local authority has granted a new licence and there is an existing licence in force for the site, the local authority must revoke the existing licence from the date immediately prior to the new licence coming into force. Department for Communities and Local Government, Advice to local authorities on the new regime for applications for the grant or transfer of a site licence, s.102 (March 2015).

APPENDIX A History of Policy Revisions

The below table provides a history of changes to this policy:

Policy version no.	Date	Status	Summary of change(s)
1	January 2017	Original	N/A
2	20 January 2017	Approved by Full Council	Changes agreed at Licensing Committee: Page 4 – advice to applicants brought forward in document Page 5 – clarification on planning versus licensing decisions Page 8 – appeals information included
2	March 2017	Approved by Full Council	No changes required
3	April 2017	-	Amendments to typographical errors and layout
4	December 2017	-	Amendments to typographical errors and layout
5	April 2019	-	Cover – change to photograph Page 10 (Appendix A) – update ADC logo
6	May 2022	For approval by committee	Amendments to typographical errors and layout 4.5.1 – add reference to Fit and Proper Person test Removal of example applications (now online) and example decision notice Minor wording changes for improved clarity Update indexing

APPENDIX B Decision Matrix

The following information explains the determination process, the types of information used and the weight given in decision making. Applicants should have regard to this when making applications and providing information. All applications will be determined on their own merits and according to the particular circumstances.

Policy reference	Description	Considerations	Weighting
4.4	Validity of application and determination period.	An application will not be considered valid and the period for determination will not commence until all required information, plans and documents, together with the correct fee, has been provided.	Full compliance expected.
4.5	Suitability of proposed licence holder Evidence that the licence holder and any relevant persons or companies are in good financial standing, sufficient to ensure the obligations for managing, maintaining and improving the site will be met.	Evidence that persons and companies involved in operating the site have sufficient interest in the estate to meet their obligations. Short leases, for example, may indicate that the applicant is not in a position to ensure longer-term obligations or to develop plans for the future sustainability of the site. Evidence that persons and companies involved in operating the site have sufficient experience and / or suitable qualifications relevant to their duties and obligations. Examples may include business accounts, banking or other financial statements, the duration or restrictions of any leases, inspection procedures, maintenance plans, evidence of qualifications or experience. The Council must be wary of proposed licence holders that do not disclose to it sufficient information to make an informed judgement on financial viability.	The Council must be satisfied that day to day management and repair of the site is provided for. It must also be satisfied that long-term maintenance and, where necessary, improvements are undertaken or planned for. Lack of evidence of compliance may be sufficient in its own right to refuse an application.
4.6	Amenity impacts.	The planning regime includes consideration of a development's effects on the surrounding environment, places, people and buildings. The licensing regime provides for the protection of the residents of the site with regard to site integrity, residents' amenity and the provision of services to them. Impacts compliant with planning requirements may still adversely affect the management and running of a site in these respects. Site operators should aim to maintain a site's provisions at the very least and	Evidence that changes to a site have resulted, or will result in, a reduction in the level of services and amenities provided to residents may be sufficient in their own right to refuse an application. Evidence that changes have come about through

Mobile Homes (Site Licensing Applications) Determinations Policy

		make improvements where reasonable to do so.	consultation with residents and with their agreement will be considered as mitigation.
4.7	Site Integrity	For the protection of residents, to reduce adverse impacts on a site's integrity and to assist in the prevention of site operators avoiding obligations under a licence, the Council wishes to ensure existing sites are not divided amongst multiple licences, or that land is not removed from a licence. Evidence of long-term maintenance and/or improvements planned for the future sustainability of a site will be considered in this respect; the lack of such evidence may be taken as indicating a reduction in a site's future integrity.	An application may be refused if the Council cannot ensure the site as a whole is adequately maintained or managed – through the licence or otherwise.
4.8	Compliance with terms and conditions	In addition to 4.5 (above), the Council may seek evidence that consideration has been given to the impact of pitch fees, service charges and other costs on residents of the site. It is recognised that site operators must ensure the success of their business in order to manage and maintain sites. The occupancy profile of a site will have a bearing on the ability to raise money through service charges.	The ability to fund routine repairs and long-term maintenance will contribute to the assessment at 4.5 (above).
4.9.1 and 4.9.2	Amenity and Services	Fragmentation of sites and/or the creation of complex management systems through a variety of companies or individuals creates obstacles to residents and enforcers. Licence holders and site operators are expected to cooperate with the licensing authority and provide transparency.	The ability to identify responsible bodies and to ensure routine repairs and long-term maintenance will be undertaken will contribute to the assessment at 4.5 (above).
4.9.2 to 4.9.7, 4.9.9 and 4.9.10	Conduct etc. of existing licence holder	It is important that anyone planning to buy or transfer a relevant protected site should contact the licensing authority before applying to do so. Existing licence holders should not attempt to avoid responsibilities by withholding information from a purchaser or by attempting a transfer of a licence during periods of licensing authority investigation or enforcement. A failed application to grant or transfer a licence may result in a new owner operating a site without the requisite licence; a person or company can be prosecuted and face an unlimited fine on conviction for this offence.	A licence should not normally be granted or a transfer agreed if the result is likely to allow an existing licence holder to avoid the consequences of any pending or existing enforcement action, etc.. The application may be granted where a written undertaking has been given by the existing licence holder or proposed licence holder (but

