
MOBILE HOMES – LICENCE FEES POLICY

**Responsible Cabinet Member – Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director – Ian Williams, Director of Economic Growth

SUMMARY REPORT

Purpose of the Report

1. To inform Members of legislative changes to the Licensing of Caravan Sites and the need to adopt a Fees Policy to allow the recovery of Council costs.

Summary

2. The Mobile Homes Act 2013 made amendments to the Caravan Sites and Control of Development Act 1960 and introduces some important changes to the licensing of 'relevant protected sites' and allows Local Authorities to charge owners a fee for: applying for a site licence; amendments or transfers of existing licences; annual licence fee for administering and monitoring licences; and for depositing site rules with the Council. Relevant protected sites are typically known as residential parks, mobile home parks and also include Gypsy and Traveller sites.
3. The only statutory exemptions from licensing fees are for sites that are for holiday use only or are only allowed units stationed on them at certain times of the year as these are not 'Relevant Protected Sites'.
4. Local Authorities may fix different fees or determine that no fee is required to be paid in certain cases. Officers consider it appropriate to recommend that residential sites where there are 5 or less pitches be exempt from annual fees (but not other licensing fees) as these are lower risk sites that require infrequent inspections and collecting annual fees from them would not be cost effective.
5. Local Authorities have a duty to serve enforcement notices to remedy breaches of site licence conditions and to carry out works in default and to recover expenses.
6. Site owners will need to replace existing site rules with new ones by February 2015 and deposit them with the Local Authority. Local Authorities will be able to require a fee when site rules are deposited and will be required to publish an up to date

register of site rules.

7. The current scheme of delegation adopted by the Council allows the Council's authorised officers to determine applications, attach conditions to any Caravan Site Licence granted, and take enforcement actions that relate to the Caravan Sites Control and Development Act 1960.
8. The Government consulted widely during the drafting of the Mobile Homes Act 2013.
9. Cabinet will need to confirm the publication of a Fees Policy before licence fees can be charged or collected from the owners of 'relevant protected sites'.
10. The equality impact assessment has identified a possible negative financial impact upon the residents if the site owner passes on the charge for the site fees as the legislation allows. Officers feel that the benefits of having properly regulated caravan sites has significant benefits for residents as identified in the main report and the cost can be met by owners as a relevant business cost. A decision to exempt relevant protected sites with less than 5 pitches from the annual fees would remove that impact for residents on those sites once the site licence had been obtained.

Recommendation

11. It is recommended that Members adopt the fees policy.

(a) Costs of New Application

| | |
|--------------------------|------|
| 1-5 pitches | £200 |
| 6-10 pitches | £225 |
| 11-20 pitches | £225 |
| 21-50 pitches | £240 |
| 51-100 pitches | £260 |
| Greater than 100 pitches | £260 |

(b) Annual Fees associated with Administration and Monitoring of Site Licenses

| | |
|--------------------------|------|
| 1-5 pitches | nil |
| 6-10 pitches | £220 |
| 11-20 pitches | £220 |
| 21-50 pitches | £220 |
| 51-100 pitches | £260 |
| Greater than 100 pitches | £260 |

(c) Cost of Laying Site Rules £25

(d) Cost of Variation/Transfer £100

Reason

12. The recommendation is supported by the following reason:-

- (a) Charging the fees will enable the Council to recover some of the costs associated with the implementation of statutory duties relating to 'relevant protected sites'.

Ian Williams
Director of Economic Growth

Background Papers

- (i) Caravan Sites Control and Development Act 1960
- (ii) Model Standards 2008 for Caravan Sites in England – Department of Communities and Local Government April 2008
- (iii) Mobile Homes Act 2013
- (iv) Mobile Homes Act 2013 – A guide for Local Authorities on setting licence fees – Department of Communities and Local Government February 2014

Barry Pearson : Extension 2560

| | |
|----------------------------------|---|
| S17 Crime and Disorder | Regulation of sites should have a positive effect upon crime and disorder |
| Health and Well Being | Regulation of sites should have a positive effect upon health of residents |
| Sustainability | None |
| Diversity | Possible negative financial impact upon residents living in caravans on residential sites identified - if site owners pass on the site fees directly to residents. The provision of properly regulated sites should contribute to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under Equalities Act 2010. b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. |
| Wards Affected | Those where sites are located |
| Groups Affected | Owners and residents living on relevant protected sites |
| Budget and Policy Framework | Amends fees policy and creates new income |
| Key Decision | No |
| Urgent Decision | No |
| One Darlington: Perfectly Placed | No direct impact |
| Efficiency | Recovers part of the Council costs associated with delivery of a statutory duty |

