

REPORT TO: Licensing Sub-Committee

MEETING DATE: 10 January 2019

BY: Depute Chief Executive (Resources & People Services)

SUBJECT: Licensing of Caravan Parks for Permanent Residents

1 PURPOSE

- 1.1 To advise the Sub-Committee of the new scheme for the licensing of Residential Mobile Homes Sites and the recommended licence fee for such a licence.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee recognise and adopt the new scheme for the Licence for Residential Mobile Homes Sites introduced by the Housing (Scotland) Act 2014.
- 2.2 That the Sub-Committee adopt the Model Standards for such licences as produced by Scottish Government as annexed to this report and agree that such standards should form the standard conditions for such a licence.
- 2.3 That the Sub-Committee agree to fix the licence fee for the Residential Mobile Homes Site Licence at £600.00.
- 2.4 That the Sub-Committee authorise the new licence to be used for all applications for renewal of existing site licences from 1 May 2019 and for any applications for a new licensed site from the date of adoption of the new scheme.

3 BACKGROUND

- 3.1 Part 5 of the Housing (Scotland) Act 2014 introduced a new licensing regime for residential mobile homes sites. The new regime actually took effect on 1 May 2017, but current licences issued under the previous legislation continue in effect until 1 May 2019 as there is a two year transition period. The new scheme relates to permanent residential sites and not to holiday/touring caravan sites. Part 5 inserts new provisions into the principal Act covering this area- the Caravan Sites & Control of Development Act 1960.

- 3.2 The legislation states that a licence issued under this scheme will have a duration of five years.
- 3.3 Scottish Government issued in December 2018 updated Model Standards for Residential Mobile Home Site Licences, which standards are appropriate to be incorporated as standard conditions for the new licensing scheme.
- 3.4 As the transition period is coming to an end, the Council requires to ensure that it has systems in place to implement the new licensing regime introduced by the 2014 Act and to set an appropriate fee for the administration thereof.

4 POLICY IMPLICATIONS

- 4.1 None. The new scheme is created by Statute and Local Authorities are responsible for the administration of licensing of such sites under the scheme. In that connection the Council requires to set an appropriate fee.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – This is updating the existing licensing regime and creates an income stream with regard to the fee as agreed.
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Housing (Scotland) Act 2014, Part 5

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Model Standards for Residential Mobile Home Site Licences

Guidance to local authorities on site licence conditions for mobile home, park home, or caravan sites which are licensed to have permanent residents.



PART 1: INTRODUCTION

1. Local authorities are the licensing authority for caravan sites in their area. Operators of caravan sites must apply to the local authority for a licence to operate. Local authorities can attach conditions to a site licence they issue, and this document provides guidance on the licence conditions they may wish to put in place. Under section 32T of the Caravan Sites and Control of Development Act 1960 (the 1960 Act), if a site licence holder does not comply with a site licence condition they are guilty of an offence, and, if convicted by a court, can be fined. The new licensing system introduces a number of other measures that a local authority can take against a site licence holder who is not complying with any site licence conditions including the service of an improvement notice under section 32U of the 1960 Act.

2. The purpose of this document is to provide model standards for the licence conditions that a local authority can put in place when it issues, or reviews, a licence for a relevant permanent site (a caravan site with permanent residents). Such caravan sites are often described as mobile home or park home sites.

3. The model standards are published under section 5(6) of the 1960 Act. This states that:

“The Minister may from time to time specify model standards with respect to the layout of, and the provision of facilities, services and equipment for, caravan sites or particular types of caravan site; and in deciding what (if any) conditions to attach to a site licence, a local authority shall have regard to any standards so specified.”

4. These model standards apply to licences for sites which are used as relevant permanent sites. This excludes land for which planning permission or the site licence is granted, for holiday use only or on the basis that there will be times of the year when no caravan may be stationed on the land for human occupation. In the main they cover sites which are residential mobile home sites that are licensed to have permanent residents. On mixed use sites the model standards apply to the parts of the site licensed for permanent residents.

5. The standards do not apply to:

- caravan sites which are covered by the exemptions under the First Schedule to the 1960 Act¹;
- sites that are used exclusively for holidays or touring caravan sites. For holiday and touring caravan sites the model standards set out in Circular

¹ <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62/schedule/FIRST>

17/1990 continue to apply, although local authorities should use their judgement to make sure that licence conditions for such sites reflect modern standards and practice. The Fire (Scotland) Act 2005, amended section 5 of the 1960 Act and added a new subsection 6A which provides that any model standards issued under section 5(6A) of the 1960 Act cannot cover those fire safety matters which are regulated by the 2005 Act.

6. The model standards are guidance to local authorities in considering what licence conditions they should put in place in their area, and set out an appropriate baseline for an authority's licence conditions. Under section 5(1) of the 1960 Act a local authority can issue a site licence "subject to such conditions as the authority may think it necessary or desirable to impose..." A local authority is not limited to only setting licence conditions set out in the model standards, and can take the view that it wishes to impose licence conditions that are not set out in this document.