Mobile Homes (Site Licensing Applications) Determinations Policy

		<p>Under this policy and in addition to matters listed in the DCLG guidance, account will be taken of whether the existing or proposed licence holder, or any director, manager, secretary or other similar officer of any company associated with the management or running of a site has been convicted of failing to comply with relevant notices or is being or has been investigated in relation to offences relevant to the running of caravan sites elsewhere in the UK – and the outcomes of those investigations, if any. The licensing authority may make such enquiries as it deems necessary to establish the position in relation to these factors.</p> <p>Undertakings between the licensing authority and an existing or proposed licence holder can be considered, although there is no obligation on the licensing authority to either seek an undertaking or agree to one if offered.</p>	<p>not a third party) to the satisfaction of the licensing authority. A lack of enforcement action or history of investigation(s) should be deemed to support the application.</p>
4.9.8, 4.12 and 4.13	Licence conditions	<p>An applicant may propose new licence conditions, or amendments to or removal of, existing conditions. Reasons for the proposal must be submitted at the same time. Consideration will be given to any such proposals, in particular with regard to the suitability of the conditions proposed and the ability of the proposed licence holder to follow them.</p> <p>The licensing authority may also make proposals regarding conditions for new licences (or at any time within the scope of the licence application regime). The cooperation of the applicant is expected. A transfer application should not be submitted where the licensing authority was planning to change the licence conditions. In this case the application will normally be refused and an application for a new licence will be requested.</p>	<p>Evidence that any licence conditions will be adhered to should be deemed to support the application.</p> <p>Evidence of a failure to do so in relation to any caravan site licence held, currently or previously, may contribute to a decision to refuse an application but is unlikely to lead to a refusal in its own right.</p>
4.8.11	Any other matters (1)	The current Regulations may provide for matters other than those detailed in this Policy to be considered.	Such matters will be determined according to the merits and circumstances of each application and will be weighted accordingly.
4.8.12 and 4.10	Any other matters (2)	The licensing authority may consider any other matter deemed to be relevant in the particular circumstances of any application. Applicants may also submit at the outset, any information they wish to have considered.	Such matters will be determined according to the merits and circumstances of each application and

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			will be weighted accordingly.
4.8.12	Any other matters (3)	<p>The licensing authority will want to consider the future sustainability of the site, to have regard to whether residents will become homeless.</p> <p>Protected residential sites by definition mean that residents do not have alternative accommodation; the ability to move from one site to another, or to find alternative housing, is usually dependent on the value of the mobile home and pitch. However the Council will have regard to the moral hazard of retrospective conditions which incentivise site owners to breach conditions with impunity</p>	<p>Evidence of matters which may reduce a site's sustainability or interfere with the stability of residents' housing provision may contribute to the assessment at 4.6 (above).</p>
4.8.12	Any other matters (4)	<p>Statutory procedures for increasing pitch fees are in place through the Mobile Homes Act 2008, as amended by the Mobile Homes Act 2013: Implied Terms in Park Home Pitch Agreements.</p> <p>The above implied terms also provide for the consultation of residents and residents' associations. In particular, a site owner is obliged to consult a resident about improvements to the site in general.</p> <p>Consultation of a residents' association is required for all matters which relate to the operation and management of, or improvements to, the site which may affect residents either directly or indirectly.</p>	<p>Evidence that adherence has been paid, or will be paid, to these procedures may be deemed to support the application.</p> <p>A lack of such evidence, or evidence to the contrary may be used in considerations for refusal, including at 4.6 (above).</p>

APPENDIX C

Example Licence Conditions from the Model Standards 2008 for Caravan Sites (England)

Note: The following example conditions do not comprise an exhaustive list of possible conditions. The council may add, remove or amend site licence conditions (subject to consultation provisions) at any time. It is the council's intention under this policy to ensure licence conditions are suitable and relevant to individual sites on a case-by-case basis and may include conditions relating to items including, but not restricted to, site rules, financial matters (including hardship) or site integrity.