MAIN REPORT

Information

13. The Caravan Sites and Control of Development Act 1960 introduced a licensing system, to be operated by Local Authorities to regulate the establishment and operation of caravan sites and defines what constitutes a caravan and caravan site. No Licence fee was payable.
14. The first schedule of the Caravan Sites and Control of Development Act 1960 sets out cases where a site licence is not required, including:
 - (a) Local Authority-owned sites
 - (b) Use incidental to a dwelling-house and within the same curtilage
 - (c) Sites for stationing of a caravan for not more than 2 nights (as long as caravans had not been present for more than 28 days during the previous year.)
 - (d) Sites where caravans are stationed on land not less than five acres for not more than 28 days and no more than three caravans are stationed at any one time
 - (e) Sites where caravans are solely for seasonal agricultural/forestry workers employed on land owned by the site owner
 - (f) Sites where caravans are solely for workers employed in building or engineering operations on that or adjacent land
 - (g) Sites used by travelling showmen who are members of a relevant organisation
 - (h) Sites occupied by organisations holding a certificate of exemption
15. An application for a site licence can be made at any time by completing an application form accompanied by a site plan at 1:500 scale showing the layout of roads, caravans and facilities.
16. A site licence will only be issued for land where planning permission has been granted.
17. For caravan sites located in the Darlington Borough Council area the Licensing Section is responsible for the issue of all site licences under the Caravan Sites and Control of Development Act 1960 and they maintain a Public Register of Licensed Caravan Sites. The Environmental Health Section is responsible for recommending conditions, monitoring compliance with the legislation and taking enforcement action. A list of known residential caravan sites is attached as **Appendix A** and not all of these have applied for a caravan site licence.

18. Most of the sites identified provide accommodation for Gypsies and or Travellers and for that reason equality impacts have been identified and recorded. This is attached as **Appendix B**.
19. Licence conditions are based upon latest model standards (with separate standards for touring caravan sites, static holiday caravan sites, and residential sites) published by the Department for Communities and Local Government in 2008 under section 5 of the Caravan Sites and Control of Development Act 1960. The Council has discretion as to the conditions that they attach to a licence and may vary the model conditions when it feels it would be appropriate for an individual site or set of circumstances.
20. Conditions can include controlling the types of caravan on the site (including size and state of repair, but not the materials used in their construction); regulating the positions on which caravans are stationed; securing proper fire precautions; and securing adequate sanitary facilities.
21. The Mobile Homes Act 2013 has introduced some important changes to park home site licensing due to its amendments to the Caravan Sites and Control of Development Act 1960. These changes include the ability for Local Authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, for annual fees and for site owners depositing site rules with the Local Authority. The Act allows the site owner to recover the licence fees from residents living on the site.
22. Section 10A(2) of the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, now requires a Local Authority to publish a Fees Policy before charging fees for the licensing of 'relevant protected sites'. Darlington Borough Council's Fee Policy has therefore been developed to enable the Council to begin charging these fees on 1st August 2014.

Fees for New Licences, Transfer/Variation and Annual Fees

23. Subject to the exemptions detailed in the introduction there is a requirement for site owners to ensure that their sites are licensed. Failure to do so would be an offence under Section 1(2) of the Caravan Sites and Control of Development Act 1960 which can attract a fine not exceeding level 5 (currently £5000) on the standard scale upon summary conviction.
24. Section 3(2A) of the Caravan Sites and Control of Development Act 1960 enables Local Authorities to require a fee in respect of a relevant protected site application.
25. Section 5A(1) of the Caravan Sites and Control of Development Act 1960 enables Local Authorities to require an annual fee to be paid by site owners in respect of relevant protected sites.
26. Local Authorities may also charge a fee for alterations to licence conditions where these are requested by a site owner or where an application to transfer the licence to another person/organisation is received (Section 8(1B) and Section 10(1A) of the

Caravan Sites and Control of Development Act 1960, respectively.)

27. When requiring a licence holder to pay an annual fee, the Council must inform them of matters to which they have had regard in fixing the fee. The costs associated with monitoring conditions on sites and dealing with licensing matters informally can be included within annual fees. However, annual fees should not take into account any costs incurred in relation to providing sites for traveller caravans or enforcement activities such as serving compliance notices, emergency action, and works in default as these costs can be recovered by other means.
28. The factors taken into account when calculating the fees are attached as **Appendix C** and were calculated with reference to 'The Mobile Homes Act 2013-A Guide for Local Authorities on setting site licensing fees.' These are intended to be as simple and clear as possible to prevent any future ambiguity.
29. When requiring a licence holder to pay an annual fee the Council will inform them of the matters to which they have had regard in fixing the fee. The fees calculated are considered to be reasonable.

