

Report to Community Overview and Scrutiny Panel

Agenda
Item:
A.4

Meeting Date: 19th June 2014
Portfolio: Housing
Key Decision: Yes
Within Policy and
Budget Framework Yes
Public / Private Public

Title: IMPLEMENTATION OF MOBILE HOMES ACT 2013
Report of: The Director of Local Environment
The Director of Economic Development

Report Number: ED20/14
LE10/14

Purpose / Summary: The purpose of the report is to outline proposals for the introduction of the Mobile Homes Act 2013 and the charges that will directly impact upon protected sites (mobile home sites) in the district.

The new Act introduces new conditions for these sites and a fee structure is to be implemented for funding the council's costs for licensing the sites.

Recommendations:

1. That the Overview and Scrutiny panel consider the report, note the requirements of the new Mobile Homes Act and make comment to the Executive on the recommendations made in the report.

Tracking

Executive:	23rd June 2014
Overview and Scrutiny:	19th June 2014
Council:	

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housing
Janet Blair –Environmental Health **7329**



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Meeting Date:

Report to Executive

Agenda
Item:

23 June 2014
Finance, Governance and Resources
Housing & Health

Portfolio:

Key Decision: Yes

Within Policy and Budget Framework Yes

Public / Private Public

Title: IMPLEMENTATION OF MOBILE HOMES ACT 2013

Report of: The Director of Local Environment
The Director of Economic Development

Report Number: ED20/14
LE10/14

Purpose / Summary:

The purpose of this report is to outline proposals for the introduction of the Mobile Homes Act 2013 and the changes that will directly impact upon the protected sites in the district. The new act introduces new conditions for these sites and a fee structure is to be implemented to fund the staffing costs incurred by the Council in licensing these residential caravan sites.

Recommendations:

1. The implementation policy is approved for use by Environmental Health and Private Sector Housing Services
2. Approve the charges to be introduced

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 The Mobile Homes Act 2013 (MHA 2013) was introduced in order to provide greater protection to occupiers of residential caravans and mobile homes. It received royal assent on 26 March 2013 with some parts implemented on 26 May 2013. The MHA 2013 will introduce some important changes to park home site licensing on 1 April 2014, due to its amendments to Caravan Sites and Control of Development Act 1960 (the Amended Act).
- 1.2 These changes in legislation include the ability for Local Authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences and for annual fees.
- 1.3 In order to be able to charge these fees the Council needs to publish them within a Fees Policy. The implementation policy (appendix 1) has therefore been produced so that these fees can be incorporated within the Council's 2014/15 Fees and Charges Schedule. The fees structure needs to be in place from April 2014 and will enable fee recovery by the Council.
- 1.4 The responsibility for caravan licensing is currently split between, Local Environment and Economic Development. The Private Sector Housing team within Economic Development deal with all Gypsy and Traveller sites and the Environmental Quality team within Local Environment deals with all other caravans sites, both commercial and residential.

2 PROPOSALS

- 2.1 The Act enables Local Authorities to fix different fees or to determine that no fee is required to be paid in certain cases. The fees associated with applying initially for a new site licence, for transfers, standard amendments, site expansion amendments and for annual fees are detailed in the Implementation Policy in Appendix 1.
- 2.2 Under the Mobile Homes Act 2013 Local Authorities can serve enforcement notices and carry out works in default to remedy breaches of site licence conditions, and charge fees in relation to this, the detail of the proposed fees are contained with appendix 1
- 2.3 The Act enables Local Authorities to determine if the licensee applicant is a Fit and Proper person. At present it has not been clarified by the government how the Local Authority would carry out such checks, so consideration should be given to the Policy being amended in the future to encompass this new requirement.

3. CONSULTATION

- 3.1 Consultation has taken place with the site owners that will be affected by the changes. A copy of the consultation letter (appendix 2) and site licensee feedback (appendix 3) is provided.

3.2 Amendments have been made to the draft policy following feedback

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 The implementation policy will enable to the Council to adopt a licensing fee and enforcement charges structure as required under legislation.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 The Council has a vision that 'In everything we do, we aim to promote a proud and prosperous Carlisle'

With six key priorities to

- Fostering more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bringing in new ones.
- Providing a vibrant arts, cultural and heritage offering that befits Carlisle's history and traditions
- Working more effectively through partnerships
- Helping to ensure that Carlisle develops a skilled and prosperous working age population for the 21st Century
- Making Carlisle clean and tidy *together*
- Helping address Carlisle's Housing Need

5.2 This report meets the Carlisle plan in delivering on helping address housing needs, fostering high quality and sustainable business and its delivers on working more effectively through partnerships.

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Appendices attached to report:

- Appendix 1 – Implementation Policy 2014
- Appendix 2 – Consultation Letter
- Appendix 3 – Feedback from site owners

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive -

Economic Development –

Governance – The Mobile Homes Act 2013 amends the Caravan Sites and Control of Development Act 1960. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that the Executive may deal with all parts of the Caravan Sites and Control of Development Act 1960 bar section 3(3) which relates to the issue of a licence; this responsibility falls to the Council's Regulatory Panel. Accordingly, the matters raised in this report are correctly brought before Members of the Executive.

Further, Financial Procedure Rule D31 of the Council's Constitution provides that no new charge shall be made without the prior approval of the Executive on a Report from the Director concerned.

Local Environment –

Resources - It is the function of the Executive to approve all fees and charges made by the Council for supplies and services provided. The proposed new charges in relation to the Mobile Homes Act 2013 are set out in Appendix 2 of the Implementation Policy and it is expected that income of approximately £3,000 may be generated. In future these charges will form part of the Director's Corporate Charging report considered each year as part of the annual budget cycle.

**The Mobile Homes Act 2013
Implementation Policy
2014**

1. BACKGROUND

The mobile homes Act 2013 came about when the Department of Communities and Local Government (DCLG) proposed major reforms to the caravan site legislation with the aim of giving greater protection to occupiers of residential caravans and mobile homes). DCLG stated in their Impact Assessment of the consultation “A Better Deal for Mobile Home Owners Changes to the Local Authority Site Licensing Regime” (published November 2012) that the existing legislation did not allow local authorities to charge fees for issuing and monitoring site licenses, or allow local authorities to take enforcement action if conditions were not met. They added that in practice, this severely limited local authorities resources to provide effective scrutiny of the sector.