1. The Boundaries and Plan of the Site

- i. The boundaries of the site from any adjoining land shall be clearly marked by a manmade or natural feature.
- ii. No caravan or combustible structure shall be positioned within three 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 six metres (the separation distance) from any other caravan which is occupied as a separate residence.
- ii. No caravan shall be stationed within two 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 material to its facing walls, 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 sub-paragraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed two metres in length and one 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 that the total distance between the extremities of two facing caravans is not less than five metres, except where sub-paragraph (iii) applies, in which case the extension into the separation distance shall not exceed 4.24 metres.

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- (c) Any structure, including steps, ramps etc. (except a garage or car port), which extends more than one 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 one 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 three 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 macadam 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 three 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.
- 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 outward 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 surrounds of a pitch.

8. Supply and 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 electrical 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.

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- iii. All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and European and British 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 wastewater drainage by either 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 and 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 entrance 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 site entrance.

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- iii. A copy of the current site licence shall be available for inspection in a prominent place on the site.
- iv. In addition, the following information shall 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 a risk of 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.
- ii. **Fire Points:** 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'.
- iii. **Fire Fighting Equipment:** where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than five metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose of not less than 35 metres long, having a means of

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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 (two x nine litres) which comply with the current British or European Standard.
- vii. **Fire Warning:** a suitable means of raising the alarm in the event of a fire shall be provided at each fire point.
- viii. **Maintenance and Testing of Fire Fighting Equipment:** 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.
- x. All equipment susceptible to damage by frost shall be suitably protected.
- xi. **Fire Notices:** 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:

- Ensure the caravan or site building involved is evacuated
- Raise the alarm
- Call the Fire and Rescue Service (the nearest telephone is sited at:.....)'

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EQUALITY IMPACT ASSESSMENT

Name of activity:	Mobile Homes Determination Policy	Date Completed:	9/5/2022
Directorate / Division responsible for activity:	Technical Services	Lead Officer:	Neil Williamson
Existing Activity	X	New / Proposed Activity	Changing / Updated Activity

What are the aims / main purposes of the activity?

Determination Policy review – ensures transparency in regulation of site licensing activities

What are the main actions and processes involved?

Policy sets out how determinations will be made for various mobile homes licensing applications

Who is intended to benefit & who are the main stakeholders?

An approved policy provides transparency of decision making for site licence holders and reassurance to site residents of the processes and actions available to the Local Authority to regulate caravan sites.

Have you already consulted on / researched the activity?

This is a review of an existing policy, no specific consultation conducted as minor amendments only proposed.

Impact on people with a protected characteristic (What is the potential impact of the activity? Are the impacts high, medium or low?)

Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
Age (older / younger people, children)	Yes	Positive impact – transparency of processes and decision making for regulation of caravan sites
Disability (people with physical / sensory impairment or mental disability)	No	
Gender reassignment (the process of	No	

transitioning from one gender to another.)		
Marriage & civil partnership (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognized for same-sex couples)	No	
Pregnancy & maternity (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	No	
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	Yes	Positive impact – transparency of processes and decision making for regulation of caravan sites
Religion & belief (religious faith or other group with a recognised belief system)	No	
Sex (male / female)	No	
Sexual orientation (lesbian, gay, bisexual, heterosexual)	No	
Whilst Socio economic disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	Yes	Positive impact – transparency of processes and decision making for regulation of caravan sites

What evidence has been used to assess the likely impacts?
Knowledge and experience from delivering these services over many years.

Decision following initial assessment			
Continue with existing or introduce new / planned activity	Yes	Amend activity based on identified actions	

Action Plan			
Impact identified	Action required	Lead Officer	Deadline

Monitoring & Review	
Date of last review or Impact Assessment:	N/A
Date of next 12 month review:	
Date of next 3 year Impact Assessment (from the date of this EIA):	

Date EIA completed:	9/5/2022
Signed by Person Completing:	N. Williamson

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF LICENSING COMMITTEE ON 17 JUNE 2022

SUBJECT: Review of Mobile Homes Licensing Fees Policy

REPORT AUTHOR: Neil Williamson – Environmental Health Team Leader

DATE: 26 May 2022

EXTN: 01903 737676

AREA: Technical Services

EXECUTIVE SUMMARY:

Local Authorities have been permitted to charge fees to reclaim the costs of administering and monitoring site licences for relevant protected sites since 2015.