7. While licence conditions need not be limited to those in the model standards, they should not place unreasonable requirements on site owners. Licence conditions should be applied which secure an environment that allows site residents to live safely on a site and which also take into account issues such as the amenity of the site. Local authorities should apply licence conditions that are reasonable, clear, proportionate and straightforward to comply with and enforce.

8. The model standards themselves should be applied with due regard to all the circumstances, including the physical character of the site, any services or facilities that may be already available within convenient reach, and any other local conditions. The relationship of the site to the broader environmental aspects should also be given careful consideration.

9. It is fundamental that decisions on site licence conditions are lawful, fair and reasonable. The Scottish Government guidance *Right First Time* provides a practical guide to help decision-makers comply with these standards, available online at: <http://www.gov.scot/Publications/2010/02/23134246/0>. Local authorities should ensure that their actions are in accordance with the Scottish Regulators' Strategic Code of Practice, available online at: <http://www.gov.scot/Resource/0046/00467429.pdf>

10. The site licence conditions that local authorities attach to a licence should reflect the relevant best practice and regulations at the date the site licence is issued. This means that over time conditions applied may vary from those in the published model standards. Work carried out on the site after the licence has been issued should comply with the statutory requirements in place at the time the work is carried out and may require further updating to meet changed standards. These model standards reflect best practice and regulations at the time they are issued (December 2018), and local authorities should check that they are aware of the relevant legal requirements (e.g. the latest regulations), relevant British and/or European Safety Standards, and any other relevant guidance or advice on best

practice. A local authority should also ensure that in attaching conditions to a mobile home site licence it is reflecting the latest standards on the provision of services such as gas, electricity, water, drainage, sewerage and flood protection.

11. A new site licensing regime for sites with permanent residents, set out in Part 5 of the Housing (Scotland) Act 2014 was introduced on 1 May 2017. The Scottish Government published guidance for local authorities on the new licensing system in April 2017 which is available at: <http://www.gov.scot/Resource/0051/00516665.pdf>

12. Holders of site licences issued prior to 1 May 2017 have until 1 May 2019 to apply for a licence under the new system. The new regime came into force on 1 May 2017 for those who are applying for a site licence for the first time. When a local authority is issuing a licence under the new system for a new or existing site it should examine the attached conditions and determine the licence conditions to put in place.

13. Where an existing site does not meet the standards set out in the model standards a local authority could consider a transitional period to allow the site to meet new requirements. Such a period should give a site licence holder a specific and reasonable amount of time to meet any new licence conditions. Any new conditions applied in light of the model standards should be reasonable and proportionate. In considering licence applications for existing sites local authorities should consider whether it is appropriate for each standard to apply. Where a current licence condition is adequate in serving its purpose, the local authority may consider whether to apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site.

Fire Safety

14. Fire safety obligations are imposed on duty holders by Part 3 of the Fire (Scotland) Act 2005 (the 2005 Act). Whether these fire safety duties apply in respect of premises, or part of premises, depends on whether the premises, or part of the premises, are 'relevant premises' as defined in section 78 of the 2005 Act. A mobile home which is used by someone as their residence, whether as owner or tenant will be domestic premises and not relevant premises. A residential site itself will be relevant premises where it contains units, and the units or pitches are rented on a commercial basis, regardless of whether the occupiers of the units are owners or tenants. Where mobile homes are used as a private residence, each pitch and the mobile home on it will be considered domestic premises and outwith the control of the 2005 Act, regardless of whether the occupier is an owner or tenant.

15. The fire safety regime in Scotland requires those persons with responsibility for non-domestic premises (duty holders) to put in place appropriate fire safety measures, based on an assessment of risk. More than one person can have fire safety responsibilities for the premises. However this responsibility will be in direct

proportion to someone's level of control - the more control a person has over the premises, the greater their responsibility. In accordance with the 2005 Act a duty holder must make sure that appropriate fire safety measures are put in place on the basis of an assessment of fire safety risk.

16. Further information on the duties and requirements under Part 3 of the 2005 Act is available online at: <http://www.gov.scot//Topics/Justice/policies/police-fire-rescue/fire/FireLaw>. Particular guidance on caravan sites can be found at annex 3 of <https://www.gov.scot/binaries/content/documents/govscot/publications/guidance/2018/06/practical-fire-safety-guidance-existing-premises-sleeping-accommodation/documents/00536681-pdf/00536681-pdf/govscot%3Adocument> which sets out the following benchmarks in relation to spacing and car parking:

- Subject to variations, the distance between any two units should generally be not less than 6 m for permanent residential sites.
- The 6 m distance between units may be reduced where caravan construction is inherently fire-resistant. Under such circumstances, the distance may be reduced to 5 m. Where there is a mix of fire-resistant and non fire-resistant construction, the larger separation distances apply.
- The distance from any part of a tent or caravan to any site road should be not less than 2 m, and not less than 3 m from any site boundary.
- One car only should be permitted to park between adjoining units subject to the entrance to the unit not being obstructed. Plastic or wooden boats should not be kept between units.