The Mobile Homes Act 2013 (MHA 2013) was therefore introduced, receiving royal assent on 26 March 2013 with some parts implemented on 26 May 2013. The MHA 2013 introduced some important changes to park home site licensing on 1 April 2014 due to it's amendments to CSCDA 1960. These changes include the ability for Local Authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees. Site owners may recover the annual fees through an increase in pitch fees, however, residents will benefit as these fees will help Local Authorities to increase their activity in an area that has historically been under-resourced.

Section 29 of the 1960 Act defines what constitutes a caravan and caravan site, and these are commonly known as park homes and park home sites. This definition was amended by the Mobile Homes Act 2013, (Park homes site licensing definition of relevant protected sites)

As part of the changes the Council must produce a policy on charging fees. This Policy therefore sets out the Councils policy for implementation of a fee charging structure, the park home sites licence conditions and procedures for enforcement under the Mobile Homes Act 2013.

2. THE APPLICATION OF THE MOBILE HOMES ACT 2013 IN CARLISLE

2.1 SETTING LICENCE FEES AND CHARGES

The Act enables Local Authorities to fix different fees or to determine that no fee is required to be paid in certain cases. The fees associated with applying initially for a new site licence, for transfers, standard amendments, site expansion amendments and for annual fees are detailed in Appendix 2.

In 1 January 2014 the Council was administering site licenses for 14 residential caravan sites, 5 of which are single mobile homes, plus 2 showman's guild sites, leaving 7 which unless exempt according to the list within appendix 1 fall under the mobile homes act 2013 licensing regime.

Licences can only be issued to the owners of sites that have obtained valid planning permission.

2.2 TIME WHEN FEES ARE PAYABLE

Section 10A(5) of the Amended Act states that the 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 mirror the financial year (1 April to 31 March) and will be paid in advance. Invoices will be sent out during the month of April requiring payment within 30 days. Where a new site is licensed part way through the year then an invoice with the same payment terms will be sent shortly after the licence is issued for the pro-rata amount.

Where a site is expanded part way through the year to include additional units the corresponding higher fee would apply from that point. In such cases an invoice with the same payment terms, covering the difference between the original and increased fee for the remainder of the financial year will be sent shortly after the amended licence has been issued.

2.3 FIT AND PROPER PERSONS CHECKS

The MHA 2013 makes provisions for regulations to be made requiring site owners to be "fit and proper persons" and for Local Authorities to keep such registers up to date. At present it has not been clarified by government how the Local Authority would carryout such a check, so amendments maybe made in the future to this Policy should the position change. A relevant fees has been calculated within Appendix 2 should this be required in the future.

2.4 SITE RULES

Site rules are different to site licence conditions in that they are neither created nor enforced by Local Authorities. They are a set of rules created by the site owner which residents have to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing. The Site Rule Regulations come into force on the 4 February 2014 and set out a 12 month period, within which site owners will need

to replace existing site rules with new ones. These rules will need to be deposited with the Local Authority. A fee is built into the charging structure for depositing these rules.

A detailed copy of site rules is contained within appendix 3 and sites should base any rules on this locally adopted set of rules.

Local Authorities will need to satisfy themselves that replacement or new rules deposited with them have been made in accordance with the statutory procedure. They will also be required to establish, keep up to date, and publish a register of site rule. And the Local Authority may levy a fee for the depositing of site rules, or the variation or deletion of site rules.

2.5 SITE CONDITIONS

The legislation allows the authority to adopt model standard for site conditions which will form part of the site licence. A copy of which can be found in appendix 6.

The extent of any remedial works that maybe required under new site conditions will vary according to size, complexity, and whether there are issues arising with residents. Any works required will be agreed with individual site owners and time scales agreed for implementation in line with the enforcement policy.

3. ENFORCEMENT OF THE MOBILE HOMES ACT 2013

Subject to those exemptions detailed in appendix 1 there is a requirement for site owners to ensure that their park home sites are licensed. Failure to do so would be an offence under Section 1(2) of the CSCDA 1960 which can attract a fine not exceeding level 4 (currently £2500) on the standard scale upon summary conviction.

From the 1st April 2014 The MHA 2013 introduces the ability for Local Authorities to serve enforcement notices and to carry our works in default to remedy breaches of site licence conditions. The legislation also allows Local Authorities to charge a fee in relation to this.

Any enforcement will be inline with the authorities existing enforcement policies and based on the principles of openness, clear standards, proportionality, consistency of approach, targeting to areas of greatest need, and transparency as contained in the Enforcement Concordat issued by the Cabinet Office. Guidelines for enforcement of caravan site licensing are contained with appendix 4.

From 1st April 2014, licensing appeals will be heard by the First Tier Tribunal (Property Chamber). Appeals may be made about, the Refusal to grant or transfer a licence, conditions attached to a new licence, variation or refusal to vary conditions in an existing licence, compliance notices- including the local authority expenses, emergency works, including the cost of the works and expense.

The details on how to appeal will be contained within licences and enforcement notices.

Onward appeals are to the Upper Tribunal (Lands Chamber)

Appendix 1 - Exemptions

The first schedule of the Act sets out cases where a site licence is not required, including:

- Local Authority-owned sites
- Use incidental to a dwelling house within the same cartilage
- Sites where a single caravan is stationed on land for not more than two nights and not more than 28 days in any 12 month period
- Sites where caravans are stationed on land not less than five acres for not more than 28 days and no more than three caravans are stationed at any one time
- Sites where caravans are solely for seasonal agricultural/forestry workers employed on land owned by the site owner
- Sites where caravans are solely for workers employed in building or engineering operations on that or adjacent land
- Sites used by travelling showmen who are members of a relevant organisation
- Sites occupied by organisations holding a certificate of exemption

4 CHARGES FOR ENFORCEMENT UNDER THE ACT

In order to set the charging fee at an appropriate level, research has been undertaken into similar fee structures within the Council and the charges reflected in this policy are based on The Housing Act 2004 enforcement notice fees. The charges are based on an hourly officer rate determined by how much time is taken to carry out the enforcement, the rate was set at £54.50 per hour 2013/14 and is likely to remain the same for 2014/15. Due to the similarity of Housing Act and park home site enforcement notices the two are to be set at the same level. As part of this policy any future amendments to officer rates will be automatic.

The cost associated with administering the works in default for park home site enforcement will be set at 15% of the total cost of the works. This cost will also be recoverable from the licensee.

Further detail on the charging structures for enforcement is set out in appendix 2.

5 DETERMINING INSPECTION FREQUENCY

Each site will be risk assessed annually using a risk rating tool. The risk the site presents will be categorised as Low, Medium and High.