Arun District Council's Mobile Homes Licensing Fees Policy sets out the fee arrangements. The fees policy was first published in 2015 and last reviewed and revised in 2016.

This report details the findings of a review of the Policy and presents a revised Policy for adoption.

RECOMMENDATIONS:

That Committee:

1. Adopt the Mobile Homes Licensing Fees Policy; and
2. Delegate authority to the Group Head of Technical Services in conjunction with the Section 151 Officer to make minor amendments to the Policy.

1. BACKGROUND:

Caravan sites have been licensed since the Caravan Sites and Control of Development Act 1960 was enacted. In 2015, the Mobile Homes Act 2013 expanded the scope of the Council's remit in regulating mobile homes sites and allowed the Council to adopt a Caravan Site Licensing Fees Policy and charge fees.

Arun District Council's Mobile Homes Licensing Fees Policy sets out the fee arrangements and was first published in 2015 and last reviewed and revised in 2016. A further review of the policy has now been carried out, together with a comprehensive review of the fee calculations. The revised policy is provided in Appendix 1 and the revised fee calculations are given in Appendix 2 to this report.

Since the last review of the policy, a number of processes have been streamlined, and changed, including new online applications and a new online register. The fee calculations have been updated to reflect these changes.

A risk-based inspection frequency has also been introduced, which targets inspections of mobile homes sites based on the overall risk they present. This has meant a reduced inspection frequency for some sites, and fewer inspection carried out each year. This has been reflected in the fee calculations resulting in a reduced annual fee proposed for 2022, due to lower costs to the Local Authority. The corresponding reduction in income is already reflected in the 2022/23 budget.

Only minor amendments were deemed necessary to the Policy itself, principally formatting, wording changes to simplify the content, updating officer titles and committee names and including the fees proposed for 2022.

The Policy also includes delegation to the Group Head of Technical Services to make minor amendments, to the Policy, in consultation with the Section 151 Officer. A revision history has also been added to improve tracking of changes over time.

The revised Policy is recommended for adoption.

2. PROPOSAL(S):

That Committee:

1. Adopt the Mobile Homes Licensing Fees Policy; and
2. Delegate authority to the Group Head of Technical Services in conjunction with the Section 151 Officer to make minor amendments to the Policy.

3. OPTIONS:

1. Amend and adopt the Mobile Homes Licensing Fees Policy
2. Do not adopt the Mobile Homes Licensing Fees Policy
3. Amend the delegation
4. Do not delegate

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		X

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	X	
Legal	X	
Human Rights/Equality Impact Assessment	X	
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X

Technology		X
Other (please explain)		X

6. IMPLICATIONS:

Financial Implications

The approved budget for 2022/23 includes income from Mobile Homes licence fees of £4,600. The recommended charges are expected to realise income in line with the expected budget.

7. REASON FOR THE DECISION:

To ensure the fees policy is kept under review and remains current and to enable recovery of costs associated with delivering these services.

8. BACKGROUND PAPERS:

Appendix 1: Mobile Homes Licensing Fees Policy (revised 2022)

Appendix 2: Mobile Homes Licensing Fees Calculations 2022

Appendix 3: Equalities Impact Assessment Mobile Homes Licensing Fees Policy

[Caravan site licensing fees - current](#)

Mobile Home Licensing Fees Policy 2016

[Papers for Agenda Items 26 to 29, 31 to 32 and 36.pdf \(arun.gov.uk\)](#)

(PDF pages 93 to 106)

[Mobile homes licensing fees policy - current](#)

[Mobile Homes Act 2013: advice to local authorities on the new regime for applications for the grant or transfer of a site licence](#)

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Mobile Homes

Licensing Fees Policy



Version: 002
Dated: May 2022

OVERVIEW

The Caravan Sites and Control of Development Act 1960 (the 1960 Act) was amended by the Mobile Homes Act 2013 (the 2013 Act)¹ enabling local authorities to reclaim costs for administering and monitoring site licences for relevant protected sites².

This policy has been developed in conjunction with the above acts and with reference to specific government guidance³. In addition, this policy has been framed in conjunction with the Pan-Sussex Group which comprises most local authorities across East and West Sussex. The Group is attended by local authority officers who regularly deal with caravan site licencing matters.

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¹Department for Communities and Local Government: Mobile Homes Act 2013: a guide for local authorities on setting licence fees (March 2014).

