



Regulatory Committee

Wednesday, 3 January 2024 at 7.30 pm

Council Chamber - Civic Centre

Members of the Committee

Councillors: J Wilson (Chair), M Harnden (Vice-Chair), D Clarke and R Davies

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss Clare Pinnock, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone. Tel: 01932 425627 Email: democratic.services@runnymede.gov.uk.**
- 3) Agendas and Minutes are available on a subscription basis. For details, please contact democratic.services@runnymede.gov.uk. Tel: 01932 425622. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
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The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

List of matters for consideration

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Part I

Matters in respect of which reports have been made available for public inspection

1. **Notification of Changes to Committee Membership**

2. **Minutes**

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To confirm and sign as a correct record the Minutes of the meeting held on 7 November 2023 (Appendix 'A').

3. **Apologies for Absence**

4. **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests or other registrable and non-registrable interests in items on the agenda.

5. **Caravan Site Licensing Fees and Charges for Financial Year 2024/25**

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6. **Exclusion of Press and Public**

Part II

There are no exempt or confidential items on this agenda.

Runnymede Borough Council

Regulatory Committee

Tuesday, 7 November 2023 at 7.37 pm

Members of the Committee present: Councillors J Wilson (Chair), M Harnden (Vice-Chair), D Clarke and R Davies.

Members of the Committee absent: None

In attendance: Councillors T Burton and T Gates.

11 **Minutes**

The Minutes of the meetings held on 20 June 2023, as amended, and 12 July 2023 were confirmed and signed as a correct record.

12 **Declarations of Interest**

There were no declarations of interest.

13 **Fees and Charges 2024/2025**

The Committee's approval was sought to set the fees and charges under its remit for 2024/2025.

With regard to Gambling Licence fees, Officers reported an estimated deficit of £11,000 for 2024/2025. This was because these were set by statute and remained unchanged since their introduction in 2005.

In respect of taxi licensing, the estimated deficit was £95,000, of which £10,100 were non-chargeable costs. This was attributable to there being fewer drivers and vehicles licensed than in previous years. To illustrate the position, Officers reported that in 2013/14 gross expenditure was £106,000 and gross income was £112,000. However, by 2022/23, gross expenditure was £119,000 but income had fallen to £42,000. Officers added that the number of drivers was slowly rising again with more people taking the Knowledge Test.

Officers were asked whether there were options to reduce the deficit with regard to taxi licensing fees through for example shared services with other local authorities. The Committee was advised that although there were opportunities it would take time to harmonise policies and procedures. The Chair said that he would raise this at the Surrey Leaders Group.

Members enquired about scrap metal dealers in the borough. Officers confirmed that the Environment Agency held a central register of all licensed companies.

Officers had noticed a slight discrepancy in the figures for mobile home site licences on the budget sheet compared with those agreed on a previous urgent action. It was confirmed that despite this the correct fees had been charged. Therefore, Officers were asked to confirm whether the fees relating to mobile home site licences were correct and submit a report to the meeting of the Committee in January 2024 so that those particular fees and charges could be approved.

Resolved that –

The proposed fees and charges, with the exception of those relating to mobile home site licences (subject to confirmation of their accuracy), be approved; to be effective from the dates in the appendix, or as soon as practical thereafter.

14 Charity Collections Policy 2023 - 2028

The Committee was asked to approve the updated Charity Collections Policy following a public consultation which took place over the summer months.

Officers reported a low turn out on the consultation to review the Council's Charity Collections Policy. However, positive feedback had been received from those who had responded. Members were disappointed that the Charity Commission had declined to comment.

The proposed changes to the policy were unchanged from those recommended in June 2023. These were to shorten the main document by providing links to the appendices, whilst still making them readily available and to add a requirement for commercial clothing collection companies to hold a waste carrier's licence or certificate or relevant exemption. Members agreed this would increase accountability and transparency.

Resolved that –

The Charity Collections Policy 2023 – 2028 be approved.

15 SO42 - Urgent Action

The Committee noted urgent action proforma 1026, taken in consultation with the Chair and Vice-Chair of the Committee, relating to disability awareness training. This was to extend the deadline for drivers and operators to complete the training. All but two (who were not operating at the moment) had done so.

16 Exclusion of Press and Public

There were no exempt or confidential items on the agenda.

(The meeting ended at 7.58 pm.)

Chairman

Report title	Caravan Site Licensing Fees and Charges for Financial Year 2024/25
Report author	Graeme Cooke, Senior Environmental Health Officer
Department	Environmental Health
Exempt	No

Purpose of report:

To Resolve

Synopsis of report:

To set out the context and rationale for changes to fees and charges for the caravan site licensing function for the next financial year, managed by this Committee, and to address discrepancies noted at the Regulatory Committee on 7 November 2023 between the budget book and the published fee policies. It is recommended that the proposed fees and charges are adopted as set out in this report.

Recommendation that:

the licence fees as set out in the report be approved, to be included in the relevant fee policies to apply from 1 April 2024.

1. Context and background of report

- 1.1 Standing Order 42 993 dated 21 January 2022 (Appendix 'A') provided for the current Caravan Site Licence Fees and Fit and Proper Person Test Application Fees, as published in the appendixes to the Standing Order, to come into force for fees charged from April 2022.
- 1.2 A discrepancy arose between the fees within the published fee policies and the amounts published within the budget book for 22/23 and 23/24. It is noted that the correct fees under the policies have been collected as opposed to those within the budget book.
- 1.3 Runnymede Borough Council currently has 39 Licensed residential caravan sites within the Borough which provide approximately 1,100 homes. 17 of these sites are run on a commercial basis and are required to pay an annual site licence fee along with other associated fees covering aspects such as licence transfer, variation of licence conditions and depositing site rules. The remaining sites are individually owned and occupied by the site owner and their wider family and are therefore exempt from the annual licence fee requirements.
- 1.4 In addition to the Annual Licence Fee, those sites operated on a commercial basis are required to apply for inclusion on the Fit and Proper Person register under the

Mobile Homes (Requirement for Manager to be Fit and Proper Person) (England) Regulations 2020. There is also a range of additional fees that may be applied, as detailed in the Caravan Licence Fee Policy.