Low risk sites will be inspected annually and therefore only pay one inspection fee. However medium sites will be inspected two times a year and their annual fee will therefore be double. A high risk site will be inspected four times a year and their annual charge will therefore be multiplied by four.

6 COMPLAINTS

In the event that an individual or company is not satisfied with the Service or they do not agree with the action taken by the investigating officer, they should first contact the relevant section manager who will then escalate the complaint to a Senior Manager if appropriate. If this does not resolve your complaint the Council also has a formal complaints system.

List of Appendices

- Appendix 1, Exemptions
- Appendix 2, Enforcement and Fee Charges detail
- Appendix 3, Site Rules
- Appendix 4, Enforcement Policy
- Appendix 5, Risk Assessment Method
- Appendix 6, Site Conditions

Appendix 2

Information on the detail of the Charging Structure

Calculating Fees

The calculation and methodology relating to the calculation of fees involved a costing exercise using templates breaking down the amount of time taken for various steps in the processes. These templates included both fixed elements and elements (e.g. inspection time) that varied with the number of pitches. The templates were reviewed by officers responsible for licensing park home sites at Carlisle City Council and other Local Authorities in Cumbria.

Initial Licence Fee

When requiring a licence holder to pay an annual fee the Council will inform them of the matters to which they have had regard to in fixing the fee for the year in question, in particular the extent to which they have had regard to deficits or surpluses in the account for the annual fee for previous years. In determining the deficits or surpluses in the account any costs relating to the monitoring of conditions on sites, including informal action, will be considered by the Council unless they are specifically excluded by the Amended Act.

Initial Licence Fee = £294 (for up to 5 units/pitches) + £9 per additional unit

Inspection Fees

It was decided that it may be more appropriate to apply the cost of re-inspections through a surplus/deficit mechanism in the annual fee for subsequent years rather than including within the base annual fee. This would ensure that residents would not be adversely affected by the cost of re-inspections resulting from poor management, as site owners would only be able to take into account the base fee when recovering the cost of annual fees through pitch fees.

The average officer hourly rate was applied to the total time taken for the processes and other costs such as printing, postage and mileage were added. These templates were then used to create formulas that could be used in the calculation of the various fees. Annual fees were calculated by determining the total cost of providing the service for all current non-exempted sites using the appropriate formula.

Inspection Fee = £105 (for up to 5 units/pitches) + £10 per additional pitch

Risk Assessment

Each site will be risk assessed annually using a risk rating tool. The risk the site presents will be categorised as Low, Medium and High.

Low risk sites will be inspected annually and therefore only pay one inspection fee. However medium sites will be inspected two times a year and their annual fee will therefore be double. A high risk site will be inspected four times a year and their annual charge will therefore be multiplied by four.

Amendments

Amendment fees for expanding sites was calculated by using the relevant formula to determine the total cost of for processing such an application for all existing relevant protected sites.

Site Expansion Amendment Fee = £20 per pitch.

In addition to setting fees for the initial licence, transfer/amendment of licence, and annual fees there was a need to set an elevated level of fee for amendments to site licences relating to the expansion of sites to include additional pitches. The reason for the elevated level of fees is that these applications take significantly more time to deal with than a transfer or more straightforward amendment to a site licence, as they involve elements akin to the initial licensing of a site.

Transfer or Standard Amendment Fee = £250 per site.

The fee for the transfer or standard amendment of an existing licence was calculated by using the relevant formula to determine the cost of processing such applications. As the cost is not dependant on the number of pitches a single figure per site was obtainable.

Local Authorities may also charge a fee for alterations to licence conditions where these are requested by a site owner or where an application to transfer the licence to another person/organisation is received (Section 8 (1B) and Section 10 (1A) of the Amended Act, respectively).

We cannot accurately predict what new site licence applications the Council will receive going forward. It was therefore felt appropriate to work on the basis that new applications would broadly reflect the diversity with regards pitch numbers of the current relevant protected sites. As a consequence the fee for processing a new application for a site licence was calculated by using the relevant formula to determine what the total cost would be of processing new applications. .

Annual Fees

When requiring a licence holder to pay an annual fee the Council must inform them of matters to which they have had regard to in fixing the fee for the year in question, in particular the extent to which they have had regard to deficits or surpluses in the accounts for the annual fee for previous years. The costs associated with monitoring conditions on sites and dealing with licensing matters informally can be included within annual fees.

However, annual fees should not take into account any costs incurred in relation to enforcement activities such as serving compliance notices, emergency action, and works in default as these costs can be recovered by other means. Costs relating to Local Authorities providing sites for caravans cannot be taken into account in fee determination either.

Fees for depositing Site Rules

Once an administrative system is in place for holding and publishing site rules it is estimated that it will take approximately 1 hour for officers to undertake their duties in

relation to the deposited site rules. It is therefore appropriate to set a fee of £50.00 (based on the appropriate hourly rate) for the depositing of site rules by site owners. Any site rule amendments to be hosted will incur £50 charge.

Fees for Fit and Proper Persons Register Applications

It is believed that fit and proper person checks would take around 120 minutes. It is anticipated that updating and publishing a register would take a further 30 minutes. It is therefore appropriate to set a fee of £50.00 (based on the appropriate hourly rate) for making fit and proper person applications.

Time when Fees are payable

Section 10A(5) of the Amended Act states that the 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 mirror the financial year (1 April to 31 March) and will be paid in advance. Invoices will be sent out during the month of April requiring payment within 30 days. Where a new site is licensed part way through the year then an invoice with the same payment terms will be sent shortly after the licence is issued for the pro-rata amount.

Where a site is expanded part way through the year to include additional units the corresponding higher fee would apply from that point. In such cases an invoice with the same payment terms, covering the difference between the original and increased fee for the remainder of the financial year will be sent shortly after the amended licence has been issued.

Charges for Enforcement Notices and Works in Default

As this is a new provision Local Authorities have little to base their charges for park home enforcement notices on. Therefore the costs will be the cost of the work and the cost of managing the work in default, which will be based on officer time.

The charges are based on an hourly officer rate determined by how much time is taken to carry out the enforcement, the rate was set at £54.50 per hour 2013/14 and is likely to remain the same for 2014/15. Due to the similarity of Housing Act and park home site enforcement notices the two are to be set at the same level. As part of this policy any future amendments to officer rates will be automatic.

The cost associated with administering the works in default for park home site enforcement will be set at 15% of the total cost of the works.