²As per the definition in Appendix A of Department for Communities and Local Government Guidance: advice to local authorities on the new regime for applications for the grant or transfer of a site licence (March 2015).

³Open for Business – LGA guidance on locally set licence fees (June 2017).

2. BACKGROUND

2.1 Local authorities can reclaim costs for administering and monitoring site licences for relevant protected sites¹. This allows for a fee to be levied in relation to the following:

- a new site licence
- transfer of a site licence
- variation (amendment) of a site licence
- an annual fee
- deposition of site rules

2.2 this policy relates to the following:

- the fee payable in each circumstance
- the method of apportionment of those costs in setting the fee
- if an annual fee is payable, when it is to be paid
- determining an implementation date
- how surpluses and deficits will be managed
- other matters that are deemed to be relevant.

3. REVIEW AND PUBLICATION

3.1 This policy is a working document that may be subject to change from time to time, for example, due to changes in legislation or national guidance. The fees policy first came into force in 2015, was revised in 2016 and again in 2022, and will be reviewed every five years. Minor changes and corrections can be made by the Group Head of Technical Services and will be recorded in Appendix A – History of Policy Revisions.

3.2 This policy will be published on Arun District Council's website at:
www.arun.gov.uk.

4. DEFINITION OF A RELEVANT PROTECTED SITE

4.1 Any licensable caravan site will be deemed to be a relevant protected site unless it is exempt. A site is exempt if it has planning permission or a site licence for exclusive holiday use or if there is a restriction on its use as a permanent residential site.

4.2 If a site has consent for holiday use with ancillary residential use (and the residential use is only by the owner or his employees working on the site), then the permanent occupation does not make the site a relevant protected site.

4.3 If any doubt arises as to whether a site falls under the definition of a relevant protected site, the guidance issued by the Department for Communities and Local

Government (DCLG) entitled '*Park Homes: Site Licensing - Definition of relevant protected sites*' will be referred to by officers to clarify the status of the site.

5. BREAKDOWN OF COSTS

5.1 The Mobile Homes Act 2013 enables a local authority to reclaim costs for administering and monitoring site licences but prevents the authority from:

- making a profit
- recovering enforcement costs for a breach of condition etc. (separate provisions are provided for under the Mobile Homes Act 2013)
- recovering costs associated with unlicensed sites.

5.2 Each application type and annual inspection has been broken down into its constituent parts in order to clearly identify:

- each task involved in the process
- the average amount of time taken to complete each task
- the job role of the officer completing the task.

5.3 The 'on-costs' (salary of post holder plus any additional costs incurred by the employer as a result of employing a person in that position) for each job role have also been applied to determine the overall fee associated with each application type and in order to calculate the annual fees.

6. FEES PAYABLE

6.1 The fees are based on the number of units located on each site and are split into individual bandings.

6.2 Below is a table stating the fee associated with each application type within each banding **for 2022/23**.

Number of caravans on the site	2-5 (Band A)	6-24 (Band B)	25-99 (Band C)	100+ (Band D)	Single caravan sites and single-family sites (Band E)
New licence*	£554*	£680*	£775*	£886*	£140
Transfer of licence*	£501*	£596*	£659*	£723*	£140
Variation of licence	£400	£400	£400	£400	£100
Annual Fee	£310	£322	£345	£359	Exempt
Deposition of site rules	£210	£210	£210	£210	N/A

*If the number of land registry titles for the site exceeds one, an additional fee of £100 per additional title will be added to the new and transfer application fees stated in the table above.

- 6.3 The fees stated above are subject to change for the reason outlined in the paragraph below with revised fees published on the Council's website.
- 6.4 A local authority cannot make a profit from the proceeds raised from the licensing fees associated with relevant protected sites. To ensure that any surplus or deficit can be responded to quickly, officers, in consultation with the Group Head of Technical Services and the S151 Officer, are authorised to amend and update the fees calculations as the need arises.

6.5 Single unit sites and single family sites

- 6.5.1 The following sites are, as a policy decision, exempt from having to pay an annual fee:
- site consisting of one unit
 - sites occupied solely by the owner and their family and not run for financial gain (this would include typical small Gypsy Roma and Traveller sites).
- 6.5.2 The above sites have been exempted to not unduly burden individual households.
- 6.5.3 Any complaints received will be responded to in accordance with our complaints procedure.
- 6.5.4 A nominal fee for the other application types will be charged in respect of single unit site occupiers and family sites to reduce the financial burden upon individual park home-owning households.
- 6.5.5 If the applicant claims to qualify for Band E due to being a single family site, additional information may be requested by officers in order to verify this claim. If there is any doubt as to the legitimacy of the claim, the matter will be referred to the Environmental Health Team Manager or another manager in the Environmental Health service to determine what banding the site falls into, therefore the appropriate fee that needs to accompany any application.