Exemptions from paying fees

30. Sites that are for holiday use only or are only allowed units stationed on them at certain times of the year are exempt from licensing fees as they do not fall within the definition of "Relevant Protected Sites".
31. Section 10A(3) of the Caravan Sites and Control of Development Act 1960 enables Local Authorities to fix different fees or to determine that no fee is required to be paid in certain cases or descriptions of case. Officers have concluded that it is appropriate that sites that have 5 or less pitches are exempt from annual fees (but not other licensing fees) as these sites are generally of very low risk, compared with larger multiple pitch sites and require less monitoring. In most cases these sites are also occupied by a single family which further reduces risk. The costs associated with monitoring sites that have 5 or less pitches would be met through existing budgets.

Time when Fees are payable

32. Section 10A(5) of the Caravan Sites and Control of Development Act 1960 requires that the Fees Policy must include provision about the time at which the annual fee is payable. For the purpose of this policy the period covered by the annual fee will relate to the Council's financial year (1st April to 31st March) and will be paid in advance. Invoices will be sent out during the month of April requiring payment within 30 days. Where a new site is licensed part way through the year then an invoice with the same payment terms will be sent shortly after the licence is issued, pro rata from this date to the beginning of the next financial year.
33. A Transfer or variation must be paid at application.

Enforcement Notices and Works in Default

34. Local Authorities can serve compliance notices that include a schedule identifying to the site owner what needs to be done to correct the breaches of site licence conditions and the timescales. Failure to comply with the notice would be a criminal offence, punishable by a fine at level 5 on the standard scale (currently £5000), and the site licence could be revoked upon a third or subsequent prosecution. Following a successful prosecution for breaching a compliance notice Local Authorities will be able to serve notice to enter the site and carry out the necessary works (Works in Default).
35. Local Authorities may also serve a notice on site owners enabling entry to the site and take emergency action where there is an imminent risk of serious harm.
36. The cost of deciding whether to take action, preparing and serving the various enforcement notices and the actual work itself can be recovered by Local Authorities through recharging for works in default. The administration charge that is added to the cost of works when recovering expenses relating to works in default includes the cost of the work plus officer time after the notice has been breached.
37. Any unpaid Council expenses can be placed as a charge against the site owner's land.

Fees for Depositing Site Rules

38. Site rules are different to site licence conditions in that they are neither created nor enforced by Local Authorities. They are a set of rules created by the site owner which residents have to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing.
39. The Mobile Homes (Site Rules) (England) Regulations 2014 require site owners to replace existing site rules with new ones that have to be deposited with the Local Authority by 3rd February 2015. Local Authorities will need to satisfy themselves that replacement or new rules deposited with them have been made in accordance with the statutory procedure and then establish, keep up to date, and publish a register of site rules. For this work a Local Authority may levy a fee for the depositing of site rules, or the variation or deletion of site rules.
40. Once an administrative system is in place for holding and publishing site rules it is estimated that it will cost the Council approximately £25.

Complaints about the Council's service

41. The Council has a formalised complaint procedure enabling those dissatisfied with any Council service they have received to have a review of the case. In the first instance contact should be made with the manager responsible for the service and, where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time scales involved. Copies of the procedure are available on the Council's website at www.darlington.gov.uk or an information leaflet is available from Council reception counters. This information

can also be made available in Braille or large type or in audio format. It can also be provided in other languages on request. Further information on the Council's Complaints, Compliments & Comments Procedure can be obtained by contacting: Complaints & Information Governance Team, Town Hall, Darlington, DL1 5QT. Telephone: (01325) 388043 Email: complaints@darlington.gov.uk

KNOWN RESIDENTIAL SITES

| LOCATION | STATUS |
|---|--|
| Honeypot Lane DL3 4DJ NZ428516 | Planning Permission for G&T Site (leased from Council) with 56 pitches |
| Neasham Road DL1 4DJ NZ430512 | Planning Permission for G&T Site (leased from Council) with 20 pitches |
| Oakwood Hurworth Moor DL2 2EG NZ 429512 | Planning permission G&T Site for 7 caravans |
| Blackwell Moor DL2 1GB NZ 429512 | Planning Permission G&T Site for 2 caravans Caravan site licence granted. |
| Littlebeck Burmah Road NZ 431 511 | Planning permission G&T Site for 2 residential + 2 touring caravans |
| Oxmoor Haughton Bank DL2 2UG NZ421522 | Planning Permission G&T Site for 2 caravans |
| Forge Way DL1 2PJ NZ429516 | Unauthorised 1 caravan |
| Snipe Lane Stables DL2 1QB NZ 429512 | Planning permission G&T Site for 2 static caravans and 2 touring caravans. Caravan site licence granted. |
| Snipe Meadows Snipe Lane DL2 1QB NZ 429511 | Planning permission G&T Site - Six plots, each with a hard standing for two caravans. Caravan site licence granted. |
| Brafferton Lane 1 NZ428521 | Planning permission G&T Site with 1 family pitch. |
| Bridgewood Stables Lime Lane NZ428521 | Planning permission G&T Site with 1 family pitch. |
| Aycliffe Lane, Darlington, Durham DL1 3LA NZ428521 | Planning permission G&T Site for 3 touring caravans |
| Snipe Lane | Planning permission for G&T site - 4 mobile homes and 8 touring caravans |
| Sadberge DL2 1RN | Planning permission for G&T site 1 Chalet +1 touring caravan |