The cost of deciding whether to take action, preparing and serving the various enforcement notices and the actual work itself can be recovered by Local Authorities through charges for notices and recharging for works in default. Unpaid charges can be placed as a charge against the site owner's land.

An example of mobile homes Park Rules could include

1. Period of licence from X to Y (depending on the sites planning permission),
2. Pitch fees are subject to annual review
3. Pitch fees shall be paid xxxxx Pitch fees or part thereof are refundable.
- 4 Rates, water and electricity are charged separately?
5. No unaccompanied young people are to live in mobile home. The definition of young to be at the discretion of the caravan park owner
6. There must be no subletting of mobile homes, friends and family accepted.
7. The licence holder must keep the mobile home in a good state of repair, and must keep the ground on which it stands and that immediately surrounding it, neat and tidy.
8. All mobile homes must have a fire extinguisher in working order and fire blanket.
State what sites fire fighting equipment is available.
9. Residents are responsible for the cutting of grass etc immediately surrounding their caravan. Paving stones and flags to be laid flush with surrounding grass.?
10. No exterior construction, including verandas, porches, sheds etc is to be erected without permission. No wooden sheds allowed, only aluminium. For reasons of safety, tidiness and security do not store items underneath or between caravans.
11. No tents to be erected on the site. Trampolines must be dismantled when not in use.
12. Refuse must be put into plastic bags and then into wheelie bins provided at the Park. Do not put organic garden refuse in the wheelie bins or the bulky materials from DIY projects. (These can be taken to Hespian wood Tips
13. Air rifles, guns and fireworks are strictly prohibited on this park.
14. Drivers must hold a full driving licence. Cars may be parked beside mobile homes. A speed limit of 10mph must be observed at all times. This applies to all forms of motorised transport and to bicycles.
15. All site users must behave and conduct themselves with thought and consideration for others on the site. Noise of any kind, including music, should be kept at a discreet level and music after 11pm should only be played and audible inside the mobile home

concerned.

16. The licensee is responsible for the behaviour of any visitors to their caravan

17. No caravan shall remain on the pitch if it is over xxx years old.

18. If you wish to sell your caravan we must be offered first refusal. Caravans being removed from the Park will incur a £xx plus V.A.T. disconnection fee.

19. Caravans can only be sold on site with the permission of the site owner if they are xyrs or under in age. Sales of caravans X years and under must include a payment of commission @ X% (+ 20% vat) of the sale price. No sale must be completed until the site owner has approved the prospective buyer. New owners will not be allowed to use the caravan until the commission charge has been received by the site owner from the seller and a new licence signed and returned.

20. Any notice to the licensee shall be deemed to be properly served if sent to their last known address. It is the licensee's responsibility to inform the site owner of any change of address or email address.

21. The company shall not be liable for any loss, damage or theft to or from any caravan or vehicle or for any injury whatsoever to any person staying at or visiting the park, howsoever caused or sustained.

22. Stop taps should be turned off by the caravan user at the end of each visit. If the mobile home is to be empty for any significant period in winter the system should be thoroughly drained. .

23. All caravans are to be insured.

24. No cutting of trees or branches, strictly no fires.

25. To avoid grass damage, BBQ's must be off the ground and only in a properly constructed unit.

26. Mobile home flues to be checked annually by a Gas Care registered plumber.

27. In the interest of sanitation, sanitary towels, disposable nappies, face wipes and nappy wipes must not be disposed of by use of the toilet. The cost of clearing any blockages arising from this cause will be claimed from the person/persons responsible.

28. Dogs are permitted provided they are kept on a short lead, do not cause a nuisance, are not left unattended inside or outside your mobile home and they must not be allowed to soil the ground within the boundaries of the park.

29. Gas is to be paid for when ordered or exchanging. (Delivery if required is charged for).

Carlisle City Council

Environmental Health

Enforcement Policy

One of the primary functions of Carlisle City Council's Environmental Health Service is to safeguard the public; the environment and bodies of people e.g. workers, consumers or residents.

By carrying out enforcement activities in an equitable and consistent manner, we hope to promote a sustainable local economy and to maintain a safe and fair business and domestic environment.

We appreciate that most people want to comply with the law and we will always be willing to help traders and others meet their legal obligations without unnecessary costs.

This policy of improved information, choice, and safety will benefit all of Carlisle's citizens. This policy covers those enforcement activities undertaken by the Service not covered by their own specific policies. Carlisle City Council's Environmental Health Service has specific Enforcement Policies covering: Food Safety; Health and Safety; Local Air Pollution Prevention and Control.

1.0 INTRODUCTION

The purpose of this policy is to make clear our various enforcement roles (see Appendix 1). The policy is based around the general principles of the Government Enforcement Concordat:

- a) Standards of service provision
- b) Openness about the service
- c) Helpfulness to service users
- d) Complaints about the service
- e) Proportionality of the service response
- f) Targeting of enforcement action
- g) Consistency of the service

1.1 Definitions

Service Complaint

A 'Service Complaint' means a criticism of any aspect of the service provided by Environmental Health Service.

Enforcement

Enforcement covers a wide range of actions and activities other than just simply prosecutions. Enforcement in this policy means any action taken about contravention of statutory requirements with the aim of:-

- a) Securing compliance with statutory provisions; or
- b) Imposing a sanction for contraventions

2.0 GENERAL PRINCIPLES

2.1 Standards

We have established standards for the levels of service we aim to provide. Wherever possible these standards include measurable targets. We make details of these standards and targets freely available together with reports of our performance against the stated targets through the Environmental Health annual service plan available on the website. These plans include

- a) Written statements defining what level of service customers can expect. Where appropriate performance targets exist they will be clearly stated in the plans.
- b) Details of the previous years performance and performance targets for the future.

2.2 Openness

Within the restraints of the confidentiality our customers have a right to expect and the requirements of law, we will endeavour to be open about how we set about our work. To this end each service will:-

- a) Ensure that documents are produced in clear language, are readily available and in a format accessible to all our customers.
- b) If requested, provide a written account of its actions or proposed actions to persons or organisations affected by them.

- c) Always ensure a customer is aware of the existence of any appeals procedures or methods to review our actions/decisions where they are available.

2.3 **Helpfulness**

We believe that prevention and co-operation are preferable to cure and confrontation. As such we will assist all customers in their efforts to understand and comply with the requirements placed on them. To this end each service will:

- a) Ensure staff deal with customers courteously and always identify themselves by name.
- b) Provide clear details of who is dealing with a case and how and when they may be contacted.
- c) Review at least annually all standard correspondence to ensure it is clear and contains all relevant information to the matter that it aims to address.
- d) Undertake customer satisfaction surveys to check our performance and identify areas for improvement.