6.6 Depositing Site Rules

- 6.6.1 Site rules are different to the site licence conditions. Site rules are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The council must keep an up-to-date register of site rules on relevant protected sites and publish the register online.
- 6.6.2 Before publishing the site rules, the council must ensure that the rules deposited with them have been made in accordance with the statutory procedure. A fee can be charged for this function, and this is shown in the table at section 6.2.

- 6.6.3 Any site rules deposited with the local authority 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 a first deposit or for a subsequent amendment or deletion. This is because the process is very similar for all three types of deposits.

7. ENFORCEMENT

- 7.1 Where a breach in a site licence condition comes to the attention of the council, we may serve a compliance notice. The 2013 Act has amended the 1960 Act so that it 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.
- 7.2 A detailed breakdown of the relevant expenses will be provided with the compliance notice. Charges will be based on an hourly rate in addition to any other costs incurred (for example legal costs).
- 7.3 Charges for enforcement costs cannot be passed on to the resident's pitch fee.
- 7.4 If any works in the compliance notice are not carried out, the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be awarded 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 licence holder.

8. IMPLEMENTATION DATE

The Fees Policy first came into force on 25 February 2015. This policy has been reviewed and revised in 2016 and 2022. Appendix A contains a history of revisions.

9. ANNUAL FEE CHARGING ARRANGEMENTS

The annual fee will be due on the 15 January 2017 for any existing sites and annually thereafter. Any sites licensed for the first time after the implementation date will attract an annual fee on the anniversary of the granting of the site licence.

10. MANAGEMENT OF SURPLUSES AND DEFICITS

- 10.1 A local authority can only charge in order to recover costs. Therefore, the fees will need to be reviewed annually and adjusted accordingly if a surplus or deficit has inadvertently been made.
- 10.2 Any changes to the calculation of fees will be made by officers in conjunction with the Environmental Health Team Manager.

11. OTHER MATTERS

- 11.1 A local authority is not required to consider any application made in relation to a relevant protected site unless that application is accompanied by the correct fee. This also applies to fees due when park rules are being deposited with the local authority.
- 11.2 If the application is not approved then the applicant is **NOT** entitled to a refund. This is because the application has been processed.
- 11.3 If an annual fee is not paid, the local authority is entitled to apply to a tribunal for an order requiring it to be paid. If that order is breached, the local authority can enforce the order in the county court. If, after three months from the order the arrears have still not been paid, the local authority can apply for an order to revoke the site licence.

APPENDIX A

History of Policy Revisions

The below table provides a history of changes to this policy:

Policy version no.	Date	Status	Summary of change(s)
1	February 2015	Original – Adopted by Full Council	N/A - original
2	July 2016	Adopted by Full Council	Details of powers to deal with unpaid fees added. Amended fees to recover costs more fully, Inclusion of supplementary land charges fee. Policy review frequency increased from three to five years
3	June 2022	Approval by Licensing Committee	Minor wording changes to reflect committee and officer title changes and to simplify Formatting changes Group Head Technical Services able to make minor changes and amendments to the Policy Fees updated to reflect current costs

ADC NEW LICENCE APPLICATION								
Task	Action	Bandings	Time (minutes)	Cost (£)	Officer			
1	Initial enquiry, planning checks, setting up case		40	42.17	SO			
2	Initial site inspection and guidance	Band A (2-5 units)	30	31.63	SO			
		Band B (6-24 units)	45	47.44	SO			
		Band C (25-99 units)	60	63.25	SO			
		Band D (100+ units)	90	94.88	SO			
3	Travel time (initial inspection)		60	63.25	SO			
4	Land Registry search (includes a flat-rate fee of £6)		10	16.54	SO			
5	Background checks on applicant to determine suitable person to hold licence and validate application		60	63.25	SO	Officer Role	Hourly rate of officer (including on-costs)	
6	BAND B, C & D ONLY - Preparation of draft site licence and consultations (applicant, fire service, planners etc.), feedback		120	126.50	SO	Senior Env. Health/Tech Officer (SO)	63.25	
7	BAND A ONLY - Preparation of draft site licence and consultations (applicant, fire service, planners etc.), feedback		60	63.25	SO	Environmental Health Team Manager (TM)	74.25	
8	Issue site licence (including any amendments following consultation)		30	31.63	SO			
9	Update public register		15	15.81	SO			
10	Review by Manager		30	37.13	TM			
11	Carry out full site inspection		Band A (2-5 units)	30	31.63	SO		
			Band B (6-24 units)	60	63.25	SO		
		Band C (25-99 units)	120	126.50	SO			
		Band D (100+ units)	180	189.75	SO			
12	Travel time (full inspection)	60	63.25	SO				
13	Records and administration	60	63.25	SO				
14	Communication with site owner on outcome of visit	Band A (2-5 units)	30	31.63	SO			
		Band B (6-24 units)	45	47.44	SO			
		Band C (25-99 units)	60	63.25	SO			
		Band D (100+ units)	90	94.88	SO			
NEW LICENCE FEE - Band A			8.58333333	554.40				
NEW LICENCE FEE - Band B			10.58333333	680.90				
NEW LICENCE FEE - Band C			12.08333333	775.77				
NEW LICENCE FEE - Band D			14.08333333	886.46				