2. Report and, where applicable, options considered and recommended

- 2.1 The Caravan Site Licence Fee Policy was originally published in 2013 and revised and updated in 2017 and submitted for approval to the Environment and Sustainability Committee with a further update agreed under SO42 993 on 21 January 2022.
- 2.2 The current fees under this policy for 2022/23 and 23/24 are listed in **Table 1** below along with the proposed fees for 24/25 and showing any increases or decreases. The aim of the fee is to try and ensure that the caravan licensing regime remains cost neutral to the Local Authority.
- 2.3 Table 1 – Table showing Caravan Site Licence Fees for 23/24 and 24/25 with the percentage change in fee:

		23/24	24/25	Change
Application for new site licence for single unit site	Discretionary	586.00	621.00	5.97%
plus charge for each additional unit	Discretionary	9.15	9.77	6.78%
Site inspection	Discretionary	50.00	50.00	0%
Application for inclusion on fit and proper person register	Discretionary	372.00	405.00	8.87%
Additional FPPT application for same relevant person and site owner	Discretionary	110.00	118.00	7.27%
Application to transfer a site licence	Discretionary	295.00	370.00	25.42%
Application for amendment to a site licence (up to 2 conditions)	Discretionary	135.00	171.00	26.67
Additional conditions (with amendment application)	Discretionary	28.00	29.50	5.36%
Application for a replacement copy of a site licence	Discretionary	25.00	37.00	48%
Annual licence fee for a single unit site	Discretionary	55.00	55.00	0%
additional fee for each additional unit up to 101 units	Discretionary	6.00	6.00	0%
additional fee for each additional unit up to 201 units	Discretionary	5.00	5.00	0%
additional fee for each additional unit over 201	Discretionary	4.00	4.00	0%
Fee for the deposit of site rules	Discretionary	75.00	171	128%

- 2.4 The proposed licence fees for 24/25 include adjustments to application fees, licence transfer fee, variation of licence condition fees and other ancillary fees but notably does not propose an increase to the annual licence fee.
- 2.5 The Fit and Proper Person Fee Policy was introduced in June 2021 in time for implementation of the Mobile Homes (Requirement for Manager to be Fit and Proper Person) (England) Regulations 2020 and it is noted that the policy stated it would be reviewed in July 2023. Therefore, the proposed Fit and Proper Person Fees from April 2024 are included in Table 1.

3. Policy framework implications

3.1 There are no policy framework implications.

4 Resource implications/Value for Money

4.1 In setting fees and charges there is a fine balance to be struck between trying to recover the cost of running services and not alienating our customers by making the charges unaffordable. In undertaking their reviews managers must balance these risks whilst at the same time trying to generate additional income to contribute towards the Council's ongoing budget deficit. In the past two years the licence fees have generated a small surplus £368 in 21/22 and £565 in 22/23. However, there is an overall deficit of £6,444 since 2016/17.

4.2 Once agreed, the fees and charges will be included as part of the 2024-25 budget and the effects of any increases/reductions in the charges will be incorporated into the figures for the service area.

5. Legal implications

5.1 The fees referred to in the report have the status of 'discretionary' and as such are not set by statute and the Council may amend the fee charged or choose to make no charge for the service.

6. Equality implications

6.1 The original Equality Impact Screening Assessment is attached within Appendix 'A'.

7. Environmental/Sustainability/Biodiversity implications

7.1 The annual setting of existing fees and charges has no environmental, sustainability or biodiversity implications. Any change to a structure or the inclusion of new charges that have any such implications will be set out in a separate report to Committee.

8. Risk Implications

8.1 None identified.

9. Timetable for Implementation

9.1 The new fees and charges under the policies will be implemented from 1 April 2024.

10. Conclusions

10.1 The Committee is asked to resolve that the updated Caravan Site Licence Fees and Fit and Proper Person Test Fees be approved to apply from 1 April 2024.

11. Background papers

- Environmental and Sustainability Committee Agenda and Minutes 21 November 2013, 23 January 2014 and 28 September 2017;
- Standing Order 42 Number 798 29 January 2014;

- Regulatory Committee 7 November 2023.

12. Appendices

Appendix A - Standing Order 42, Number 993 21 January 2022

RUNNYMEDE BOROUGH COUNCIL**CONSULTATION WITH APPROPRIATE CHAIRMAN AND VICE- CHAIRMAN FOR URGENT ACTION TO BE TAKEN UNDER STANDING ORDER 42****APPENDIX 'B'**

**TO: Councillors M Heath and N King
Chairman and Vice- Chairman of the Environment and Sustainability Committee**

FROM: Mario Leo

OFFICER REFERENCE: Caravans

DATE: 21st January 2022

1. Synopsis of report:

The purpose of this report is to:

- i) Update Members on the progress of the introduction of the Fit and Proper Person Test (FPPT) to relevant protected caravan sites.**
- ii) Update Members on the production of the Caravan Site Licence Fees (for applications and annual licence fees) from April 2022**
- iii) Update Members on general issues arising with Residential Caravan Sites within the Borough**

2. Reasons why this matter cannot wait for a Committee Decision

This committee report was set to go before Committee in January however the meeting having been postponed over concerns regarding Covid it is thought prudent that the matter be dealt with by way of SO42 procedure as the next scheduled meeting of the Committee is not until 10th March 2022 and it is proposed to introduce the new fees from 1st April 2022. It is felt appropriate to give as much advance notice of the fee increase as possible.