We will, by arrangement, undertake visits and inspections outside of normal working hours where this is considered necessary to undertake our statutory enforcement role.

2.4 **Service Complaints**

We accept that despite our best efforts customers will occasionally be unhappy with the service we provide. We recognise the role service complaints can play in identifying areas for improvement. To this end each service area will:-

- a) Ensure that at the earliest opportunity all customers are made aware of the existence of and the method by which they may register a service complaint, in accordance with Carlisle City Council procedure for 'corporate complaints'
- b) Ensure that should an investigation reveal a defect in the service that defect will be rectified as soon as possible.

2.5 **Proportionality**

We will endeavour to ensure that the requirements imposed by us; the approaches we adopt and the action we take are proportionate to the seriousness of the matter/s in hand.

2.6 Targeting

We will ensure that our resources are targeted primarily towards those activities which give rise to the most serious risks or where the risks are least well controlled or against deliberate crime. Action will be primarily focused on lawbreakers or those directly responsible for the risk and who are best placed to control it.

2.7 Consistency

We will endeavour to promote consistency in both the level of service customers receive and the manner in which we respond i.e. taking a similar approach in similar circumstances to achieve similar ends. To this end each service will:-

- a) Ensure that any documents referred to in this policy are made known and are readily accessible to all staff
- b) Review on a regular basis operational, supervisory and management practices to identify and address issues of inconsistency
- c) Compare and audit its practices and standards with other Councils.

3.0 ENFORCEMENT PROCEDURES

3.1 We will consider enforcement action during inspections or following incidents or complaints where a contravention or potential contravention of statutory requirements has been identified. We will take either informal or formal action as detailed below having given consideration to all aspects of the incident or occurrence. The factors we will consider are detailed in the following paragraphs.

3.2 Where we and another enforcement body both have or share an enforcement role, we will liaise with that body to ensure effective co-ordination, to avoid inconsistencies and to ensure that enforcement action is appropriate to the circumstances of the incident. Other organisations with whom we share significant enforcement roles include

- Cumbria Fire Authority
- Cumbria County Council Trading Standards
- Cumbria County Council Emergency Planning Unit
- Cumbria Police
- The Food Standards Agency
- The Health and Safety Executive
- The Environment Agency (through a nationally agreed protocol)

3.3 INFORMAL ACTION

We will consider Informal action where:

- The contravention is minor in effect and not part of any campaign,
- There is no risk to health and safety; and
- From the offenders past history it can be reasonably expected that informal action will result in compliance.

Informal action will:

- Contain all the information necessary to understand what is required, why it is necessary, alternative courses of action and the timetable for completion
- Clearly indicate the legislation contravened and any recommendations
- Give a point of contact for the purpose of further clarification or query.

FORMAL ACTION

Where the circumstances described above do not apply, formal action by service of statutory notice, fixed penalty or order or prosecution will occur (where appropriate).

Statutory notices or orders will include the following information:

- The legislation which has to be complied with
- The works or other action needed to comply
- The time for compliance
- The time period for appeal (if appropriate) and how to appeal

Where the law allows it, we will also charge administration costs for service.

Where notices or orders are not complied with within the time period allowed, we will consider undertaking the work in default and/or prosecution (see below)

Work in default means that we will undertake any work required by a statutory notice and charge the full cost, plus administrative charges and daily interest to the appropriate person(s). If this is not paid, it will be registered as a debt against the property and we will consider taking action through the Courts to secure recovery, where we are entitled to do so.

Immediate action without any prior notice will be considered in situations where there is imminent risk of danger or a danger to public health.

Where the law allows the Council to act immediately, an explanation will be given at the time (if appropriate) and a written confirmation will be given within ten working days.

Cancellation or variation of an authorisation, order, licence or membership will include the following information

- The legislation which has not been complied with
- The time period for appeal (if appropriate)

4.0 PROSECUTION

4.1 A decision to prosecute is a serious matter which we will only take after full consideration of the implications and consequences. The decision will have regard to the evidential and public interest tests set down by the Director of Public Prosecutions in the Code for Crown Prosecutors 2010.

4.2 Prosecutions will not be commenced or continued unless we are satisfied that there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a reasonable prospect of conviction. Where a case does not pass this evidential test, it will not go ahead, no matter how important or serious it may be. Where there is sufficient evidence, a prosecution will not be commenced or continued unless it is in the public interest to do so. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the offender.

4.3 We will consider the following public interest factors in deciding whether or not to prosecute.

- **Effect** of the offence or action
- **Foreseeability** of the offence or the circumstances leading to it
- **Intent** of the offender, individually and/or corporately
- **History** of offending
- **Attitude** of the offender
- **Deterrent** effect of a prosecution, on the offender and others
- **Personal** circumstances of the offender

4.4 These factors are not exhaustive and those which apply will depend on the particular circumstances of each case.

4.5 Criminal proceedings will be taken against those persons responsible for the offence. Where the offence has resulted from the Company's activities we will

usually prosecute the Company. We will also consider any part played by the officers of the Company and may take action against those officers as well as the Company. This will usually be where it can be shown that the offence was committed with their consent, due to their neglect or that they 'turned a blind eye' to the offence or the circumstance leading to it.

4.6 Where there is sufficient evidence we will normally recommend prosecution in any of the following circumstances.

- Incidents which have significant consequences
- Failure to comply with fixed penalty payment requirements
- Carrying out operations without a relevant licence
- Excessive or persistent breaches of regulatory requirements
- Failure to comply or to comply adequately with formal remedial requirements
- Reckless disregard for management or quality standards
- Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information
- Obstruction of officers in the course of their work

5.0 ALTERNATIVES TO PROSECUTION

5.1 In cases where a prosecution is not the most appropriate course of action the alternative of a caution will be considered, the choice depending on the factors referred to above.

5.2 A caution is the written acceptance by an offender that they have committed an offence and may only be used where a prosecution could properly have been brought. A caution will be brought to the attention of the Court if the offender is convicted of a subsequent similar offence.

The Environmental Health Service cover a significant range of functions – most of which carry with them the potential for enforcement action either by service of notice, fixed penalty or order, or the institution of legal proceedings.

The Appendix outlines the legislation which is enforced by the above and which are covered by this enforcement policy.