17. These model standards do not make any provision for fire safety, as site operators must comply with the fire safety regime set out in the 2005 Act. The 2005 Act amended section 5 of the 1960 Act and added a new subsection 6A which provides that any model standards issued under section 5(6A) of the 1960 Act cannot cover those fire safety matters which are regulated by the 2005 Act.

18. The process of fire safety risk assessment should be on-going. If there is a reason to suspect that the current fire safety risk assessment is no longer valid, or if there has been a significant change in the matters to which it relates, then the assessment must be reviewed by the duty holder and any changes in the fire safety measures required must be made to ensure continued compliance with the said Act and Regulations

19. Free advice is available from the Scottish Fire and Rescue Service on technical details and options for compliance; however the duty holder is responsible for carrying out the fire safety risk assessment for their premises; and identifying and implementing the fire safety measures necessary as a result of the findings of the fire safety risk assessment.

Showpeople Sites

20. Some mobile home sites are used as homes by showpeople, people with small businesses who travel to fairs etc. to work. Under paragraph 10 of the first schedule of the 1960 Act showpeople sites that are only occupied for certain months of the year are exempt from the licensing regime. Local authorities will need to explore the circumstances of those living on showpeople sites in their area (e.g. for which months of the year someone lives on a site) to determine whether the exemption applies.

21. If a showpeople's site does require a licence, local authorities should be aware that provisions that may be necessary for a mobile home site may not be appropriate for a showpeople's site. We encourage local authorities, in licensing such showpeople's sites, to consult with those living on the site and any relevant representative body (such as the Scottish Showman's Guild²).

British Standards

22. In a number of places this guidance refers to the relevant British Standards. These are published by the British Standards Institution, and can be obtained online at <http://shop.bsigroup.com/>.

Structure

23. There are three parts to this guidance:

- Part 1: this introduction;
- Part 2: the model standards for mobile homes sites with permanent residents;
- Part 3: explanatory notes on the model standards.

24. This guidance is not an interpretation of the law. Local authorities are advised to obtain their own legal advice if they have any questions about what site licence conditions are legal and appropriate for a site in their local authority area.

² <http://scottishshowmensguild.org/>

PART 2: THE MODEL STANDARDS

These 2018 Model Standards replace Appendix A of Model Standards for Residential Caravan Sites of Scottish Development Department Circular 17/1990. The 1990 model standards continue to apply to sites which are not licensed for permanent, year-round, residents (e.g. holiday and touring caravan sites).

Number of Mobile Homes, Site Plans and Boundaries

1. The maximum number of mobile homes to be stationed on the site is
2. The boundaries of the site and each pitch must be clearly marked by appropriate man-made or natural features.
3. A plan of the site of a suitable level of quality and detail must be supplied to the local authority whenever there is a material change to the boundaries or layout of the site.

Amenity and Privacy

4. For amenity and privacy reasons:
 - The distance between any two units should generally not be less than 6 m.
 - The density of mobile homes on a site must not exceed the density stated in the planning consent conditions, or if none is stated, 50 mobile homes per hectare of usable area (excluding lakes, watercourses, high flood risk areas, roads, common service areas, and other areas unsuitable for the siting of mobile homes).

Roads, Gateways and Traffic Routes

5. Roads must be constructed of hard durable materials (such as suitable bitumen macadam or concrete with a suitable compacted base) and must be provided so that no mobile home is more than 45 metres from a road. Roads must be capable of carrying vehicles with an axle loading of 14 tonnes as a minimum.
6. Roads must be designed to provide adequate access for emergency vehicles. Routes for emergency vehicles must be kept clear of obstructions at all times. Where necessary, suitable vehicle turning areas should be provided.
7. All roads must have adequate surface water/storm drainage. Roads must not be less than 3.7 metres wide unless they are designed for, and used by, one way traffic in which case they must not be less than 3 metres wide.
8. One-way systems must be clearly signposted.

9. Where existing two-way roads are less than 3.7 metres wide, passing places or a one-way system must be provided.
10. All gateways/entrance/exits to the site must be a minimum of 3.5 metres wide and have a minimum height clearance of 3.7 metres for vehicular access and be accessible at any time.
11. Roads must be maintained to a good standard.
12. Cable overhangs must meet the relevant statutory requirements.
13. Salt or grit should be provided in conveniently located containers, for use to allow the safe movement of vehicles in icy conditions.
14. Where appropriate, suitable measures (e.g. signage or speed bumps) to control the speed of vehicles on the site should be provided.