3 Recommendation(s)

Members note the contents of the report and;

- i) Note that the Corporate Head of Environmental Services has delegated authority to adjust and set the fees for applications, annual site licence fees and fit and proper person tests as deemed appropriate based on the breakdown of necessary costs as detailed in the relevant fee policies.**
- ii) Consider to agreeing to Officers making representations to Government in the name of the Council on improving the Caravan Site Licensing Regime.**
- iii) Endorsing the licensing approach of allowing mobile homes to be 5m apart in cases where both homes have additional fire resistance subject to approval by SCC Fire Officer**

4. **Context of report**

- 4.1 **Fit and Proper Person Test.** At its meeting of 18 November 2020, the Committee considered a report on the introduction of a Fit and Proper Person Test (FPPT) being introduced by way of a new set of regulations, namely, The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) Regulations 2020.
- 4.2 In response to the report the Committee agreed that a fee of £160 be charged for applications received in relation to the Fit and Proper Person Test.
- 4.3 Subsequently, once full advice from central Government on the implementation of the regime was made available Officers were able to compile a fully costed review of the impact of dealing with fit and proper persons applications. This review resulted in the introduction of a fee of £372 being levied on these applications. The Corporate Head of Environmental Services, following consideration of the suggested fee, approved the introduction of the £372 fee and the matter is now being reported back for Members information.
- 4.4 **Annual Site Licence fee.** Runnymede Borough Council currently have 39 licensed residential Caravan Sites within the Borough which provide approximately 1100 homes. 17 of these sites are run on a commercial basis and are required to pay an annual site licence fee although one of these sites, Perry's Farm, is currently vacant and may cease use going forward. The other 22 (39-17=22) remaining sites are individually owned and occupied by the owner or the owner and their wider family and hence they do not fall under the requirements of an annual site licence fee. There is a provision of 0.08 FTE within Environmental Health to deal with caravan sites licensing under the Caravan Sites and Control of Development Act 1960 (As amended).
- 4.5 In November 2013 Members approved a policy for charging an annual licence fee payable under the Mobile Homes Act 2013. Following a consultation exercise with caravan site licence owners that policy was endorsed by Members at its January 2014 meeting. The approved structure for the annual site licence fee being based on a flat rate charge for a single unit site and an additional sliding scale for sites more than 100 caravans together with exemptions for owner/occupied sites.
- 4.6 At its meeting of 28 September 2017, the Committee were advised of the reviewed fee policy following the initial implementation of the charging process for new licence applications and annual fees on relevant protected sites. This report looks to update Members on the Caravan Site Licence Fees (for applications and annual licence fees) from April 2022

5. **Report and, where applicable, options considered**

A. Fit and Proper Person Test

- 5.1 Officers have worked with colleagues across several other Local Authorities (LA) as part of the national LA Officers Caravan Site Licensing Forum and led on the development and introduction of a standardised application form, to enable some degree of consistency on the fee charged for the FPPT.
- 5.2 Based on guidance issued by the then Ministry of Housing Communities and Local Government it was determined that the previously reported two hours processing time underestimated the time for handling such applications. As such the fee policy attached at Appendix A was agreed by the Corporate Head of Environmental Health on 24 June 2021 and was published and applied to applications received from 1 July 2021.

- 5.3 The Council joined the national LA Officers Caravan Site Licensing Forum and most local authorities paid a supplement of £70 which funded the group being able to obtain legal advice on issues surrounding the implementation of the FPPT regime including an online training aid.
- 5.4 Of the 39 Licensed Caravan Sites in Runnymede officers determined that The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 would be applicable to 17 of the sites. Application forms and details of how to apply were sent, in June 2021, to all the 17 caravan sites which required to undergo the FPPT. The Council has received 13 applications. 2 sites are currently undergoing probate and hence as soon as probate is resolved then the process of transferring the site licence can be made and at the same time consideration can be given to who would be the suitable person to make an application under the FPPT regime. 2 other applications are outstanding, and the Council has not received any communication as to why these required applications have not been forthcoming. Officers are considering how to deal with the sites (Walnut Tree Farm and Little Almnors), that have not brought forward an application and this may involve joint working with colleagues in Planning as there are several other concerns arising from these sites.
- 5.5 Income from the 13 applications, to date amounts to £3,608.
- 5.6 All licence applications have been determined and accepted on the register of FPP for Caravan Sites, for a period of 5 years. This information is publicly available and is published on the Council's website at www.runnymede.gov.uk/fppt. To date no applications have been refused or had conditions attached.
- 5.7 Entries on the register may be reviewed if new evidence relevant to the person's inclusion in the register becomes available.
- 5.8 A full assessment of the Fee Policy will take place to allow updated fees policy to be in place before 1 April 2026 in readiness for the next batch of applications.

B. Caravan Site Licence Fee Policy

- 5.9 The Caravan Site Licence Fee Policy at Appendix B has been in place since 2013 with some adjustments to the fee amounts made by this Committee at their September 2017 meeting. The aim of the fee is to try and ensure that the caravan licensing regime is cost neutral to the LA.
- 5.10 Each year when officers issue invoices for the Annual Licence Fee consideration must be given to any surpluses and deficits. Since the introduction of the fee policy various surpluses or deficits have been recorded. As shown in Appendix C the annual licensing fees since 2016/17 have resulted in a deficit of £7,377 most of this shortfall occurred in the first three years and in 2019/20 a surplus of £94 was generated and then in 2020/21 a deficit of £228 was recorded.
- 5.11 It should be noted that the Corporate Head of Environmental Services has delegated authority to adjust and set the fees for applications, annual site licence fees and fit and proper person tests as deemed appropriate based on the breakdown of necessary costs as detailed in the relevant fee. In the attached appendixes details have been provided as to how caravan related fees have been calculated. Members are asked to note how the fees have been produced and applied

C. General update on Caravan Sites and issues arising

- 5.12 The standards on most of the licensed sites within the Borough are generally good and the level of compliance with the site licence conditions is also generally good.
- 5.13 Interaction with Planning; In the first instance it should be noted that in order for a caravan site to be able to apply for a caravan site licence then the area of land is required to have the relevant planning permission in place. Only once the planning permission has been established can a licence then be considered.