Animal Boarding Establishments Act 1963
Animal Welfare Act 2006
Antisocial Behaviour Act 2003
Breeding of Dogs Acts 1973 and 1991
Breeding and Sales of Dogs (Welfare) Act 1999
Building Act 1984
Caravan Sites and Control of Development Act 1960
Civil Contingencies Act 2004
Clean Air Acts 1956, 1968 and 1993
Control of Pollution Act 1974
Cumbria Act 1982
Clean Neighbourhoods and Environmental Act 2005
Dangerous Dogs Act 1991
Dangerous Wild Animals Acts 1976 and 1991
Dogs Act 1871 and 1906
Dogs (Amendment) Act 1928
Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
Fire Safety and Safety of Places of Sports Act 1987
Housing and Local Government Act 1989
Land Drainage Acts 1976 and 1991
Licensing Act 1964
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982 (part)
Local Government (Miscellaneous Provisions) Act 2003
Noise and Statutory Nuisance Act 1993*
Noise Act 1996
Pet Animals Act 1951
Pet Animals (Amendment) Act 1983
Prevention of Damage by Pests Act 1949
Products of Animal Origin (Third Country Import) (England) Regulations 2003
Public Health (Control of Disease) Act 1984
Public Health Acts 1936 and 1961
Refuse Disposal (Amenity) Act 1978

Riding Establishments Act 1964 and 1970

Scrap Metal Dealers Act 1994

Sunday Trading Act 1994

Vehicle (Crime) Act 2001

Water Industry Act 1991

Zoo Licensing Act 1981

Relevant Protected Sites**RISK ASSESSMENT METHOD FOR MOBILE HOMES ACT LICENSING**

Site Name & Address

Name of person responsible for the site LA Reference

Inspector's Name Date of Inspection

Site Size		
	Possible Scores	Score Awarded
5 units or under	0	
5-25 units	10	
25 + units	20	

Quality of Infrastructure & Facilities		
	Possible Scores	Score Awarded
All structures and facilities in good condition and clean	0	
Structure and facilities require minor attention	10	
Structure and facilities need significant attention	20	
Structure and facilities not present or unusable or dangerous	30	

All relevant documentation provided and up-to-date				
				Score Awarded
	Yes	No	N/A	
1. Fire risk Assessment	0	5	0	
2. Site licence displayed	0	5	0	
3. Site rules displayed	0	5	0	
4. What to do in case of fire displayed	0	5	0	
5. Electrical and Gas certificates up-to-date	0	10	0	
6. Water points correctly labelled	0	5	0	
7. Site rules supplied to LA	0	5	0	

Complaints received from site residents		
	Possible Scores	Score Awarded
1. No complaints received	0	
2. Complaints received but not substantiated	5	
3. 1-2 complaints received and substantiated	10	
4. 2-5 complaints received and substantiated	20	
5. Above 5 substantiated complaint	30	

Staff training		
	Possible Scores	Score Awarded
All staff trained in fire and maintenance procedures	0	
Staff have awareness of procedures but not confident	10	
Staff unaware of procedures	20	

Total Score of Site	
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Regulatory Category	
Low	0-30
Medium	30-60
High	60-120

Carlisle City Council

STANDARD SITE LICENCE CONDITIONS FOR RESIDENTIAL PARK HOME SITES

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 (AS AMENDED) THE MOBILE HOMES ACT 2013

CONDITIONS ATTACHED TO SITE LICENCE NO: *(insert ref)*

(insert name and address of park)

Site licence conditions are issued by Carlisle City Council with the aim of ensuring a park is provided with a layout and facilities that make it a decent place to live. It is a criminal offence for a park owner to fail to comply with these conditions.

1.0 CLASS OF USE

1.1 Park homes¹ stationed on the site shall be for residential use only.

¹ The term 'park home' is used in preference to 'caravan' or 'mobile home' but the three terms are interchangeable. 'Site' and 'park' are similarly interchangeable.

2.0 NUMBER AND TYPE OF PARK HOMES

2.1 Not more than *(insert number)* park homes to be stationed on the park at any one time.

2.2 All park homes stationed on site to comply with the definition of caravan contained in Caravan Sites and Control of Development Act 1960 Section 29(1).

2.3 All park homes stationed on site are to be designed and constructed for use for residential occupation throughout the year.

2.4 Each park home to comply with the edition of BS 3632 that was current at the date of manufacture of the park home.

3.0 SITE LAYOUT AND PLAN

3.1 The layout of the site shall not be varied without the prior written consent from the Environmental Health Manager.

3.2 The site owner shall provide the Environmental Health Manager with a plan of the site within 28 days from the date of any written request and at any time when there is a material change to the boundaries or layout of the site. The plan to be of suitable quality, to a reasonable scale and must clearly illustrate the layout of the site including all relevant structures, features and facilities.

3.3 The boundaries of the site from any adjoining land shall be clearly marked by a permanent fence, hedge, wall or other man made or natural feature that shall be properly maintained at all times.

3.4 No park home, or combustible structure shall be positioned within 3 metres of the park boundary without the prior written consent of the Environmental Health Manager.

4.0 DENSITY, SPACING AND PARKING BETWEEN PARK HOMES

4.1 Except where 4.2 applies and subject to 4.4 below, every park home must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other park home which is occupied as a separate residence.

4.2 On existing parks where the facing walls of adjacent park homes have been retrospectively fitted with cladding from Class 1 fire rated materials the separation distance between these park homes may be reduced to a minimum of 5.25 metres.

4.3 Where there are park homes on site with a separation distance of less than 6.0 metres the site must provide a gross density of no greater than 50 park homes to the hectare, calculated on the basis of the useable area (excluding lakes, roads, communal services and other areas unsuitable for the siting of park homes) rather than total park area.

4.4 In any case mentioned in 4.1 and 4.2:

(a) Any separation distance less than 6 metres must be agreed in writing by the Environmental Health Manager.

(b) A porch attached to the park home 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 park home and must be demountable. 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.

(c) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing park homes is not less than 5 metres, except where sub paragraph

4.2 applies in which case the extension into the separation distance shall not exceed 4.25 metres.

(d) Any structure including steps, ramps, verandas, sheds, etc. which extends more than 1 metre into the separation distance shall be of non-combustible construction (metal or concrete). There should be a 4.5 metre clear distance between the structure and any neighbouring park home and the structure shall not impede a safe means of escape from the pitch in case of fire.

(e) A garage or car port is only permitted within the separation distance if it is of non-combustible construction.

(f) Windows in structures within the separation distance shall not face either park home.