| LOCATION | STATUS |
|---|---|
| | |
| Land At Lygon House Neasham Road Hurworth Moor DL2 NZ 431 511 | Planning permission for G&T site with 5 pitches each accommodating a mobile home and a touring caravan. |
| West Middleton Farm, Middleton one Row DL2 1AY | Licensed Residential Site. Certificate of lawful use 2 chalet + 1 touring caravans. |
| High Scroggs Farm, Middleton St George DL2 1EX | Private Unauthorised 2 chalet + 3 touring Caravans |
| Swan House DL2 2XY NZ | Private Unauthorised 5 caravans |
| Whiley Hill Stables Whiley Hill NZ 427 520 | Private Unauthorised, 3 Caravans |

CALCULATION OF FEES

The Department of Communities and Local Government guidance 'The Mobile Homes Act 2013-A Guide for Local Authorities - on setting site licence fees' was used to assist the process of calculating the apportionment of costs associated with: administration; site inspections; and meetings with the site owner discussing licensing issues. The calculation of the fee is intended to be fair, transparent and an accurate reflection of reasonable costs for the Council to administer the process. This fee calculation will be kept under review and amended whenever changes in procedures or processes occur.

The proposed fee structure

(a) New Application

| | |
|--------------------------|------|
| 1-5 pitches | £200 |
| 6-10 pitches | £225 |
| 11-20 pitches | £225 |
| 21-50 pitches | £240 |
| 51-100 pitches | £260 |
| Greater than 100 pitches | £260 |

(b) Administration and Regulation

| | |
|--------------------------|------|
| 1-5 pitches | nil |
| 6-10 pitches | £220 |
| 11-20 pitches | £220 |
| 21-50 pitches | £220 |
| 51-100 pitches | £260 |
| Greater than 100 pitches | £260 |

(c) Cost of Laying Site Rules

£25

(d) Cost of Variation/Transfer

£100

ESTIMATE OF TIME ASSOCIATED WITH MONITORING “TYPICAL” MOBILE HOMES RESIDENTIAL SITE – BASED ON THE COST OF ONE LICENSING VISIT PER YEAR AND ASSOCIATED ADMINISTRATION

| | Action | Time (Mins) |
|----|--|---|
| 1 | Check Site inspection register to determine next routine inspection | 10 |
| 2 | Contact site owner to notify them of the time and date of inspection. Enter action of computer worksheet. | 15 |
| 3 | Look up historic breaches records | 15 |
| 4 | Visit site and carry out routine inspection. Check spacings between units boundaries etc. Check fire precautions. Check certificates. Note all breaches of site licence | Single unit site 30 Per additional unit 10 |
| 5 | Travel time | 60 |
| 6 | Complete risk assessment score sheet and record outcome attach sheet to computer worksheet and print hard copy and attach to paper file. | 10 |
| 7 | Record details of visit including breaches identified on the computer worksheet. Enter scheduled visit(s) for next routine inspection and completion of remedial works inspection. | 30 |
| 8 | Record visit on park home inspection spreadsheet | 10 |
| 9 | Write to site owner detailing results of inspection – specify works required to remedy breaches and any certificates required | Single unit site 15 Per additional unit 5 |
| 10 | Follow up telephone conversations. Record summary of discussion and confirm with letter to site licence holder.. | Single unit site 15 Per additional unit 15 |
| 11 | Attach letter to computer worksheet and attach to hard paper file | 10 |
| 12 | Carry out inspection to ensure works requested have been carried out. Approx time per unit | Single unit site 30 Per additional unit 10 |
| 13 | Travel time | 60 |
| 14 | Record visit on computer worksheet | 10 |
| 15 | Record action on computer work sheet e.g. Letter to licence holder notifying them of outcome of visit. Assume all works complete as further action likely to result in service of notice and will therefore come under notice fees | 10 |