- 5.14 Currently there are issues with several areas of land on which caravans are stationed where the landowners have either not gone through the relevant planning processes and or if they have permission then the site may not be being used as per its designation. For example, there is a site with planning permission for the use as gypsy and travellers' site however officers are aware of caravans which appear to have been rented out speculatively to non gypsy/ travellers for accommodation. It has also noted that many of these rented caravans are not particularly suitable for permanent all year-round residential use as they are either old holiday mobile homes or touring caravans. Within the scope of environmental health's power then it should be noted that there are no suitable specific powers to adequately deal with this either under the Caravan Sites and Control of Development Act 1960 licensing regime or the Housing Act 2004 leaving the only potential option to consider if there is a statutory nuisance being created under section 79 of the Environmental Protection Act 1990.
- 5.15 Officers are aware of other sites within the Borough which are licensed for single family use and indeed in some instances for one caravan are being or have been utilized for the siting of additional caravans. The numbers of caravans on site are not controlled by the site licence but rather by planning permission.
- 5.16 In addition to this it is noted that it is suspected that there may be some caravan sites operating without any planning permissions in place.
- 5.17 There is strong collaborative working between environmental health staff and Planning officers when problem sites are found. Hence once any planning issues are resolved then environmental health officers can then deal with site licence issues appropriately.
- 5.18 It should also be noted that there can be wider implications such as if there were to be decanting of non gypsy/ traveller residents from sites which are designated for gypsy/traveller then it is suggested that this could have additional implications for colleagues in other departments within the Council e.g., Housing and Legal. Members should also be aware that the Planning department are preparing to report to the Planning Committee in regard to issues concerning caravans.
- 5.19 Alteration of standard conditions - Heating Grants for Park Homes – Officers are aware of the recent implementation of Heating Grants for Park Homes scheme by Heat Surrey and the Council's Energy Management team. A question has been raised recently regarding the implications of this scheme by way of the addition of external insulation to caravans and the interaction with the site licensing condition regarding the maintenance of an inter-separation distance between caravans.
- 5.20 The majority of site licence conditions require a separation space of 6 metres (m) between adjacent homes. Provided that material with a final finish of Class 1 rating for Fire Spread is installed this distance can be reduced to 5.25 m to accommodate improved thermal insulation and fire resistance cladding.
- 5.21 Officers are aware that there may be a number of applicants for the Heating Grants who will be in a situation whereby the separation space between the homes will lead to a breach of this condition due to the fact that the first neighbouring caravan at some point in the past would have already been clad and hence effectively reduced the 6m separation distance. Therefore, when the second caravan then seeks to fit insulation to their home then the effective gap between the two caravans could end up being less than 5.25m.
- 5.22 The purpose of the separation space is two-fold the first being fire safety and the second being privacy.
- 5.23 Officers are satisfied that privacy is not a concern as the homes are not being moved closer together and cladding is only being applied to the exterior walls.
- 5.24 In terms of fire spread insulation, officers are proposing that, in instances where the separation space after installation of energy efficient /fire resistant cladding on two opposite facing mobile

homes is less than 5.25m but more than 5.01m, subject to the agreement of Surrey Fire and Rescue Service, that works could potentially be permitted on a case-by-case basis.

- 5.25 Members are asked to endorse this general approach to this specific licensing condition in such circumstance. The overall effect would be that both homes would have class 1 fire resistance and also the benefit of additional insulation material being applied for thermal comfort.

D. Consideration of making representations to Government on improving the Caravan Site Licensing Regime

- 5.26 Officers would invite Members to agree that officers could make representations to the Government in the name of the Council with the recommendation that it would be useful if the Government could look to undertake a full root and branch review of the caravan site licensing regime since there has been many piecemeal changes made to the various Acts and Regulations over the last 60 years. It is clear that a caravan of 1960 bears little resemblance to a Mobile Home of the present day. Within this review consideration requires to be given to bringing the Government's licensing Model Standards, on which the caravan site licence conditions are predicated, in line with the current legislative enforcement provisions. The Model Standards have not been reviewed since 2008 and lack sufficient detail and guidance and have the potential to cause issues in relation to the drafting of enforcement notices.

- 5.27 If Members were to approve this approach, Officers would make the appropriate representations to The Right Hon Michael Gove MP at the Department for Levelling Up Housing and Communities (DLUHC) and report back to a subsequent Committee what officers had asked of DLUHC and any response received.

6. Policy framework implications

- 6.1 None

7. Financial and Resource implications (where practicable)

- 7.1 There is no direct implications in terms of staffing needs based on this report. However, should action be required in relation to some of the licensing issues raised in this report then some additional staff time may be required to work alongside colleagues in Planning to resolve the issues arising.
- 7.2 The fees proposals are based on a cost recovery basis and will be monitored and reviewed to allow for appropriate adjustments.

8. Legal implications

- 8.1 The Council must determine its fees regime on a costs recovery basis in accordance with the terms of the Act and the Provision of Services Regulations 2009 which implement the EU Services Directive. The effect of these 2009 Regulations are preserved by the Provision of Services (Amendment etc.) (EU Exit) Regulations 2018/1329 which came into effect on 'exit day' 31 December 2020.
- 8.2 The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 ("the CSCDA 1960"), the Caravan Sites Act 1968 ("the CSA 1968") and the Mobile Homes Act 1983 ("the MHA 1983"). The 2013 Act brought the licensing regime that applies to mobile home sites in England under the CSCDA 1960 more closely in line with other local authority licensing regimes.

9. Equality implications

- 9.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;
- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
 - b) to advance equality of opportunity
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 9.2 Equality Implications arising from this Report have been assessed which concludes that the implementation of the Policy is expected to have a positive impact on residents who may have a protected characteristic of Age and Disability. A copy of the Equality Impact Screening Assessment is attached.

10. Other implications –

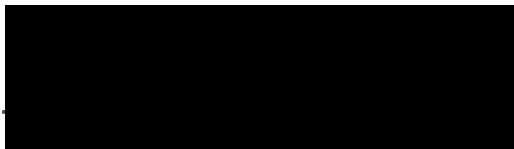
- 10.1 Issues raised within the above report may have an Environmental Impact if they prevent a significant number of homeowners being able to benefit from the Heating Grants for Park Homes

11. Background papers

Mobile Homes Act 2013 and applicable Explanatory Notes
Mobile Homes (Requirement for Manager of Site to be fit and Proper Person) (England) Regulations 2020
Minutes of the Environment & Sustainability Committees November 2013, January 2014, September 2017 and November 2020.

