

**North Ayrshire Council  
Caravan Site Licensing (Relevant Permanent Sites)**

**Additional Notes for Applicants**

There are three types of Caravan Site:

A	Residential Caravan Site	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	Site used by caravans which are not permanently placed on the site throughout the year or occupied only temporarily.

The legislation for A is different from that covering B and C. Part of a site might be A, and another part might be B or C (or both). If that happens, there are two Licences, one for the A part and the other for the B/C part.

The Law changes on 1 May 2017. Up to then, there was only one system of Caravan Site Licensing. After then, there are two systems. We call them the 'old system' and the 'new system'.

'old system' : based on the Caravan Sites and Control of Development Act 1960

'new system' : based on the 1960 Act and the Housing (Scotland) Act 2014

This changes how sites with Residential caravans are licensed. The law about Holiday and Touring Caravans stays the same.

Owners of Residential Sites (including sites which have some Residential caravans) will have two years from 1 May 2017 to apply to the Council for a Licence under the 'new system'. If a Licence under the 'new system' is not in force by 1 May 2019, the operator may be charged with a criminal offence. The occupiers of caravans on the site will still have their rights under the "Protected Site Agreement" (see below).

If a Caravan Site already has a Licence under the 'old system', the owner will have to apply for a 'new system' Licence to cover the part of the site that has Residential caravans. When that Licence is granted, the 'old system' Licence would either expire or (if there is also a Holiday/Touring part of the site) be limited.

If the site does not have any Residential caravans, the owner does not need to do anything.

If an owner wants to set up a new caravan site, one and possibly two new Licences will be needed:

**Layout Plan**

This should be drawn at 1:100 scale or larger, and should show the scale.

The Plan should show:

- a. the position of the site in relation to features outside the site (such as roads and dwellings);
- b. the site boundary;

- c. the boundaries of any part of the site which is intended for residential use;
- d. the boundaries of any part of the site which is intended for touring caravans;
- e. the boundaries of any part of the site which is intended for holiday caravans;
- f. all bases on which Mobile Homes are to be stationed (whether currently occupied or not) identifying them by number;
- h. measurements between identifiable fixed points on the site and each base;
- g. the position of internal roads, paths and parking areas;
- i. the position of any facilities used by occupiers in common, such as wash-houses and bin shelters;
- j. where the Licence will be displayed 24 hours a day.

We need three copies of the Plan.

### **Planning Permission**

You need to provide evidence that the Site has Planning Permission, and of any Planning conditions. This could be:

- 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

If development of the Site as proposed is authorised by a Development Order, then that authority does not entitle you to apply for a Licence.

### **Protected Site Agreement**

In deciding whether or not to grant a 'new system' Licence 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.

We need to see a blank copy of the Protected Site Agreement which 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:

1. the Mobile Homes Act 1983
2. the Mobile Homes (Commissions) Order 1983 No. 748
3. the Housing (Scotland) Act 2006
4. the Mobile Homes Act 1983 (Amendment of Schedule 1) (Scotland) Order 2013 No. 219
5. the Housing (Scotland) Act 2014

The Agreement should be in the form set by the Mobile Homes (Written Statement) (Scotland) Regulations 2013 No. 188.

It must include a plan showing

- (a) the size and location of the Occupier's pitch
- (b) the size of the base on which the Mobile Home is to be stationed, and
- (c) measurements between identifiable fixed points on the site and the pitch and base.

The Agreement should state that

- the Agreement shall be binding on any successor in title of the Owner and any person claiming through or under the Owner or any such successor, and shall be enforceable by them against the Occupier (meaning that the Agreement will still apply even if the Licence is transferred) [1983 Act, Section 3];
- the Occupier's rights are not affected by the expiry, refusal or revocation of a 'old system' or 'new system' Licence [1983 Act, Schedule 1, Paragraph 1A].

Other things the Agreement should cover are set out in 1983 Act, Schedule 1, and include:

- Duration of agreement [Paragraph 1]
- Occupier can terminate on giving 4 weeks written notice [3]
- Owner can terminate only with a Court order, and only on prescribed grounds [4-6]
- Occupier's right to sell or assign Mobile Home, on paying Commission [8]
- Occupier's right to gift or assign Mobile Home to Family, without Commission [9]
- Owner may require re-siting of Mobile Home to another pitch, all at Owner's expense, either with a Court Order or to allow Essential Repair or Emergency Works [10]
- Occupier's right to undisturbed possession of the Mobile Home [11]
- Owner's right of entry to the pitch between 9 am and 6 pm to deliver mail, read meter etc. [12]
- Owner's right of entry to the pitch for Essential Repair or Emergency Works [13]
- The pitch fee, review and variation by Court [17-23]
- Occupier's obligations [24]
- Owner's obligations, including to consult any Qualifying Residents' Association (defined in Paragraph 31) about all matters which relate to the operation and management of, or improvements to, the Protected Site and may affect the Occupiers either directly or indirectly. [25]
- Owner must state name and give an address in Scotland [29]

## **Discrimination**

In deciding whether or not to grant a 'new system' Licence the Council must consider whether or not any person applying for the Licence or managing the site has practised unlawful discrimination on the grounds of any of the 'Protected Characteristics' in the Equality Act 2010.

There are nine "Protected Characteristics":

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The 2010 Act created a single legislative structure covering all 'Protected Characteristics', replacing part or all of particular statutes which dealt with particular groups, e.g. Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Gender Recognition Act 2004 and Civil Partnership Act 2004.

Breach of discrimination Law may lead to action in Court or a Tribunal.

## **Utilities**

In deciding whether or not to grant a 'new system' Licence the Council must consider whether or not any person applying for the Licence or managing the site has broken the rules setting maximum prices for reselling gas or electricity or any Charges Scheme setting maximum charges for services provided with help of Scottish Water.