TIME ESTIMATE FOR INITIAL LICENSING OF “TYPICAL” MOBILE HOMES RESIDENTIAL SITE

| | Action | Time (Mins) Licensing |
|----|---|--|
| 1 | Enquiry received and service request entered on computer system. | 30 |
| 2 | Obtain planning documents. Record type of development permitted and restrictions etc on computer worksheet. Print hard copies of planning documents. | 30 |
| 3 | Make up new caravan site/Park home site file and attach above documentation | 20 |
| 4 | Send out site application form with covering letter and enter action on computer worksheet. | 15 |
| 5 | Contact applicant and make appointment to carry out initial site inspection enter action of computer worksheet | 10 |
| 6 | Carry out initial site inspection. Advise applicant as necessary on layout, spacing and other site licence conditions. Help applicant complete application form, if required. Enter record of inspection on computer worksheet. Approx inspection time per unit. | Single unit site 30 Time per additional unit 10 |
| 7 | Travel Time | 60 |
| 8 | Enter particulars on application form on to premises record on computer system. Scan and save application form to computer. | 30 |
| 9 | Check application valid e.g. all compulsory questions completed and correct fee included Check all particulars entered on computer premises record correctly | 40 |
| 10 | Carry out Land Registry Search to verify applicant is owner of land | 30 |
| 11 | Examine electrical certificate and any other documentation submitted with licence for validity. Enter action on computer worksheet. | 20 |
| 12 | Carry out fit and proper person checks with other council services e.g. council tax, housing benefit, and external agencies e.g. other local authorities. Record Action of computer work sheet. | 120 |
| 13 | Obtain next consecutive site licence number on park home licence spreadsheet and enter details of site against that number. | 10 |
| 14 | 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 and link to computer worksheet. | 60 |
| 15 | Discuss any feedback with applicant on proposed site licence conditions with applicant. If amendments requested seek authority with Environmental Health Manager to amend conditions. | 60 |
| 16 | Upon expiry of consultation period amend site licence if required . Print out two copies of site licence and proof read. | 60 |
| 17 | Site licence to be checked and signed by Licensing Manager | 30 |
| 18 | Send out site licence to applicant with covering letter | |
| 19 | Scan and save signed copy of site licence and link to computer worksheet. Insert hard copy of licence to paper file. | 20 |
| 20 | Update public register of licensed sites. | 15 |

| | Action | Time (Mins) Licensing |
|----|---|---|
| 21 | Upon occupation of site contact site owner to make appointment for licensing inspection | 10 |
| 22 | Carry out full site inspection. Make note of any breaches of site licence conditions/works required | Single unit site 60 Time per additional unit 10 |
| 23 | Travel time | 60 |
| 24 | Record visit and details on computer worksheet | 20 |
| 25 | Complete risk assessment spreadsheet to determine next routine visit. | 10 |
| 26 | Enter date of inspection and next routine inspection on park homes inspection worksheet. Next routine inspection as scheduled inspection on premises worksheet. | 10 |
| 27 | Send letter to applicant notifying them of outcome of licensing visit. | Single unit site 10 Additional time per unit 5 |

Additional time and costs that may be taken into account includes reviews of decisions and seeking legal opinion by managers

ESTIMATE OF TIME TO PROCESS A SITE LICENCE AMENDMENT / TRANSFER

| | Action | Time (Mins) Amending Licence |
|----|---|---------------------------------|
| 1 | Enquiry received and service request entered on computer system. | 20 |
| 2 | Send out application form and covering letter detailing fee required | 15 |
| 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 |
| 4 | Enter particulars on application form on to premises record on computer system | 15 |
| 5 | Check application valid e.g. all compulsory questions completed and correct fee included Check all particulars entered on computer premises record correctly | 30 |
| 6 | Carry out fit and proper person checks with other council services e.g. council tax, housing benefit, and external agencies e.g. other local authorities | 120 |
| 7 | Carry out Land Registry S to confirm applicant is new owner of the site | 30 |
| 8 | Amend site licence print out and proof read | 60 |
| 9 | Amended site licence to be checked signed by licensing manager | 30 |
| 10 | Look up records of outstanding historic breaches, outstanding notices etc. | 15 |
| 11 | 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 |
| 12 | Scan and attached signed copy of site licence to electronic worksheet and attached signed hard copy to paper file. | 20 |
| 13 | Attach hard copy of covering letter and notification of outstanding historic breaches and outstanding notices etc to electronic and paper file | 15 |
| 14 | Amend park home site licence spreadsheet and public register of park home site licences. | 20 |
| 15 | General additions time taken with telephone conversations and correspondence with applicant on typical variation enquiry | 90 |



Equality Impact Assessment Record Form 2012-16

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. The purpose is to avoid inadvertent disadvantage or discrimination resulting from decisions.