Pedestrian Routes

15. Every hard standing must be connected to a road by a footpath at least 0.9 metres wide with a hard surface which must be maintained in good condition.
16. Communal pedestrian routes should not be less than 0.9 metres wide. The route should be made of a hard surface and must be maintained in good repair and in a safe condition.
17. All pedestrian routes must have adequate surface and storm water drainage.
18. Salt or grit should be provided in conveniently located containers, for use to allow the safe movement of pedestrians in icy conditions.
19. The surface and gradient of roads and all pedestrian routes should be designed and maintained to take into account the requirements of disabled households.

Bases and Hard Standings

20. Every mobile home must be sited safely and securely on a hard-standing or solid base.
21. The base must extend over the whole area occupied by the mobile home, and must where possible project at least 0.9 metres outwards from its entrance to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance current at the time of construction, and kept in a suitable condition with any necessary maintenance.

Supply and Storage of Gas

22. Gas supply (liquefied petroleum gas (LPG) and natural) and the storage of LPG gas cylinders must meet relevant statutory requirements, and relevant Standards and Codes of Practice.
23. Any gas installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements. Any work on gas installations and appliances on the site must only be carried out by persons who are competent to do the particular type of work being undertaken.³

Electrical Installations

24. The site must be provided with an electricity supply and distribution network of adequate capacity to safely meet the reasonable demands of the mobile homes and other facilities and services within it. The electrical system on the site, including the distribution network and supplies to mobile homes and site buildings, must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
25. Any work on the electrical distribution network on the site and equipment connected to it must be carried out only by persons who are competent to do the particular type of work being undertaken.⁴

Oil Storage Tanks

26. Oil storage tanks must be designed, constructed and located so as to comply with relevant statutory requirements and British and/or European Standards.

Water Supply

27. All pitches on the site must be provided with a water supply sufficient in all respects to meet the reasonable demands of the mobile homes situated on them, and all water supplied for human consumption must be of the quality required by relevant statutory requirements and British and/or European Standards.
28. The water distribution network and installations must be designed, installed, tested, inspected and maintained in accordance with the provisions of the relevant statutory requirements and British and/or European Standards.

³ For the definition of a competent person please see paragraph 8.2 of the Explanatory Notes to these Model Standards.

⁴ For the definition of competent person see paragraph 9.3 of the Explanatory Notes to these model standards.

29. All repairs and improvements to water supplies and installations must be carried out to conform to relevant statutory requirements and British and/or European Standards.
30. Work on water supplies and installations must be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with relevant statutory requirements and British and/or European Standards.
31. Water supplies should be adequately protected from damage by frost.

Drainage and Sanitation

32. The mobile home site, including every hard standing, must be provided with a suitable drainage system for the hygienic disposal of foul, rain and surface water from the site, buildings, mobile homes, roads and footpaths.
33. The surface and foul drainage network and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
34. Each mobile home and site building must be connected to a foul drainage system. The connection should be capable of being made air-tight when not in use.
35. Provision must be made for foul drainage either by connection to a public sewer, a sewage treatment facility or to an appropriate septic tank or treatment system approved by the local authority or, where appropriate, the Scottish Environment Protection Agency (SEPA). Septic tanks and treatment systems should be registered with SEPA in accordance with their requirements.

Flooding

36. The site licence holder should establish whether the site is at risk from flooding by referring to SEPA's Flood Maps.
37. Where the site is at risk of flooding the licence holder should sign up to SEPA's Floodline service, establish an evacuation plan, and display notices prominently on the park with all relevant information.

Lighting

38. Roads and pedestrian routes must be provided with an adequate working artificial lighting system between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.
39. Where appropriate, communal buildings should have adequate working artificial internal and external lighting.

40. The lighting systems and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.

Domestic Waste

41. Each mobile home must be provided with, or have ready access to, appropriate facilities for the recycling of waste material and for the disposal of residual waste.

Notices and Information

42. Displayed in a prominent place must be:

- a) details of how to contact the Police, the Fire and Rescue Service, and emergency and local medical services;
- b) the name, contact address and telephone number of the site licence holder or the site manager (if different from the site licence holder) and their emergency contact details;
- c) a copy of the Site Rules. If the site rules are more than one page long the first page can be displayed, along with details of a specific place on the site that the full site rules can be inspected on request;
- d) a copy of the Site Licence.

All notices must be suitably protected from the elements.

Other relevant information should be provided to the local authority if requested, including a copy of documents showing the on-going maintenance and inspection of the site and its facilities.

Site Maintenance

43. The site licence holder should ensure that the site and all the facilities on it are maintained in a good order and condition, and function as intended.

Additional Structures and Alterations to Existing Structures

44. New structures on the site and buildings or structures undergoing a change of use, alteration or adaption must comply with relevant building standards Regulations. Planning Permission may also be required and any conditions complied with.

Mobile Homes Let by the Site Licence Holder for Permanent Accommodation

45. Each mobile home let by the site licence holder must be maintained in a good state of repair by the site operator, be weatherproof, free from damp, and comply with the relevant British Standard at the time of manufacture (at time of publication BS 3632:2015). The standard covers the manufacture of mobile homes, for use as permanent places of residence.