(g) Fences and hedges, where allowed should be a maximum of 2 metres high. Hedges must be regularly pruned to prevent them becoming a fire bridge.

(h) Private cars may be parked in the separation distance provided that they do not obstruct entrances to park homes or access around them and they are a minimum of 3 metres from an adjacent park home. No cars to be parked side by side in the separation space. No car to be parked within 3 metres of an LPG tank (2.5 metres for LPG tanks of less than 380 litre capacity). See 15.0 for additional vehicle parking requirements.

4.5 No park home shall be stationed within 2 metres of any road or communal car park on the site or more than 50 metres from such a road.

4.6 No porch, extension or other structure attached to a park home shall be erected unless prior approval in writing is obtained from the Environmental Health Manager

5.0 ROADS, GATEWAYS AND OVERHEAD CABLES

5.1 All roads, gateways and turnings shall be designed to provide safe access for emergency vehicles and new park homes on lorries and shall be kept clear from obstruction at all times. In particular:

(a) Roads shall be properly constructed of bitumen macadam or concrete with a suitable, compacted base or by some other suitable method approved in writing by the Environmental Health Manager.

(b) All roads shall have adequate surface water/storm drainage

(c) 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.

(d) One-way systems shall be clearly signposted.

(e) 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.

(f) Suitable turning facilities shall be provided on any cul-de-sac road exceeding 20 metres in length.

(g) Where there is a risk of excess speed being achieved on the site roads suitable, marked, speed humps shall be constructed within 10 metres of the site entrance and at intervals of not more than 100 metres on all site roads. A clear sign, warning of speed humps, shall be placed at the site entrance.

5.3 No electrical or other cable should overhang a road at less than 5.8 metres unless a lower height is agreed in writing by the Head of Community Care Services having regard to the latest edition of the Electrical Safety Quality and Continuity Regulations. Where an electrical cable is within easy reach of a site building or other structure it must be fully insulated and protected from interference. Suitable warning notices shall be displayed at the entrance to the site and on supports for the line.

6.0 FOOTPATHS AND PAVEMENTS

6.1 Every park home shall be connected to a road by a suitable footpath with a hard surface.

6.2 Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

7.0 LIGHTING

7.1 Site roads, communal car parking, and 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.

8.0 HARD STANDINGS

8.1 Every park home shall stand on a suitable, concrete hard-standing which shall extend over the whole area occupied by the park home and must project a sufficient distance outwards from the park home's entrances to enable occupants to enter and leave safely.

8.3 Hard-standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

8.4 Hardstandings to be maintained in good, safe condition.

8.5 The provision and maintenance of hard standings is the responsibility of the site owner.

9.0 MAINTENANCE OF COMMON AREAS AND FACILITIES

9.1 Every part of the site to which the public have access shall be maintained in good repair, safe and be kept clean and tidy at all times. The park to be kept free of accumulations, unroadworthy vehicles and other objects that are detrimental to the amenity of the site.

9.2 All water services, drainage systems and other communal services and facilities shall be maintained in good repair, free from hazards and full working order. Drainage systems to be kept free from blockage.

9.3 Grass and vegetation shall be cut and removed at frequent and regular intervals to maintain the good condition of the site and access to facilities.

9.4 Trees within the site shall (subject to the necessary consents) be maintained .

9.5 Bonfires are not permitted on site.

9.6 Boundary vegetation must not be within 1 metre of any park home.

9.7 A clear route must be maintained from every park home's external doors to the roadway.

10.0 SUPPLY AND STORAGE OF GAS

10.1 Gas and oil installations and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice. In particular:

(a) Gas installations to conform to the appropriate edition of the Gas Safety (Installation and Use) Regulations and associated codes of practice.

(b) Liquid petroleum gas (LPG) storage in tanks or cylinders shall comply with the appropriate LP Gas Association Code of Practice.

10.3 All new installations must be to the current regulations and be maintained at that standard.

10.2 LPG cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

11.0 ELECTRICAL INSTALLATIONS

11.1 The site shall be provided with a safe electricity network of adequate capacity to meet all reasonable demands of the park homes and other facilities and services on the site.

11.2 Where all or part of the electrical network is being upgraded or replaced the supply of electricity to be provided to each park home shall be of minimum capacity 60 amps or whatever higher amount is specified in the technical specification for the individual park home.

11.3 All new installations must meet the requirements of the current regulations and be maintained at that standard.

11.4 The electrical network installations must be designed, installed, tested, inspected and maintained in accordance with the provisions of current statutory requirements.

11.5 Any work on electrical installations and appliances including maintenance and inspection shall be carried out only by persons who are competent and suitably qualified to do the particular type of work being undertaken, in accordance with current statutory requirements.

11.6 The electricity network shall be inspected at least every three years unless the installation is above ground in which case it shall be an annual inspection.

When inspected the installation to be judged against current regulations.

11.7 A copy of the current report and inspection certificate to be submitted to the Environmental Health Manger.

12.0 WATER SUPPLY

12.1 Each pitch shall be provided with a piped water supply, suitable for drinking and of sufficient quantity and pressure to meet the reasonable demands of the park homes situated on them.

12.2 All new water supplies shall be designed, installed, inspected, tested and maintained in accordance with all current legislation, regulations and relevant British or European Standards.

12.3 All repairs and improvements to water supplies and installations shall be carried out and maintained to the current legislation and British or European Standards.

12.4 All new installations must meet the requirements of the current regulations and be maintained at that standard.

12.4 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.

12.5 All reasonably practicable steps shall be taken to protect water supply pipes from the risk of frost or damage however caused.

13.0 DRAINAGE AND SANITATION

13.1 Surface water drainage shall be provided where appropriate to avoid standing pools of water.

13.2 There shall be satisfactory provision for foul and waste water drainage to the site by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the Environmental Health Manger.

13.3 Each park home hardstanding shall be provided with a connection to the foul drainage system, the connection shall be capable of being made air-tight when not in use.

13.4 All drainage and sanitation provision shall be in accordance with current legislation and British or European Standards.

13.5 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.

14.0 DOMESTIC REFUSE AND STORAGE

14.1 Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.

14.2 All refuse disposal shall be in accordance with all current legislation and regulations.

15.0 VEHICLE PARKING

15.1 Carparkingspaces shall be provided on the park for at least one car per park home and shall be used only for the parking of cars and light vans in a roadworthy condition. Visitor parking shall be provided on the park in addition to residents' parking in a ratio of not less than one further space for every five park homes.