EIA is not a fixed process – it will vary according to the scale and type of activity. The form and guidance are designed to cover all eventualities. Officers should not be discouraged by the form, but should use their discretion in using it flexibly according to the activity they are assessing.

EIA does not happen at a single point in time. It is an ongoing and integral part of the development of the activity or proposal. This EIA template should be kept open and live as a planning document, and updated as the activity or proposal progresses.

Section 1 – Service Details and Summary of EIA Activity

| | |
|---|-----------------------------------|
| Title of activity: | Mobile Homes – Licence Fee Policy |
| Lead Officer responsible for this EIA: | Barry Pearson |
| Telephone: | 2560 |
| Service Group: | Economic Growth |
| Service or Team: | Environmental Health |
| Assistant Director accountable for this EIA | Bill Westland |
| Who else will be involved in carrying out the EIA: | |

What stage has the EIA reached?

This table provides a 'cover note' of progress to be maintained as the EIA is developed over time.

Stage categories 1-3 listed below refer to the funnel model. Note the stage reached and any consultation or engagement carried out. Simple activities may not need all these stages. Provide details of population/individuals affected in Section 2

| Stage | Date | Summary of position |
|---|------|---|
| Stage 1: Initial Officer Assessment. Whole Population likely to be affected identified | | Residents living on relevant protected sites – i.e sites with pitches available for residential use throughout the year. |
| Stage 2: Further Assessment. Target Population likely to be affected identified | | 15 of the 19 identified relevant protected sites in the Darlington BC area are used to accommodate Gypsies and/ or Travellers. |
| Stage 3: Further Assessment. Individuals likely to be affected identified | | Officer carrying out regulatory visits to caravan sites will try to engage with residents to assess the impact of the new legislation |
| Stage 4: Analysis of Findings | | Unable to reach a conclusion on the impact of the new legislation until it is implemented. |
| Stage 5: Sign-Off | | |
| Stage 6: Reporting and Action Planning | | |

Section 2 – The Activity and Supporting Information

| |
|---|
| Details of the activity (including the main purpose and aims) |
| Introduce charges for relevant protected sites to recover costs incurred by the Council when administering and enforcing the Mobile Homes Act 2013 and the Caravan Sites Control and Development Act 1960 |
| Who will be affected by the activity? |
| See the guidance on carrying out equality impact assessment within the Equality Scheme 2012-16. Provide details of the groups and numbers of people affected below, updating the table as the EIA develops and the understanding of who will be affected emerges in more detail. |
| Whole population |
| No |
| Target population |
| A minority of the general community living in Darlington choose to live in caravans on relevant protected sites. The majority of these sites in Darlington are provided for exclusive use by members of the Gypsy and Traveller community. Less than 10 people who do not fit within the definition of a protected group live in this type of accommodation. |
| Individuals |
| |
| What data, research and other evidence or information is available which is relevant to the EIA? |
| The Government consulted widely when drafting the Mobile Homes Act 2013. Resident groups generally welcomed the legislation because of the additional measures to protect tenancy rights. Concerns however have been made about the legislation allowing a site owner being able to pass on the costs associated with the licence directly to residents. The leaseholders of the two largest sites (Neasham Rd and Honeypot Lane) have each said that they would deal with licence fee as a business expense and they would not recover it directly from each resident. |

Check: before proceeding to the officer assessment, have you obtained all the data and information that is currently available?

Section 3: Officer Assessment

Use this table to record your views on potential impact on Protected Characteristics. As the activity and the assessment develop your views may change – record them here. It is important to be searching and honest about this – many Council activities are planned to be of positive benefit to identified target groups but can often have the potential for inadvertent effects on other groups.

| Protected Characteristics | Potential Impact | | | Potential level of impact | | | | Summary of Impact |
|--|--------------------|----------------|----|---------------------------|---|---|-----|---|
| | Positive/Negative/ | Not Applicable | | | | | | |
| Age | P | N | NA | H | M | L | nil | Residents on sites are of all ages. The potential increase in rent for each resident would depend on the number of pitches and could vary from 10 p per week for a 50 pitch site to 70 p per week for a six pitch site? |
| Race | P | N | NA | H | M | L | nil | Gypsies & Travellers living on relevant sites could be considered to be at a financial disadvantage when compared to the general population living in traditional rented housing as result of this change. |
| Sex | P | N | NA | H | M | L | nil | No impact |
| Gender Reassignment | P | N | NA | H | M | L | nil | No impact |
| Disability (summary of detail on next page) | P | N | NA | H | M | L | nil | Gypsies & Travellers living on relevant sites could be considered to be at a financial disadvantage when compared to the general population living in traditional rented housing as result of this change |
| Religion or belief | P | N | NA | H | M | L | nil | No impact |
| Sexual Orientation | P | N | NA | H | M | L | nil | No impact |
| Pregnancy or maternity | P | N | NA | H | M | L | nil | No impact |
| Marriage/ Civil | P | N | NA | H | M | L | nil | No impact |

| | | | | | | | | |
|-------------|--|--|--|--|--|--|--|--|
| Partnership | | | | | | | | |
|-------------|--|--|--|--|--|--|--|--|

Section 3: Officer Assessment - continued

The Council must have due regard to disabled people's impairments when making decisions about 'activities'. This list is provided only as a starting point to assist officers with the assessment process. It is important to remember that people with similar impairments may in reality experience completely different impacts. Consider the potential impacts and summarise in the Disability section on the previous page. Officers should consider how the 'activity' may affect a disabled person.

| | | | | | | | | |
|----------------------------|---|---|----|---|---|---|-----|--|
| Mobility Impairment | P | N | NA | H | M | L | nil | |
| Visual impairment | P | N | NA | H | M | L | nil | |
| Hearing impairment | P | N | NA | H | M | L | nil | |
| Learning Disability | P | N | NA | H | M | L | nil | |
| Mental Health | P | N | NA | H | M | L | nil | |
| Long Term Limiting Illness | P | N | NA | H | M | L | nil | |
| Multiple Impairments | P | N | NA | H | M | L | nil | |
| Other - Specify | P | N | NA | H | M | L | nil | |

Cumulative Impacts

The officer responsible for this EIA should seek input from the Corporate Equalities Group on the potential for this activity to combine with other recent, current or proposed activities, both Council and in the external environment, to result in more severe impacts on people with Protected Characteristics through their cumulative effects. The Corporate Equalities Group will advise on the content for this section of the EIA.

| Change activities | Potential cumulative impacts |
|-------------------|---|
| | Residents living on sites may be impacted financially as the fee charged by the Council to the operator may be passed on to residents. The Mobile Homes Act mitigates the impact by creating additional enforcement powers aimed at providing additional protections for residents. |

Section 4: Engagement Decision

The decision about who to engage with, and how and when to engage, is the key to effective EIA. Please see Annex 2 of the Equality Scheme for guidance on the engagement decision.

| Is engagement with affected people with Protected Characteristics required, now or during the further development of the activity? | Yes / No |
|---|----------|
| <p>If YES, proceed to the next section.</p> <p>If NO, briefly summarise below the reasons why you have reached this conclusion.</p> | |
| <p>No formal written communication. The only leaseholders of the two Council owned sites have been informed verbally of the changes to the legislation and both have stated that they would not directly pass on the licence fee to residents.</p> <p>Residents living on residential sites in Darlington are part of a community that officers have found difficult to engage with. It is intended that during the monitoring visits officers will explain the purpose of the inspection and endeavour to engage with residents.</p> <p>Nationally the additional rights provided to residents have been widely welcomed by groups representing residents of Mobile Home Parks and Gypsy and Travellers living on camps.</p> | |

If you have come to the conclusion that engagement is not required, seek ratification from the Corporate Equalities Group through your service Equalities Co-ordinator.

If engagement is not required but the officer assessment has identified changes that should be made to the activity, please complete Sections 7 and 8. If not the assessment can be signed-off at Section 9.

Any reports to decision-makers during the development of the activity, for example feasibility or options appraisal reports, should include content on the latest thinking and findings of the EIA even though, like the activity, further development of the EIA may be required before final reporting.

The findings of the officer assessment should be included in any reports to decision-makers. These may be feasibility or options appraisal reports where the activity is at an early stage of development, but it is essential that any equality findings are taken into account in formal decisions at all stages of development of the activity.

Section 5 – Involvement and Engagement Planning

Has the assessment shown that the activity will treat any groups of people with Protected Characteristics differently from other people? Yes/No

If yes, please state which groups and how

Affects all residents in the same way

Will the differential treatment advance equality for people with Protected Characteristics? Yes/No

If yes, please state which groups and how

Not Applicable

Will the differential treatment cause or increase disadvantage for people with Protected Characteristics? Yes/No

If yes, please state which groups and how

Not Applicable

From the above, prepare a simple plan using the template overleaf for involving and engaging with the organisations, groups and individuals likely to be affected by the activity.

There may be several stages of involvement and engagement, particularly for more complex activities. Initially it may be possible to identify and engage only with stakeholder and representative organisations for the people with Protected Characteristics who may be affected. Further development of the activity may be required before the individuals who will be affected can be identified.