12. **Chief Officer(s) Decision**

Signature of authorised officer Mario Leo (Interim CHES) ...



I have been consulted and am in agreement with the above

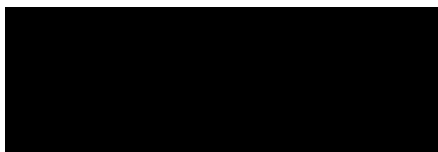
Signature(s) and position(s) of other relevant Chief Officer, Corporate Heads or authorised representatives

.....

NB: this must include the Assistant Chief Executive or his authorised representative where the decision involves expenditure, loss of income, or future implications for budget or financial forecast.

13. **Chief Executive's Decision**

Signature of Chief Executive

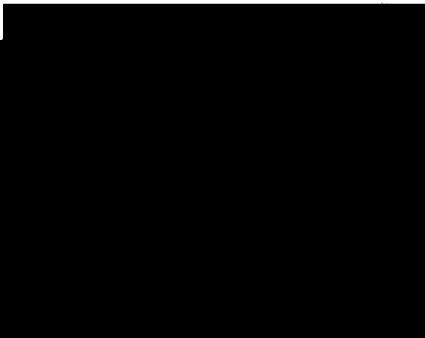


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I have been consulted and am in agreement with the above

14. **Chairman and Vice-Chairman Comments**

I concur in the Chief Officer's decision



Signed _____

Date _____

Signed _____

Date _____

I have the following further comments:

..

Further information may be obtained from Mario Leo on Ext. 5640

The completed copy is to be returned by the Councillors to the Corporate Head of Law and Governance (John Gurmin) who will send a copy to the Chief Officer and report to the relevant Committee for information.

APPENDIX A

1. Scope / Purpose
 - 1.1 This Policy deals with the fee structure for applications of relevant persons to be accepted onto the Fit and Proper Person register in respect of Caravan Site licensing. This will apply to all applications received from 1 July 2021 and applies to both existing site licence holders and any new site licence holders.
2. Responsibilities and Authority
 - 2.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 sets out the framework for a Fit and Proper Person Test (FPPT) for site licence holders or a person appointed to manage the site, of relevant protected sites in England.
3. Relevant Documents / References
 - 3.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020
 - 3.2 Any guidance issued with regard to setting FPPT application fees
 - 3.3 Caravan Site Licensing Procedure
4. Review
 - 4.1 This policy was initially planned to be reviewed 24 months from implementation, however issues identified during the initial batch of applications resulted in an earlier review. A further review will be undertaken in time for fees and charges being set for April 2026
5. Exemptions from the FPPT requirements
 - 5.1 Regulation 4(1) exempt non-commercial family occupied sites from the FPPT requirements and define a “non-commercial family-occupied site” as a relevant protected site—
 - (a) on which each caravan stationed on a permanent pitch and used as a permanent residence is so used only by—
 - (i) the occupier or the occupier and one or more members of the occupier’s family; or
 - (ii) a member of the occupier’s family (“F”) or F and one or more members of F’s family; and
 - (b) which is not operated on a commercial basis. •
6. Application fee
 - 6.1 Any application for inclusion on the FPPT register received after 1 July 2021 will be required to pay an application fee of £372. The fee must be received for the application to be deemed properly made.
 - 6.2 The following matters in Table 6.2 have been considered when setting the fee. The hourly rates have been based on the midpoints of officers’ salaries (as of July 2020) of the following pay scales.

Manager (Principal EHO)	MMB
Officer (EHO)	Grade 10/MMA
Admin (Administrator)	Grade 7

Table 6.2 – Fee setting calculation

	Action	Time (Mins) Licensing And officer Allocation	Admin Cost (A)	Officer Cost (O)	Manager Cost (M)	
1	Application received and fee checked to ensure that it is complete and a full and proper application	30 (O)	0	£26.91	0	
2	Application acknowledged and receipt for fee issued	15(A)	£8.84	0	0	
3	Review application and documentation, make relevant enquiries (including into management and financial arrangements)	120 (O)	0	£107.64	0	
4	Update CIVICA	10 (O)	0	£8.97	0	
5	Application file reviewed by Principal EHO	30(M)	0	0	£33.39	
6	Grant of application or service of preliminary notice (approved and signed by CHES)	30(O)	0	£26.91	0	
7	Establish any applicable conditions	30(O)	0	£26.91	0	Assume average of 1 condition per application
8	Discuss conditions with PEHO	15 (O & M)	0	£13.46	£16.70	
9	Review appeal paperwork	20 (O)	0	£17.94	0	Assumes 1 in 3 applications appeal and total of 60 mins for an appeal which is

						an average of 20 minutes
10	Discuss appeal with PEHO and CHES	10(O &M)	0	£8.97	£11.13	Assumes 1 in 3 applications and total time of 30 mins
11	Produce appeal response and relevant notice	15 (O)	0	£13.46	0	
12	Issue Final Decision Notice following appeal (signed by CHES)	10(O)	0	£8.97	£0	Assumes 1 in 3 applications and total time of 30 mins
13	Add relevant details to public register, update CIVICA record and upload public register to Website.	30(O)	0	£26.91	0	
14	Annual review and maintenance of the register	20(O)	0	£17.94	0	Based on 60 minutes per year over 5 years and divided by the predicted 15 applications
	Total hours as a Decimal	6.42	8.84	304.99	61.22	
	Total Cost		£371.85			

- 6.3 The fee above is based on to be charged for all applications except in the cases when of 6.4 and 6.5 apply will be £372.
- 6.4 The fee at 6.3 has been calculated based on the inclusion of the applicant or one appointed person being placed on the register. When an applicant wishes to have more than one person assessed for inclusion on the register an additional fee of £110 will apply per person.
- 6.5 In the case of an applicant making multiple applications for more than one site and the relevant person being the same then the following additional charges will apply. (For this purpose, numbers are based on those used to determine the annual site licence fee).
- A) Small sites of less than 25 caravans – no additional charge
- B) Sites of 26+ Caravans – an additional charge of £110 per application will be applicable which relates to an estimated addition 2 hours of officer time to assess and process the additional application.