ADC LICENCE TRANSFER					
Task	Action	Bandings	Time (minutes)	Cost (£)	Officer
1	Responding to initial enquiry		20	21.08	SO
2	Receipt and validation of application		30	31.63	SO
3	Land Registry Search (includes a flat rate fee of £6)		10	16.54	SO
3	Background checks on applicant to determine suitable person to hold licence and validate application		60	63.25	SO
4	Review existing licence and history including for outstanding notices and enforcement	Band A (2-5 units)	90	94.88	SO
		Band B (6-24 units)	180	189.75	SO
		Band C (25-99 units)	240	253.00	SO
		Band D (100+ units)	300	316.25	SO
5	Amend site licence and issue, including correspondence with owner (includes transferring from old hard copy to new electronic licence)		210	221.38	SO
6	Review by Manager		30	37.13	TM
7	Amend public register		15	15.81	SO
TRANSFER FEE - Band A			7.75	501.69	
TRANSFER FEE - Band B			9.25	596.56	
TRANSFER FEE - Band C			10.25	659.81	
TRANSFER FEE - Band D			11.25	723.06	

ADC LICENCE VARIATION				
Task	Action	Time (minutes)	Cost (£)	Officer
1	Initial enquiry, providing details of application process and fees	15	15.81	SO
2	Receipt & validation of application	30	31.63	SO
3	Check historic breaches, outstanding notices etc	60	63.25	SO
4	Amend site licence & re-issue	45	47.44	SO
5	Site Licence reviewed by Manager	30	37.13	TM
6	Amend public register	15	15.81	SO
7	Additional time for considering proposed amendments, drafting alternative conditions, undertaking any consultation or correspondence (as required) and conducting site visit (as required)	180	189.75	SO
VARIATION FEE		6.25	400.81	

Officer Role	Hourly rate of officer (including on-costs)
Senior Env. Health/Tech Officer (SO)	63.25
Environmental Health Team Manager (TM)	74.25

ADC ANNUAL LICENCE FEE							
Task	Action	Bandings	Time (minutes)	Cost (£)	Officer		
1	Check EH system to verify next routine inspection		15	15.81	SO		
2	Write to owner to advise of intended inspection and update records		20	21.08	SO		
3	Review file		20	21.08	SO		
4	Travel time		60	63.25	SO		
5	Visit site and carry out routine inspection. Note compliance and non-compliance with site licence conditions	Band A (2-5 units)	30	31.63	SO	Senior Env. Health/Tech Officer (SO) Environmental Health Team Manager (TM)	Hourly rate of officer (including on-costs) 63.25 74.25
		Band B (6-24 units)	60	63.25	SO		
		Band C (25-99 units)	120	126.50	SO		
		Band D (100+ units)	180	189.75	SO		
6	Site record keeping		30	31.63	SO		
7	Communication with site owner (to include correspondence) and updating records	Band A (2-5 units)	30	31.63	SO		
		Band B (6-24 units)	45	47.44	SO		
		Band C (25-99 units)	60	63.25	SO		
		Band D (100+ units)	90	94.88	SO		
8	Complaints and enquiries		60	63.25	SO		
8a	Legal Advice			0.00			
8a	Case review/manager discussions		15	34.38	SO&TM		
9	Revisit allowance including travel time of 60 mins (it is anticipated that 1 in 3 will need revisits, therefore hourly rate is divided by 3)	Band A - 90 mins (divided by 3)	90	31.63	SO		
		Band B - 120 mins (divided by 3)	120	42.17	SO		
		Band C - 150 mins (divided by 3)	150	52.71	SO		
		Band D - 180 mins (divided by 3)	180	63.25	SO		
ANNUAL FEE - Band A			Based on current risk rating 90% due inspection per year	4.666667	310.82		
ANNUAL FEE - Band B			Based on current risk rating 80% due inspection per year	7.416667	322.67		
ANNUAL FEE - Band C			Based on current risk rating 65% due inspection per year	9.166667	345.06		
ANNUAL FEE - Band D			Based on current risk rating 60% due inspection per year	11.16667	359.01		