The Involvement and Engagement Plan should evolve accordingly, with new engagement proposals added as they are identified.

Involvement and Engagement Plan

Which organisations, groups and individuals do you need to involve or engage and how?

| Date of plan entry | Organisation, Group or Individuals | Date of event or activity | Type of activity – venue, channels, method and staffing |
|--------------------|------------------------------------|---------------------------|---|
| | Leaseholder of Neasham Rd | Feb –June 2014 | General discussion about the Mobile Homes Act 2013 and Licence fees |
| | Leaseholder of Honeyport Lane | Feb –June 2014 | General discussion about the Mobile Homes Act 2013 and Licence fees |
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Engagement to identify impacts works best in face-to-face and small group settings

Section 6: Engagement Findings

| | Date/summary of engagement carried out | Summary of impacts identified |
|----------------------------|--|-------------------------------|
| Age | | |
| Disability | | |
| Mobility Impairment | | |
| Visual | | |

| | | |
|-------------------------------------|--|--|
| impairment | | |
| Hearing impairment | | |
| Learning Disability | | |
| Mental Health | | |
| Long Term Limiting Illness | | |
| Multiple Impairments | | |
| Other - Specify | | |
| Race | | |
| Sex | | |
| Gender Reassignment | | |
| Religion or belief | | |
| Sexual Orientation | | |
| Pregnancy or maternity | | |
| Marriage / Civil Partnership | | |

Section 6: Engagement Findings – Continued

Drawing on the engagement findings and your understanding of the effects of the activity, indicate how it will contribute, if at all, to the three strands of the Public Sector Equality Duty.

| |
|---|
| a) How will the proposal help to eliminate discrimination, harassment and victimisation? |
| |
| b) How will the proposal help to advance equality of opportunity? |
| |
| c) How will the proposal help to foster good relations? |
| |
| During the engagement process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details. |
| |

This completes the assessment, but there will be further work to do to contribute to the reporting and implementation stages of the activity. First though, it is important to draw a line under the assessment to maintain a separation between assessment of impacts and any proposals to manage those impacts. The assessment should therefore be signed-off at this stage.

Section 7 - Sign-off when assessment is completed

| Officer Completing the Form: | | |
|-------------------------------------|-------------------|------------------------------|
| Signed | Name: | Barry Pearson |
| | Date: | 12/06/14 |
| | Job Title: | Environmental Health Manager |
| Assistant Director: | | |
| Signed | Name: | Bill Westland |
| | Date: | 12/06/14 |
| | Service: | Regulatory Services |

Section 8 – Reporting of Findings and Recommendations to Decision Makers

The findings of the EIA may be reported to decision-makers at several stages during the development of an activity. For example, the initial officer assessment findings may be included in a feasibility report or options appraisal to be considered by the Transformation Board or Chief Officers' Executive.

Any report for formal decisions by Cabinet or Council should include the latest findings of the EIA, even if these are at a relatively early stage. The report recommending final approval of the activity should await and include the findings of the completed EIA. The report should present clearly the impacts that have been identified through the engagement process, including potential cumulative impacts.

The report may include recommendations based on the findings of the EIA, but these should be separate from the reporting of impacts. Recommendations will be developed separately from the EIA and arise from considering equalities impacts combined with other aspects of the activity such as finance, the benefits of the activity, and so on.

Based on the EIA findings, the report may consider the options in the table below, but the report must contain a clear statement of the impacts so that decision-makers can understand the effects of the decision that is being recommended.

| What does the review of the information show? | |
|--|---|
| a) | No negative impact on people because of their Protected Characteristics - continue with the activity and monitor progress on implementation |
| b) | Negative impact identified – recommend continuing with the activity; clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue |
| c) | Negative impact identified - adjust the activity in light of the identified impact to avoid, minimise or mitigate the impact |
| d) | Negative impact identified - stop activity and provide an explanation why |

Section 9 – Action Plan and Performance Management

The report to decision-makers, and the decision made may require actions to be taken to avoid, minimise or mitigate the negative impacts of the activity. Option C in the table in Section 8, combined with mitigation measures that may have been highlighted during engagement and listed in Section 6 (if adopted) will require action planning to implement them.

Any actions to address equalities impacts should be listed below, with performance management review proposals, to complete the full EIA.

| What is the negative impact? | Actions required to reduce/eliminate the negative impact (if applicable) | Who will lead on action | Target completion date |
|------------------------------|--|-------------------------|------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
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| Performance Management | |
|---|--|
| Date of the next review of the EIA | |
| How often will the EIA action plan be reviewed? | |
| Who will carry out this review? | |