Relevant person is defined in paragraph 2 of the regulations as “the subject of the fit and proper person assessment under regulation 7”.

- 6.6 Where under regulation 4(1)(c) Runnymede Borough Council have, with an occupier’s consent, appointed a person to manage a site, the reasonable costs incurred in making this appointment will be recovered on a case by case basis in addition to any application fee already paid.
- 6.7 Income code for payments is FLRO 5899.
7. Policy agreed by Corporate Head of Environmental Services

Date: October 2021

Signed

Name:

6. Document History

7.

DATE	ISSUE	DETAILS OF AMENDMENTS
24/06/2021	1	New Policy
October 2021	2	Section 6 reviewed

APPENDIX B

1. Scope / Purpose
 - 1.1 This Policy deals with the fee structure for caravan site licence applications and the annual fee payable by existing licensed caravan sites from 1 April 2014
2. Responsibilities and Authority
 - 2.1 The Caravan Sites and Control of Development Act 1960 has been amended by the Mobile Homes Act 2013 to provide for the charging of an annual licence fee and an application fee on new licences.
3. Relevant Documents / References
 - 3.1 The Caravan Sites and Control of Development Act 1960 (As Amended) is the principal legislation covering the licensing and control of caravan sites.
 - 3.2 The Mobile Homes Act 2013.
 - 3.3 Any guidance issued with regard to setting licence fees
 - 3.4 Caravan Site Licensing Procedure
4. Consultation
 - 4.1 A draft version of this Policy has been circulated to all owners of sites which are currently licensed in Runnymede. The views of the consultees have been taken into account when setting out the final policy.
5. Review
 - 5.1 This policy was first published in 2014 and was updated in 2017 and again in 2021 a further review will be due to take place for fees from April 2025.
 - 5.2 When issuing each annual fee notice account should be given to any surplus generated in the previous year.
6. Components of the Annual Fee
 - 6.1 Administrative Costs of the Licensing Regime
 - 6.2 Compliance inspection Costs
7. Exemptions from the annual fee
 - 7.1 Sites which consist of up to 10 pitches/units and are only occupied by members of a single family group will be exempt from paying an annual fee.
 - 7.2 Sites which are run on a commercial basis regardless of size will not be exempt from paying an annual fee.
8. Application, transfer and replacement copy fees
 - 8.1 Any new application for a site licence received after 1 April 2022 will be required to pay an application fee of a minimum of £586 plus the calculated inspection cost for that site based on £9.15 for each additional caravan.

	Action	Time (Mins) And officer Allocation	Admin	Officer	Manager
1	Enquiry received and service request entered on computer system.	30(A)	18.035		
2	Make up new caravan site/Park home site file and attach above documentation	20(A)	12.023		
3	Send out site application form with covering letter and enter action on computer worksheet.	15(A)	9.0175		
4	Contact applicant and make appointment to carry out initial site inspection enter action of computer worksheet	10 (A)	6.012		
5	Enter particulars on application form on to premises record on computer system. Scan and save application form to computer system and link to worksheet.	30 (A)	18.04		
6	Check application valid e.g. all compulsory questions completed and correct fee included	40(O)		36.60	
	Check all particulars entered on computer premises record correctly				
7	Carry out LRS to verify applicant is owner of land	30(A)	18.035		
8	Examine electrical certificate and any other documentation submitted with licence for validity. Enter action on computer worksheet.	20(O)		18.30	
9	Prepare draft site licence and send to applicant with covering letter. Include any recommendations and works required resulting from initial site inspection. Save draft licence and letter to and link to computer worksheet.	60 (O)		54.90	
10	Discuss any feedback with applicant on proposed site licence conditions with applicant. If amendments requested seek authority with line manager to amend conditions.	60(O)		54.90	
11	Upon expiry of consultation period amend site licence if required. Print out a copy of site licence and proof read.	60 (O)		54.90	
12	Site licence to be checked and signed by line manager	30(M)			34.06
13	Send out site licence to applicant with covering letter	10(O)		9.15	
14	Scan and save signed copy of site licence to system and link to computer worksheet. Insert hard copy of licence to paper file.	20(O)		18.30	
15	Update public register of licensed sites.	15(O)		13.73	
16	Upon occupation of site contact site owner to make appointment for licensing inspection	10(O)		9.15	
17	Carry out full site inspection. Make note of any breaches of site licence conditions/ works required	Single unit site 60 (O)		54.90	

18	Travel time	60(O)		54.90	
19	Record visit and details on computer worksheet	20(O)		18.30	
20	Complete risk assessment to determine next routine visit.	10(O)		9.15	
21	Enter date of inspection and next routine inspection on park homes inspection worksheet. Next routine inspection as scheduled inspection on premises worksheet.	10(O)		9.15	
22	Send letter to applicant notifying them of outcome of licensing visit.	60(O)		54.90	
	Total officer costs for a single unit		81.16	471.23	34.06
	Total Cost for Single unit site		£586.45		
	Plus additional unit inspection time	10(O) per unit		£9.15	

The amounts in the table will be rounded to £586 standing charge plus £9.15 per unit

8.2 Any application to transfer or amend a site licence received after 1 April 2022 will be required to pay a transfer fee of £350

	Action	Time (Mins) Amending Licence	Admin Cost	Officer Cost	Manager Cost
1	Enquiry received and service request entered on computer system.	20(A)	£12.02	0	0
2	Send out application form and covering letter detailing fee required	15(A)	£9.00	0	0
3	Upon receipt of application form scan and attach form to computer worksheet. Attach hard copy to paper file. Enter action on computer database and associated details Generate acknowledgement letter and send to applicant.	30(A)	£18.00	0	0
4	Enter particulars on application form on to premises record on computer system	15(A)	£9	0	0
5	Check application valid e.g. all compulsory questions completed and correct fee included Check all particulars entered on computer premises record correctly	30(O)	0	£27.45	0
6	Carry out LRS to confirm applicant is new owner of the site	30(O)	0	£27.45	0
7	Amend site licence print out and proof read	60(O)	0	£54.90	0