15.2 Each car parking space to be of minimum dimension 2.4 x 4.8 metres with sufficient room to enable the car to freely manoeuvre into and out of the space. The longer dimension should be extended to 6 metres where the space is entered from the side.

15.3 All car parking areas shall be sufficiently levelled, consolidated and surfaced with suitable materials.

15.4 Vehicles shall be parked only on the parking places provided in accordance with the conditions of this licence. There is to be no parking on site roads other than on marked bays on the side of the road. See condition 4.0 for additional provisions when parking on a pitch.

16.0 COMMUNAL RECREATION SPACE

16.1 On sites where it is practical, suitable space equivalent to approximately one tenth of the total area of the site shall be allocated for recreational purposes.

17.0 NOTICES AND INFORMATION

17.1 The name of the site shall be displayed on a sign in a prominent position at the entrance to the site.

17.2 The following additional information shall be displayed in a prominent place on site

a) name, address, telephone number and if available email address of the licence holder

b) name, address, telephone number and if available email address of the manager

c) emergency, out of hours contact details

d) a copy of the site licence or the front page of the licence and details of where the full licence and other information required to be available under this condition can be viewed and between which times (which must be reasonable).

e) a current plan of the site with roads and pitches marked on it.

f) a copy of the most recent electrical condition report.

g) a copy of the site owner's certificate of public liability insurance

h) a copy of the local flood warning system and evacuation procedures, if appropriate.

i) a copy of the fire risk assessment for the site or details of where the document can be viewed and between which times (which must be reasonable).

j) a copy of the fire action notice

17.3 All notices in 17.1 and 17.2 shall be suitably protected from the weather and from direct sunlight.

17.4 Site rules must be displayed and agreed by the local authority and a copy sent to the local authority for display on the Council website. (The rules from part of the licence conditions)

18.0 FLOODING

18.1 The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map. 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.

18.2 Where there is a risk of flooding the site owner will provide a procedure for quickly alerting those on site of an imminent flood risk and for the evacuation the site. A copy of this local flood warning system and evacuation procedures to be displayed on site. (see 17.2)

19.0 FIRE SAFETY MEASURES

19.1 No combustible materials or items that may act as a fire bridge to be stored between adjoining park homes or obstruct park home doors or escape routes.

19.2 Fire points to be established and maintained such that no park home or site building is more than 30 metres from a fire point. The 30 metres to be measured along recognised site roads and footpaths using the shortest available unobstructed route

19.3 Access to the fire point, the equipment provided and the water supply to it shall not be obstructed or obscured.

19.4 Each Fire Point to be provided with the following:

a) a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT" to house the equipment.

b) Fire Fighting Equipment:

Where water standpipes are provided:

(i) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.

(ii) 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.

Where the water pressure or flow is not sufficient to supply a standpipe:

(iii) Each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

c) a suitable means of raising the alarm. The alarm sound to be loud enough to be heard clearly inside all park homes within a 30 metre radius.

19.5 Where hydrants are provided, hydrants shall conform to the current British or European Standard.

19.6 Maintenance and Testing of Fire Fighting Equipment

(a) All alarm and fire fighting equipment shall be installed, tested and maintained in good working order by persons who are qualified in the particular type of work being undertaken.

(b) A record shall be kept of all testing and remedial action taken which must be available for inspection by, or on behalf of the licensing authority or the Surrey Fire and Rescue Service.

19.7 All equipment susceptible to damage by frost shall be suitably protected.

19.8 Fire Action Notices

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

a) On discovering a fire:

I. Ensure the park home or site building involved is evacuated.

II. Raise the alarm.

III. Call the fire brigade

b) The full address of the site including the postcode.

19.9 A copy of the fire risk assessment for the site to be provided to the Environmental Health Manager on request.

20.0 **ANTISOCIAL BEHAVIOUR**

20.1 To co-operate with Carlisle Police and/or the Council when requested to prevent or reduce anti-social behaviour of occupiers and their visitors.

COMMENCEMENT DATE

These conditions supercede all previous conditions and come into operation on date of issue.

Signed:

Date:

Please ask for: Amelia Morphet
Direct Line: 01228 817341
E-mail: Amelia.M@carlisle.gov.uk
Your ref:
Our ref:

22 April 2014

Dear

**The Implementation of the Mobile Homes Act 2013
Consultation on Fees and Charging Policy**

From the 1st April 2014 the Mobile Homes Act 2013, will introduce some important changes to park home site licensing, due to it's amendments to Caravan Site Control and Development Act 1960. These changes include the ability for Local Authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees. As part of the changes the Council must produce a policy on charging fees.

As an existing site licensee that is likely to be affected by these changes I am contacting you to give you the opportunity to comment on the proposed implementation of the Act in Carlisle.

The enclosed draft policy for consultation sets out the Councils policy for implementation of a fee charging structure, the amended park home sites licence conditions and procedures for enforcement under the Mobile Homes Act 2013.

You can feedback to the Council on this Policy by contacting us at the above address or by e-mailing Housing@carlisle.gov.uk. The consultation period shall end on **Friday 9th May 2014**

Your comments are of great value and will be taken in to consideration before any policy is formally adopted.

Yours sincerely

Amelia Morphet

Private Sector Housing Technical Team Manager

Implementation of the Mobile Homes Act 2013

Comments from consultation and Officer feedback.

1. *The cost of £54 per hour, does not like the hourly rate as this could prevent conversation/discussion at the time of the visit.*

The licence application and fees process takes into consideration the time spent on site to carry out an inspection. The cost for carrying out a basic inspection is calculated per unit of accommodation, the fee would therefore be set on the number of units and not based on time actually spent on site. This would therefore not prevent any further discussions at the point of initial inspection.

If enforcement action was necessary then the rate charged for officer time in carrying out works in default is £54.50. This is the cost of the officer time in carrying out the enforcement action, which would include making the decision to take action, preparing and serving notices. This charge does not cover discussions on site or any other means of communication with the site licensee.

In addition the point at which enforcement action is deemed necessary to warrant charging per officer hour, the time has passed for negotiations with the owner, although an element of discretion can be applied.

2. *They would like to know if there are rights of Appeal if notices etc are served and they would like this made clear.*

This feedback has been helpful and the policy has been updated to include information on the appeals process to the lands tribunal

3. *They asked that they be notified in writing when exactly they have to submit site rules etc.*

The site rules will need to be submitted within a month of the licence being issued by the Local Authority. A compliance date will be contained within each individual licence.