Parking

46. Sufficient and appropriate provision should be made for car parking by residents and their visitors.

Glossary

47. In these standards we have used the following terms. Please note this glossary defines these terms for the purposes of these standards only, and is not (and is not intended to be) a reference for how these terms are used in all legislation or by Local Authorities and others. In these standards:

<i>“axle loading”</i>	the axle load of a wheeled vehicle is the total weight felt by the roadway for all wheels connected to a given axle.
<i>“hardstanding”</i>	means a solid base upon which a mobile home is situated.
<i>‘holiday caravan site’</i>	means sites open only for the summer months and perhaps also for part of the spring and autumn seasons and those sites open during the winter for holiday purposes
<i>“local authority”</i>	means the local authority which issues the caravan site licence.
<i>“mobile home”</i>	for the purposes of this guidance this means a caravan that someone lives in as their residence, and covers other terms used to refer to such a mobile home (including park home, unit, residential mobile home, and residential caravan).
<i>“pitch”</i>	means the area of the site in which the hardstanding or stance is situated and any adjacent or surrounding ground which forms part of a tenancy agreement.
<i>“relevant permanent site”</i>	has the meaning given in section 32Z6 of the 1960 Act
<i>“spacing”</i>	means the distance which must be maintained between any point on one mobile home and an adjacent mobile home.
<i>“site licence holder”</i>	means the person who holds the licence for a caravan site.
<i>“site manager”</i>	means a person or organisation appointed by the site licence holder to be responsible for the day to day running and management of a site.
<i>‘touring caravan site’</i>	means a site for caravans which are not permanently placed on the site throughout the year or the holiday season

PART 3 – EXPLANATORY NOTES ON THE MODEL STANDARDS

1. Introduction

1.1. These Explanatory Notes should be read alongside the Model Standards for Residential Mobile Home Site Licences issued in 2018. They provide advice and guidance to a local authority on the Model Standards. These Explanatory Notes are not an interpretation of the law.

1.2. A local authority has a legal duty to have regard to the model standards. It is the responsibility of the local authority to ensure that any site licence conditions they set conform to the latest relevant legislation, regulations, codes of practice, and British and/or European Standards).

1.3. When framing licence conditions, care should also be taken to ensure compatibility with relevant requirements of equality legislation, including those relating to disability.

1.4. There are a number of organisations which can provide guidance and assistance to site licence holders. These organisations also provide training for site operators and managers, and their details are set out below.

❖ British Holiday and Home Parks Association (www.bhhpa.org.uk)

Membership is made up of the owners and managers of mobile-home estates, touring and tenting parks, caravan holiday-home parks, chalet parks and all types of self-catering accommodation.

Chichester House, 6 Pullman Court, Great Western Road, Gloucester GL1 3ND. Telephone 01452 526911.

❖ National Caravan Council (www.thencc.org.uk)

The NCC is a UK trade body for the tourer, motor-home, caravan holiday home and park home industries. Membership comprises manufacturers, dealers, distributors, holiday and residential park owners and managers, and suppliers and service providers to the industry.

Catherine House, Victoria Road, Aldershot, Hampshire GU11 1SS, Telephone 01252 318251

2. Legal Background

2.1. Under section 29 of the Caravan Sites and Control of Development Act 1960 a caravan is defined as “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.” This includes mobile homes. It does not include:

- any railway rolling stock which is for the time being on rails forming part of a railway system, or
- any tent.

2.2. Section 13 of the Caravan Sites Act 1968 amended the definition of “caravan” so it includes those which come in no more than 2 sections and are assembled on site. Although they are unlikely to be moved once they have been put in place, under section 13 such a mobile home must remain “physically capable of being moved from one place to another”.

2.3. The issuing of site licences is linked by section 3(3) of the 1960 Act to the existence of planning permission for the use of the land as a caravan site. A site licence can only be issued by a local authority if the applicant has planning permission to use the land as a caravan site.

2.4. Under planning legislation, mobile homes, as with any caravan, do not have the permitted development rights associated with dwelling houses or flats. Therefore any structure erected in association with a mobile home may require planning permission. Examples would include garages, sheds, verandas, decking, extensions including conservatories etc. In addition any fence, gate or wall, etc. exceeding 1 metre in height would also require Planning Permission.

2.5. Other activities on the site which are not associated with the use of the land as a mobile home site must not be permitted without separate planning authority consent for any such activity.

2.6. A Building Warrant is not required to create a caravan site itself or for the siting of individual mobile homes but it may be required in certain instances e.g. for the construction recreational buildings on the site, installation of any drainage system, the siting of oil storage tanks or construction of hard standings.

2.7. The operator of a caravan site may also be a duty holder with responsibilities under the Health & Safety at Work Act 1974. Generally, health and safety on residential sites is enforced by health and safety inspectors from the local authority. Care needs to be taken in drafting licence conditions to ensure that the local authority does not impose conditions for matters more properly dealt with under workplace (or other) legislation. The Health and Safety Executive publish lots of guidance on health and safety covering safety policies, risk assessments and

specific matters on their website which might be brought to the attention of the site licence holder. Free confidential help and advice for businesses is provided by Health Working Lives. Free national advice helpline tel. 0800 019 2211
<http://www.healthyworkinglives.com/>

3. Number of Mobile Homes, Site Plans and Boundaries

3.1. The maximum number of mobile homes on a site is determined by the planning permission for the site and cannot be exceeded. However, conditions set by the site licence may reduce the number of mobile homes below that permitted by the planning consent. The maximum number of mobile homes that can be stationed on the site should be stated in the licence.

3.2. The boundaries of the site should be clearly delineated, both on the ground and on a site plan. Suitable marking of the boundaries might be by post and wire fencing, walls, indicator posts, or natural features. Where a site has mixed types of accommodation then the boundaries between each of these areas within the site should also be clearly marked.

4. Amenity and Privacy

4.1. The distance between any two units should generally not be less than 6 m. The density of mobile homes on a site must not exceed the density stated in the planning consent conditions, or if none is stated, 50 mobile homes per hectare of usable area (excluding lakes, watercourses, high flood risk areas, roads, common service areas, and other areas unsuitable for the siting of mobile homes).

4.2. Local authorities should be aware that the provisions of the Fire (Scotland) Act 2005 are also relevant to the issue of distance between units.

5. Roads, Gateways and Traffic Routes

5.1. Access to the site from the public highway must conform to the standards laid down by the local authority's Planning and Highways functions. Where a site has public roads the conditions in the site licence will need to reflect that some of the duties will be placed on the local authority.

5.2. Roads should be of sufficient minimum width at tight bends and junctions that the curve must have a minimum radius necessary for negotiation by Scottish Fire and Rescue Service vehicles, ambulances, waste collection vehicles, oil or gas delivery vehicles, and vehicles delivering or removing mobile homes. Roads should also be suitably constructed so that they can tolerate the additional weight of such vehicles.

5.3. Facilities (such as grit bins) should be provided to enable roads to be cleared of snow and ice.

6. Pedestrian Routes

6.1. A pedestrian route means the paths used by people to walk about the site safely. These foot paths may be at the side of site roads or across areas of the site between pitches. Paths may be constructed from paving, tarmac or similar materials. The site licence holder is responsible for providing a path to the hardstanding of each mobile home when the pitch is initially established but it is up to the pitch agreement to determine who maintains it thereafter to the boundary of the pitch.

6.2. Facilities (such as grit bins) should be provided to enable pedestrian routes to be cleared of snow and ice.

7. Bases and Hard Standings

7.1. It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site licence holder. New bases should be laid as a minimum in accordance with the industry guidelines issued by the NCC and the British Holiday and Home Parks Association. The industry's current standard⁵ for the bases provides:

“A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006⁶) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary.”

7.2. While mobile homes build standards sit outwith the scope of the Scottish Building Regulations⁷, concrete bases may be structures covered by building regulations.

8. Supply and Storage of Gas

8.1. Where gas is supplied on the site the site should comply with the most recent legislation and requirements. At the time of publication the Gas Safety (Installation and Use) Regulations 1998 as amended will generally apply. If there is a mains gas supply to the site the Gas Safety (Management) Regulations 1996 may also apply.

8.2. Any work carried out on any gas appliance, pipework or installation on the site must be carried out by a competent person. A competent person is a person registered with the Gas Safe Register and qualified to work on the type of gas

⁵ Guidelines of Good Practice for the Transportation, Movement, Siting, De-siting and Commissioning of Single Unit Caravan Holiday Homes, 2007

⁶ Available from the British Standards Institute at <http://shop.bsigroup.com/>.

⁷ <https://www.gov.scot/policies/building-standards/>

appliance, pipework or installation. The qualifications of engineers can be checked on the Gas Safe Register website at www.gassaferegister.co.uk and by looking at the registration cards carried by engineers.

8.3. The following organisations provide information which may assist with gas related matters, and you may wish to contact them for further details (and/or encourage site licence holders to do so):

- The NCC Training Academy provides access to training courses for those who are seeking Gas Safe registration. Access to awareness training awareness training / advice on gas safety for site licence holders and operators is also available through the NCC Training Academy at www.ncctraining.org.uk.
- UKLPG is the trade association for LPG industry in the UK. Advice and information can be accessed on their website at www.uklpg.org.
- The NCC and the BHHPA publish advice leaflets on gas safety in residential park homes for both park operators and home owners. For more information visit www.bhpha.org.uk or www.thencc.org.uk.

8.4. Existing installations with buried metallic supply pipe work must be inspected by a competent person at regular intervals to ensure the pipes are not corroding. Alternatively any existing metallic pipe work should be replaced with non-metallic.