8	Amended site licence to be checked signed by line manager	30(M)	0	0	£34
9	Look up records of outstanding historic breaches, outstanding notices etc.	15(O)	0	£13.73	0
10	Send amended site licence to site owner with covering letter. Send written notification of outstanding historic breaches and outstanding notices to new site owner. Add to actions to electronic worksheet.	20(O)	0	£18.30	0
11	Scan and attached signed copy of site licence to electronic worksheet and attached signed hard copy to paper file.	20 (O)	0	£18.30	0
12	Attach hard copy of covering letter and notification of outstanding historic breaches and outstanding notices etc to electronic and paper file	15(O)	0	£13.73	0
13	Amend park home site licence spreadsheet and public register of park home site licences.	20(A)	12.02		0
14	General additions time taken with telephone conversations and correspondence with applicant on typical variation enquiry	90(O)	0	£82.35	0
	Total hours as a Decimal		60.1166667	256.20	34.06
	Total Cost		£350.38		

8.3 The hourly rates have been based on the midpoints of officers' salaries (as of July 2021) of the following pay scales.

Manager (Principal EHO)	MMB
Officer (EHO)	Grade 10/MMA
Admin (Administrator)	Grade 7

9. Annual fee structure

9.1 Where applicable the annual fee will be charged on the following basis:

Annual licence fee for a single unit site	£55.00
plus an additional £7.00 for each additional unit up to 101 units	
plus an additional £5.00 for each additional unit up to 201 units	
plus an additional £4.00 for each additional unit over 201	

9.2 Payment date

The annual fee shall be payable by 30 April of that year, failure to pay the fee may result in an order being sought from the Residential Property Tribunal (RPT) to secure payment by a specified date, if payment is not received within 3 months of the date specified in the order and application may be made to the RPT to revoke the licence.

10. Other charges

Application to amend up to two licence conditions	£135
Application to amend more than two licence conditions	£135 plus £28 per condition
Deposit of site rules (including deposit of amended rules)	£75
Replacement printed copy of site licence	£25

11. Document History

DATE	ISSUE	DETAILS OF AMENDMENTS
27/01/2014	1	New Policy
2017	2	Amended by Committee report
2021	3	Reviewed document and updated costings

APPENDIX C

Caravan site licences 2016 to 2016	Deficit and surplus					
		<u>2016/17</u> Actual £	<u>2017/18</u> Actual £	<u>2018/19</u> Actual £	<u>2019/20</u> Actual £	<u>2020/21</u> Actual £
<u>Employees</u>						
Salaries		4,400	4,600	5,800	4,700	4,600
<u>Training and Recruitment</u>						
Short Courses		0	0	0	70	0
<u>Transport related expenditure</u>						
Car allowances		100	226	200	200	100
<u>Support services</u>						
Financial services		894	950	986	622	724
Information technology		118	125	190	124	181
Corporate services		47	50	76	62	145
Office accommodation		306	350	227	187	217
Customer services		282	575	682	560	652
Law and governance	-		-	227	(0)	0
Technical services		191	188	152	124	109
Gross expenditure		6,338	7,064	8,540	6,651	6,728
Sales, fees and charges		4,022	4,137	6,540	6,745	6,500
Gross income		4,022	4,137	6,540	6,745	6,500
Net expenditure		2,316	2,927	2,000	(94)	228

APPENDIX D

EQUALITY SCREENING

Equality Impact Assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Caravan site licensing – committee report,	D Carins

A. What is the aim of this policy, function or activity? Why is it needed? What is it hoped to achieve and how will it be ensured it works as intended? Does it affect service users, employees or the wider community?

Amendment of standard licensing condition within Caravan Model standards conditions following on from work done in relation to heating grants for Park Homes

Heating Grants for Park Homes scheme by is currently underway within the Borough. This is being undertaken by Heat Surrey and the Council's Energy Management team. This scheme allows mobile home owners to improve the heating and insulation measures within resident's mobile homes such as the addition of external insulation material to the home.

There is a general requirement within the caravan licensing regime that mobile homes are 6m apart for preventing spread of fire from one home to the next should a mobile home catch fire. Provided that material with a final finish of Class 1 rating for Fire Spread is installed to a home this distance can be reduced to 5.25 m to accommodate improved thermal insulation and fire resistance cladding.

A situation has been encountered regarding the implications of this grant scheme by way of the addition of external insulation to caravans and the interaction with the site licensing condition regarding the maintenance of an inter-separation distance between caravans. Officers are aware that there may be several applicants for the Heating Grants who will be in a situation whereby the separation space between the homes will lead to a breach of this separation condition since the first neighbouring caravan at some point in the past would have already been cladding and hence effectively reduced the 6m separation distance. Therefore, when the second caravan then seeks to fit insulation to their home then the effective gap between the two caravans could end up being less than 5.25m. In terms of fire spread insulation, officers are proposing that, in instances where the separation space after installation of energy efficient /fire resistant cladding on two opposite facing mobile homes is less than 5.25 m but more than 5.01m, subject to the agreement of Surrey Fire and Rescue Service, that works could potentially be permitted on a case-by-case basis.

Members are being asked to endorse this general approach to this specific licensing condition in such circumstance. The overall effect would be that both homes would have class 1 fire resistance and the benefit of additional insulation material being applied for thermal comfort.

Surrey County Council Fire and rescue services have been asked to comment as to the fire risk implications and whether or not they have concerns over the above approach. SCC Fire and Rescue have advised that they are not seeking to raise objections on the basis that the facing facades of the mobile homes will be moved to 5m apart because both facades will be clad in class 1 rated material inhibiting the spread of fire.

The proposed endorsement of the officers approach will positively assist residents of caravans who are seeking to have additional thermal and fire resistance cladding added externally to their homes

B. Is this policy, function or activity relevant to equality? Does the policy, function or activity relate to an area in which there are known inequalities, or where different groups have different needs or experience? Remember, it may be relevant because there are opportunities to promote equality and greater access, not just potential on the basis of adverse impacts or unlawful discrimination.