ADC DEPOSITION OF SITE RULES						
Task	Action	Time (minutes)	Cost (£)	Officer		
1	Check for prohibited rules and proof of consultation/compliance	60	63.25	SO		
2	Record and upload copy of rules on website	20	21.08	SO	Officer Role	Hourly rate of officer (including on-costs)
3	Communicate/consult with residents affected by site rules	60	63.25	SO		Senior Env. Health/Tech Officer (SO)
4	Review any feedback	30	31.63	SO	Environmental Health Team Manager (TM) 74.25	
5	Finalise deposit of site rules	30	31.63	SO		
	DEPOSITION OF SITE RULES	3.33333	210.83			

COMPLIANCE NOTICE	
Officer Role	Hourly rate of officer (including on-costs)
Senior Env. Health/Tech Officer (SO)	63.25
Environmental Health Team Manager (TM)	74.25

EQUALITY IMPACT ASSESSMENT

Name of activity:	Mobile Homes Licensing Fees Policy	Date Completed:	9/5/2022
Directorate / Division responsible for activity:	Technical Services	Lead Officer:	Neil Williamson
Existing Activity	X	New / Proposed Activity	Changing / Updated Activity

What are the aims / main purposes of the activity?

Reviewed Fees Policy to support recovery costs associated with certain caravan site licensing functions

What are the main actions and processes involved?

Fees Policy to provide transparency in charging arrangements. Recovery of costs only.

Who is intended to benefit & who are the main stakeholders?

Arun residents benefit from fees being charged to recovery costs of service delivery. Fees are charged to site licence holders

Have you already consulted on / researched the activity?

This is a review of an existing policy, no specific consultation conducted. Fees can only be charged to recovery costs.

Impact on people with a protected characteristic (What is the potential impact of the activity? Are the impacts high, medium or low?)

Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
Age (older / younger people, children)	Yes	A review of fees calculations has been carried out. Concessions for single family units sites are maintained, including exempting single-family units from annual fees. Annual fees reduced for 2022.
Disability (people with physical / sensory impairment or mental disability)	No	
Gender reassignment (the process of	No	

transitioning from one gender to another.)		
Marriage & civil partnership (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognized for same-sex couples)	No	
Pregnancy & maternity (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	No	
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	Yes	A review of fees calculations has been carried out. Concessions for single family units sites are maintained, including exempting single-family units from annual fees. Annual fees reduced for 2022.
Religion & belief (religious faith or other group with a recognised belief system)	No	
Sex (male / female)	No	
Sexual orientation (lesbian, gay, bisexual, heterosexual)	No	
Whilst Socio economic disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	Yes	A review of fees calculations has been carried out. Concessions for single family units sites are maintained, including exempting single-family units from annual fees. Annual fees reduced for 2022.

What evidence has been used to assess the likely impacts?
Knowledge and experience from delivering these services over many years.

Decision following initial assessment			
Continue with existing or introduce new / planned activity	Yes	Amend activity based on identified actions	

Action Plan			
Impact identified	Action required	Lead Officer	Deadline

Monitoring & Review	
Date of last review or Impact Assessment:	N/A
Date of next 12 month review:	
Date of next 3 year Impact Assessment (from the date of this EIA):	

Date EIA completed:	9/5/2022
Signed by Person Completing:	N. Williamson

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Agenda Item 9

Licensing Committee - Work Programme

Licensing Committee	Lead Officer	Date of Meeting	Time	Full Council Meeting Date
Review of Mobile Homes Licensing Fees Policy Review of Mobile Homes Licensing Determination Policy Work Programme	Neil Williamson	17 June 2022	6pm	13-Jul-22
Taxi Policy Review Work Programme	Sarah Meeten	9 September 2022	6pm	14-Sep-22
Licensing Fee Setting Taxi Fare Setting Work Programme	Sarah Meeten	9 December 2022	6pm	18-Jan2023
Work Programme		10 March 2023	6pm	TBC

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