9. Electrical Installations

9.1. The British Holiday & Home Parks Association and the National Caravan Council have published a "Practical Guide to the Safety Management of Electrical Installations and Distribution on Parks". The objective of the Guide is to assist site licence holders and operators in the safe management, operation and maintenance of electricity supplies and distribution systems on residential, holiday and touring sites. It is important that those operating a site have a detailed knowledge of the electrical system (e.g. loading, cable sizing, protection against overcurrent and faults, earthing arrangements, switching and isolation etc.) and plans of all the cables, distribution and connection points on the site.

9.2. To ensure that the electrical installations on the site are safe, site licence holders should have in place a suitably robust system for maintaining the installation in a safe condition. This can be achieved, firstly, by carrying out regular visual examinations of the installation to detect damage or wear and tear that might lead to danger; and, secondly, by carrying out periodic inspections and tests to assess the condition of the system and determine what needs to be done to maintain it in a safe and serviceable condition.

9.3. It is the responsibility of the site licence holder to carry out any remedial works identified as being required by any of these checks. The routine visual examinations do not normally involve dismantling equipment and can be carried out by someone

who has been instructed on what to look for. The more formal periodic inspections and tests should be carried out by a competent person. Regulation 16 of the Electricity at Work Regulations 1989 requires persons to be competent to prevent danger and injury. Using a firm that is a member of an accredited registration scheme operated by a recognised body will give some degree of confidence that this has been achieved. In Scotland, this will usually mean that they are a registered with the National Inspection Council for Electrical Installation Contracting (NICEIC), a member firm of the Electrical Contractors' Association of Scotland (SELECT), or a member of the National Association of Professional Inspectors and Testers (NAPIT). Alternatively, site licence holders should seek evidence of competence and have regard to the details provided.

10. Oil Storage Tanks

10.1. Generally oil used for heating is stored adjacent to mobile homes and the storage tanks are the property and responsibility of the resident unless the mobile home is rented out by the site licence holder. The licence holder should ensure through their tenancy agreements that oil storage tanks conform to the relevant British Standard.

10.2. In Scotland, oil storage is regulated by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)⁸. SEPA is responsible for enforcing these regulations throughout Scotland.

10.3. New or replacement domestic oil tanks may require a building warrant from the local authority.

10.4. Detailed guidance on the required levels of fire protection for oil tanks sited near mobile homes can be found in the relevant British Standard.

10.5. If oil spillage occurs, contact must be made with SEPA through their Emergency Hotline Number: 0800 807060. SEPA can advise and may assist in the prevention of a pollution incident.

11. Water Supply

11.1. The licence holder must ensure that water supplied for drinking purposes conforms to the latest regulations. At the time of publication these are The Public Water Supplies (Scotland) Regulations 2014 for public supplies, and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 for private supplies.

⁸ More details can be found online at: <https://www.sepa.org.uk/regulations/water/pollution-control/oil-storage-in-scotland/#DomesticOilStorage>

11.2. Where water is supplied by Scottish Water, the site licence holder is wholly responsible for ensuring the maintenance of the water distribution network across the site from the point where it enters the site, i.e. the Scottish Water boundary valve or stopcock, until the connection point at each mobile home where an isolating stopcock should be located. The distribution network should be designed and installed in line with water industry best practice and plumbing within any connected mobile home should comply with the Scottish Water Byelaws.

11.3. The Water Regulations Advisory Scheme (WRAS)⁹ has developed a range of publications and other resources providing information relating to water supply regulations and Water Supply Byelaws. A water supply industry installation guide for the arrangement of water supplies in Holiday and Residential Parks can be downloaded, or obtained from WRAS, free of charge.

11.4. Where there is a private supply, the site licence holder is responsible for ensuring the safety of the water supplied to consumers within the boundary of the licensed site. Depending upon any particular local agreements for responsibilities within a shared private water supply system, the licence holder may have wider obligations to meet the requirements of the legislation.

11.5. Piped supplies to mobile homes need to be adequately protected against damage by frost. It is recommended that pipes are buried at least 750mm below the ground and are properly insulated at a lesser depth underground or rise above ground to connect to a mobile home.

11.6. Care should be taken to ensure there are no lead pipes, tanks or leaded pipe fittings within any water supply system.

11.7. All plumbing work should be carried out by a member of an Approved Contractors' Scheme, such as the SNIPEF (The Scottish and Northern Ireland Plumbing Employers Federation)¹⁰ or other WaterSafe scheme¹¹.

12. Drainage and Sanitation

12.1. The site drainage system comprises the pipework and associated infrastructure on the site designed to remove surface water and foul drainage. New drainage must be constructed to meet building standards regulations. Suitable arrangements should be taken to protect drainage pipes from mobile homes from frost or mechanical damage.