The Protected Characteristics are; Sex, Age, Disability, Race, Religion and Beliefs, Sexual Orientation, Marriage and Civil Partnership, Gender Reassignment, Pregnancy and Maternity.

There are sites which have been licensed which purport to cater for Romany Travellers. There are also other mobile home sites which only allow for a certain age group eg over 55 years old. Hence it is suggested that there are caravan sites which could contain a class of the population which could be considered to have protected characteristics.

However, the aim of insulating caravans will provide many benefits in that the residents will have external insulation to not only allow better heat retention, hyperthermia prevention but at the same time reduce heating costs (fuel poverty) and reduce emissions from heating systems it will also provide class 1 rated flame spread insulation and hence reduce the fire protection to the caravan.

It could be said that the improved insulation may have more of a positive benefit for someone in the older age groups or with a cold related illness more than within the younger age group due to the increased susceptibility to coldness.

Information to support this proposition being obtained from the Governments Housing Health and Safety Rating System Operating Guidance Housing Act 2004 Guidance about inspections and assessment of hazards given under Section 9 February 2006 page 59;-

Hazard 2 Excess cold Description of the hazard

2.01 This category covers the threats to health from sub-optimal indoor temperatures. Potential for harm Most vulnerable age group and statistical averages

2.02 The most vulnerable age group is all persons 65 years or over

Health effects

2.05 A healthy indoor temperature is around 21°C, although cold is not generally perceived until the temperature drops below 18°C. A small risk of adverse health effects begins once the temperature falls below 19°C. Serious health risks occur below 16°C with a substantially increased risk of respiratory and cardiovascular conditions. Below 10°C the risk of hypothermia becomes appreciable, especially for the elderly.

2.06 There are approximately 40,000 more deaths between December and March than expected from the death rates in other months of the year. This seasonal fluctuation, Excess Winter Deaths, is greater in Britain than in most other countries of continental Europe and Scandinavia.

2.07 Cardiovascular conditions (e.g. heart attacks and stroke) account for half the excess winter deaths, and respiratory diseases (e.g. influenza, pneumonia and bronchitis), account for another third. The increase in deaths from heart attacks occurs about 2 days following the onset of a cold spell, the delay is about 5 days for deaths from stroke, and about 12 days for respiratory deaths.

2.08 Although there is some excess winter deaths in all age groups, it becomes significant for those in the 45+ age group. The risk increases with age in a roughly linear pattern up to the 85+ age group, after which there is a marked increased risk.

2.09 The main causal factor for excess winter deaths appears to be changes in ambient (outdoor) temperature, but seasonal infections, and changes in behavioural patterns, air pollution levels and micronutrient intake may also account for some of the seasonal pattern.

2.10 The extent to which housing contributes is not clearly known, but the indication is that people living in dwellings that are poorly heated are at significantly greater risk. There is less evidence on the relationship between housing characteristics and health other than mortality. However, it is very probable that the findings in relation to cold-related mortality can be extended in broad terms to cardio-respiratory morbidity and health related quality of life.

2.11 Low temperatures can impair the thermoregulatory system of the elderly, and the very young whose thermoregulatory system is immature. Both these groups may spend a greater time indoors in cold weather and both will not move about as much as other groups in the cold.

2.12 Cold air streams may affect the respiratory tract and can slow the heart temporarily, increasing cardiovascular strain. When the whole body is cooled, blood pressure increases. The effect of cold air on the bronchial lining and immune system can reduce resistance to infection. Thus, sleeping in cold bedrooms has been shown to substantially increase the health risk.

2.13 The symptoms of rheumatoid arthritis can be worsened by cold. Low temperatures also aggravate sickle cell anaemia and the related thalassaemia, and can affect the healing of leg skin ulcers.

In summary there would be a multi-fold benefit when external insulation is applied to caravans even if the two facades of the caravans are closer because of the addition of external insulating material. The benefits would be mitigating against the spread of fire, improve thermal comfort and at the same time reduce heating cost. Hence if insulation can be applied it is seen that the introduction of such measures would benefit residents of caravans hence it is suggested that overall, this is a positive step to seek endorsement by the Member of the revision of the licensing condition.

If the policy, function or activity is considered to be relevant to equality then a full Equality Impact Assessment may need to be carried out. If the policy function or activity does not engage any protected characteristics, then you should complete Part C below. Where Protected Characteristics are engaged, but Full Impact Assessment is not required because measures are in place or are proposed to be implemented that would mitigate the impact on those affected or would provide an opportunity to promote equalities please complete Part C.

C. If the policy, function or activity is not considered to be relevant to equality, what are the reasons for this conclusion? Alternatively, if there it is considered that there is an impact on any Protected Characteristics but that measures are in place or are proposed to be implemented please state those measures and how it/they are expected to have the desired result. What evidence has been used to make this decision? A simple statement of 'no relevance' or 'no data' is not sufficient.

Impact on protected characteristics

When external insulation is applied to caravans there would be a multi-fold benefit even if the two facades of the caravans are closer because of the addition of external insulating material. The benefits would be mitigating against the spread of fire, improve thermal comfort and at the same time reduce heating cost. Hence if insulation can be applied it is seen that the introduction of such measures would benefit residents of caravans hence it is suggested that overall, this is a **positive step** and expect to have a positive impact on anyone residing in a caravan with the protected characteristic of age both the elderly and children and for someone with a Disability to seek endorsement by the Member of the revision of the licensing condition. While it is appreciated that there is a gap in the information, we have to determine the actual impact of this policy on anyone with a protected characteristic, we will in terms of our continued review of the Policy seek to gain more information that would assist in mitigating any negative impacts we find.

It is therefore considered that the Council will comply with its Public Sector Equality duty when endorsing this Policy and a full impact assessment is not required at this stage.

This screening assessment will need to be referred to the Equality Group for challenge before sign-off.

Date completed: 07/12/21

Sign-off by senior manager: