

## GUIDELINES FOR APPLICANTS

# CARAVAN SITE LICENCE APPLICATION FORM

**Caravan and Control of Development Act 1960, The Caravan Sites (Licence Applications) Order 1960, Mobile Homes Act 1983, Housing (Scotland) Act 2014, Licensing of Relevant Permanent Sites (Scotland) Regulations 2016**

East Lothian Council (The Council) are responsible for licensing caravan sites within the local authority area. Various laws, including those listed above, relate to the use of land as a caravan site and lay down the framework for the licensing of these sites and the requirements involved in their legal operation. Operating a caravan site without such a licence, or breaching the conditions of a licence is a criminal offence.

### **There are three types of Caravan Site:**

**A: Residential caravan site** – A site in regular, year-round use and occupied by caravans permanently placed on the site throughout the year and used as the occupiers' sole or main home.

**B: Holiday caravan site** – Caravans are placed on the site for all or most of the year, but are not continuously occupied as the occupiers' sole or main home.

**C: Touring caravan site** – A site used by caravans which are not permanently placed on the site throughout the year or occupied only temporarily.

From **1st May 2019**, the legislation for residential sites will be different from that covering holiday and touring sites. This means that part of a caravan site might be residential (A) while another part of the same site might be type B or C (or both). If that happens two separate licences will be required, one for the 'A' part and the other for the 'B/C' part.

This primarily changes how sites with residential caravans are licensed. The laws and licensing of holiday and touring caravan sites stay the same.

If an existing caravan site already has a licence covering the period up to May 2019, the owner must apply for a new licence to cover the part of the site that has residential caravans. When this new licence is granted, the old (pre-2019) licence would either expire or be limited (should there also be a holiday/touring part of the site). Licences are now valid for up to five years before having to be renewed.

There is a fee associated with the licensing of residential sites which must be paid prior to an application being processed by the local authority. For residential sites, please see attached fee list.

### **Planning Permission**

Applications for caravan site licences will not be granted unless the site has planning consent or a "Certificate of Lawful Use", where required. You need to provide evidence that the site has planning permission. This could be either:

- a Decision letter issued by the Council,
- a Certificate of Lawful Use under Sections 150 or 151 of the Town and Country Planning (Scotland) Act 1997

For further information on planning issues, telephone planning on 01620 827827 or email [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk).

### **Layout Plan**

Applications for licences must be accompanied by a copies of site plans to a scale of 1:500 or greater, including the scale of the plan and the displaying the following details:

- The location of the site in relation to features outside the site (such as roads and dwellings)
- The site boundary
- The boundaries of any part of the site which is intended for residential use;
- The boundaries of any part of the site which is intended for touring caravans;
- The boundaries of any part of the site which is intended for holiday caravans;
- The location of caravan standings.
- The layout and locations of internal roads, paths and parking areas, including number of parking spaces.
- The location of any communal facilities, such as sanitary or laundry facilities, bin stores etc.

- The location of site office buildings, stores and utilities, such as gas and electrical cabinets.
- The layout of flood, foul and surface water drainage of the site
- The location of fire points, alarms and fire-suppression equipment
- The location of recreational spaces within the site.
- The position of site lighting

### **Fit and Proper Person Test**

The changes in the law now mean that each person, company or partnership applying for a site licence or those participating in the management of the site must be suitable to hold a licence. Applicants are required to provide further information in relation to their suitability to hold a licence to operate a caravan site.

A local authority must consider material that shows that a person has:

- Been convicted of offences involving fraud, violence, or drugs.
- Broken the law relating to caravans, housing, landlords and tenants.
- Breached a written agreement made under the Mobile Homes Act 1983 (see below).
- Broken the rules that apply to charges and reselling of electricity, gas, and water.
- Breached site licence conditions.
- Engaged in anti-social behaviour within the meaning of section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004.

In order to consider these issues the Council will consult with various enforcement agencies as well as other Council departments.

### **Protected Site Agreement**

In deciding whether or not to grant a licence for residential sites the Council must consider whether or not any person applying for the licence or managing the site has breached an agreement under the Mobile Homes Act 1983, or has otherwise contravened the law relating to caravans.

It is a requirement of the Mobile Homes Act 1983 that site owners provide caravan owners with a written agreement (referred to as a 'Protected Site Agreement'). A blank copy of this Protected Site Agreement must be submitted with the licence application.

This sets out the rights and obligations of both the site owner and the occupiers of individual pitches. These rights and obligations are set out in:

- The Mobile Homes Act 1983
- The Mobile Homes (Commissions) Order 1983
- The Housing (Scotland) Act 2006
- The Mobile Homes Act 1983 (Amendment of Schedule 1) (Scotland) Order 2013
- The Housing (Scotland) Act 2014

The written Protected Site Agreement content and format is to be taken from within the Schedule of the Mobile Homes (Written Statement) (Scotland) Regulations 2013.

### **Appealing a decision**

If East Lothian Council are considering rejecting either an initial application for a site licence, an application to renew an existing site licence or an application to transfer an existing site licence then we will give the applicant written notice stating that we are considering refusing the application, the reason(s) for considering refusal and informing the applicant that they have a right to make written representations. The applicant will be given a date by which they must submit any such representations, which will be at least 28 days after the date on which the notice is given.

If an application for an initial grant of a site licence or for renewal of an existing site licence is refused, the applicant can appeal the decision to the Sheriff. Similarly, if an application to transfer an existing site licence is refused, the applicant (the person who currently holds the licence) and/or the transferee (the person who wants to become the holder of the licence) can appeal the decision to the Sheriff.