⁹ More details can be found online at: <https://www.wras.co.uk/consumers/resources/publications/>

¹⁰ SNIPEF: <http://www.snipef.org/>

¹¹ Watersafe : <https://www.watersafe.org.uk/>

12.2. The site licence holder is wholly responsible for maintaining the drainage system. This includes the clearing of any blockages (including surcharges) between each mobile home and the point at which it connects to the public sewer. The site licence holder should ensure that drainage connections are properly capped off when a pitch does not have a mobile home on it, to prevent problems with pests and odours. Any septic tanks or treatment systems on a site must be specified, designed, installed and maintained to ensure effective operation. They must be approved by the local authority and be registered with SEPA.

13. Flooding

13.1. It is important that if a site is in an area susceptible to flooding, that procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice must be prominently displayed with all relevant information. Advice on flood risks and flood resilience is available from the SEPA website. For advice on flood warning and signing up to receive alerts for your area, see: <http://www.floodlinescotland.org.uk/>

13.2. The site must be included in any local authority flood evacuation plan. In parts of the country where flooding is an issue local authorities may wish to establish contact with the area Flood Advisor in SEPA.

14. Lighting

14.1. It is expected that site licence holders must provide and maintain electrical lighting throughout the site to enable visitors and residents to move around safely by road and footpaths. This would typically comprise suitable lighting columns along roadways and illumination around and within utility buildings used by residents. Lighting should be designed so that it does not cause a nuisance, e.g. shining into the windows of residents' homes.

15. Domestic Waste

15.1. It is important that appropriate arrangements are put in place for the recycling and disposal of waste from a site. Licence holders may wish to make residents aware of any local authority arrangements for the collection of bulky waste items and garden refuse.

16. Notices and Information

16.1. Relevant information should be on display in the site. This must include emergency contact details for the site licence holder or any site manager. Under section 5(3) of the 1960 Act a copy of the site licence must be "displayed on the land in some conspicuous place."

16.2. The intention of this condition is to ensure relevant information is made available or brought to the attention of those visiting or staying on the site. In some instances it may not be practicable to provide all of the information required in or on

notice boards. Licence holders may therefore use other means to supply this information provided this is agreed with the licensing authority.

16.3. As a minimum the information required by conditions 42 (a) (b) and (c) must be displayed at all times. This is for the benefit of the emergency services.

16.4. It would be good practice for the licence holder to provide a copy of the site licence conditions to all residents on the site.

16.5. Note that significant additional structures or rearrangements to the site could comprise a material change to the site and would require an amended site plan.

16.6. Site rules should not contradict the implied or expressed terms of pitch agreements.

17. Site Maintenance

17.1. Under the 1960 Act compliance with the site licence conditions is the sole responsibility of the site licence holder. There will be conditions where site residents could be expected to have a role, such as in the maintenance of their pitches, matters relating to oil storage or checking if permissions are required for additions to their mobile homes. However, responsibility for ensuring that the site licence conditions are adhered to rests with the site licence holder.

17.2. Site licence holders should therefore ensure that new and existing mobile home owners are made fully aware of the site licence conditions. It may be appropriate to include compliance with any relevant site licence conditions as a condition of any written agreement for occupancy of a pitch. Site licence holders should ensure that any matters relating to the site licence conditions that they expect residents to attend to are made explicit in the written agreement.

17.3. It is expected that site licence holders will have detailed plans of the utilities and services associated with the site, and an organised system and plan for carrying out maintenance of the site. Such arrangements are expected to include plans to deal with emergency repairs.

18. Additional Structures and Alternations to Existing Structures

18.1. New structures on the site and buildings or structures undergoing a change of use, alteration or adaption must comply with relevant building standards regulations. Planning Permission may also be required, although work required by a site licence generally does not require planning permission, and any conditions complied with.

18.2. Local authorities should be aware that the provisions of the Fire (Scotland) Act 2005 may also be relevant to the issue of additional structures and alterations.

19. Rented Mobile Homes

19.1. In providing mobile homes for rented accommodation a site licence holder should ensure that they are complying with relevant legal requirements.

20. Parking

20.1. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of mobile homes, and the availability of public transport in the immediate vicinity. On sites for the retired and semi-retired consideration should be given to the ability to have family, friends, or home support visit easily.

Other Issues

21. There are a number of areas that are not covered in the Model Standards in Part 2, but which local authorities should be aware of in relation to site licence conditions in their area.

Land Stability

22. The site licence holder should establish whether the site is at risk from land instability or subsidence. Where there is risk from subsidence or land instability the licence holder should establish and maintain a plan to monitor the condition of the land and make a contingency plan to take appropriate action should there be any probable risk to residents.

Construction of Mobile Homes

23. Local authorities should note that under section 5(2) of the 1960 Act a local authority cannot attach a condition to the site licence controlling the types of caravans on a site by reference to the materials used in their construction.

Communal Recreation Space

24. Requirements relating to recreational or amenity space may be part of the planning permission for the site, and a local authority must reflect this in the site licence conditions. Any children's play areas must conform to the latest British and/or European Standards.

Public Liability Insurance

25. A local authority may wish to establish that a site licence holder has suitable insurance relating to the site.



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