

Royal Borough Windsor & Maidenhead

Residential Mobile Home Site Licensing Policy

January 2026

““A borough of safer, greener and cleaner communities, with opportunity for all”

Our vision is underpinned by five priorities:

Put the council on a strong financial footing to increase resilience and serve the borough effectively.

A cleaner, greener, safer and more prosperous borough.

Children and young people have a great start in life and opportunities through to adulthood.

People live healthy and independent lives in supportive communities.

A high-performing council that delivers for the borough.

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Scope

This policy deals with the Council's approach to the licensing of residential caravan sites (also known as mobile home and park home sites) in the Royal Borough of Windsor and Maidenhead.

Legislation and Guidance

This policy has been devised having regard to the following legislation and guidance:

- Caravan Sites and Control of Development Act 1960
- Caravan Sites Act 1968
- Mobile Homes Act 2013
- Caravan Sites (Licence Applications) Order 1960
- Town and Country Planning Act 1947 (as amended)
- Regulatory Reform (Fire Safety) Order 2005
- Mobile Homes (Site Rules) (England) Regulations 2014
- Mobile Homes (Site Licensing) (England) Regulations 2014
- Transfer of Tribunal Functions (Mobile Homes Act 2013 and Miscellaneous Amendments) Order 2014
- Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006
- Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

Introduction

1. The Royal Borough of Windsor and Maidenhead Council (The Council) is empowered under the Caravan Sites and Control of Development Act 1960 (CSCDA) to license caravan sites, both residential and non-residential. The CSCDA permits the Council to place conditions on licences with a view to requiring the provision and proper maintenance of basic amenities and protecting the health and safety of occupiers and visitors.
2. A licence is required under the CSCDA by any occupier of land who wishes to use the land for a caravan site unless such use is exempt under the provisions of the CSCDA.
3. The Mobile Homes Act 2013 (the 2013 Act) amended the CSCDA and made changes to the law relating to the licensing of residential caravan sites (referred to as 'relevant protected sites' in the legislation). The licensing regime for such sites enables the Council to monitor site licence compliance more effectively and enables the Council to take enforcement action where necessary. The Mobile Homes Act 2013 gives the

Council the power to set fees in relation to relevant protected sites to enable to the recovery of the costs of licensing such sites.

4. This policy explains how the Council will administer the licensing regime in relation to relevant protected sites within the Royal Borough of Windsor and Maidenhead. It sets out the general principles that the Council will apply in making decisions relating to new or existing licences and explains to those being regulated, what they can expect from the Council.
5. The policy has been devised having regard to relevant legislation, guidance and good practice. The policy may be subject to change from time to time, particularly where there are changes to legislation or guidance.
6. This policy will be published on the Council's website at www.rbwm.gov.uk and should be read alongside the Council's Enforcement and Prosecution Policy which is available on the Council's website.

Requirement for Sites to be Licensed

7. Any person wishing to position static or touring caravans on land will require a caravan site licence under the provisions of the Caravan CSCDA 1960. It is an offence under the CSCDA 1960 for anyone to own or run a caravan site on their land, without holding a licence.
8. A '**Caravan**' means 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. The definition excludes tents and railway rolling stock (sleeping cars), and any twin unit caravan which exceeds any of the following size limits(section 29(1) of the CSCDA and section 13 of the Caravan Sites Act 1968):
 - a. Length (exclusive of any drawbar): 65.616 feet (20 metres)
 - b. Width: 22.309 feet (6.8 metres)
 - c. Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).
9. No caravan site licence can be issued if either the land does not have planning permission for use as a caravan site, or the applicant has had a site licence revoked within the previous 3 years.
10. The following sites are exempt from the requirement to hold a Caravan Site licence, however they are **not** exempt from the requirements to obtain any planning approvals that may be necessary. The exemptions apply to all caravan site licences, not just relevant protected sites:
 - a. Where the use of a caravan sited within the curtilage of a dwelling is incidental to that dwelling
 - b. A single caravan sited for not more than two consecutive nights for a maximum of 28 days in any 12 months

- c. Up to three caravans on a site at any one time of less than five acres for a maximum of 28 days in any period of 12 months
- d. Sites occupied by an exempt organisation such as the Caravan Club (see paragraph 22 below)
- e. Sites of up to five caravans, certified by an exempted organisation and occupied by members of that organisation
- f. Sites occupied by a local authority (usually Traveller/Gypsy sites)
- g. Sites for temporary purposes such as caravan rallies (for up to five days) organised by exempted organisations
- h. During a particular season, caravans used by agricultural/forestry workers
- i. Land used for occupation by persons working on, or adjoining, building and engineering sites
- j. Land occupied by travelling-show persons (including winter quarters for any period between the beginning of October in one year and the end of March in the next).

11. The Mobile Homes Act 2013 updated the licensing regime for residential caravan sites which are 'relevant protected sites' A '**Relevant protected site**' is any land to be used as a caravan site *other than* one where a licence is:

- a. Granted for holiday use only, or
- b. In any other way subject to conditions that restrict the use of the site for stationing caravans for human habitation at certain times of the year (e.g. conditions in the licence itself or in the planning permission).

12. Advice on determining whether a site falls within the definition of a relevant protected site can be found in DCLG Guidance 'Mobile Homes Act 2013: A best practice guide for local authorities on enforcement of the new site licensing regime' (section 2 and Appendix 1). However, if any person is in any doubt about whether they require a licence they should contact the Environmental Health Team at the Council.

Applying for a New Licence

13. An 'occupier' of land that is being used or proposed to be used to site caravans, can apply to the Council for a site licence. The 'occupier' may be a person or body corporate or anyone with an interest in the land. The application must be in writing and clearly specify the land to which the application relates.

14. Site licence applications must be made using the Council's application form and must be accompanied by the relevant fee. The Council's fees policy and current charges can be found on the RBWM website.

15. The site licence application form may be amended from time to time, so it is important that applicants read the form and accompanying information in detail before submitting their application. The Council will generally require the following as part of the application process:

- a. the maximum number of caravans that are proposed to be on site at any one time for the purpose of human habitation
 - b. a layout plan of the site, to a scale of not less than 1/500, showing the boundaries of the site, the positions of caravan standings, and, where appropriate, the positions of roads and footpaths, toilet blocks, stores and other buildings, food and surface water drainage, water supply, recreation space and parking spaces
 - c. evidence of the right to occupy the site (land registry deed/lease)
 - d. details of the arrangements for refuse disposal and for sewage and waste water disposal
 - e. a copy of the planning permission or certificate of lawfulness for the proposed activity
 - f. a copy of electrical test certificates
 - g. a copy of gas safety/LPG certificates (where applicable)
 - h. a copy of fire safety certificates
 - i. a fire safety risk assessment
 - j. a copy of valid public liability insurance for the site
 - k. a copy of the management structure and financial standing information are required for residential site applications
16. Following receipt of an initial application, the Council may make a written request to the applicant for any additional information it reasonably requires. It is for the council to decide what information it needs to evaluate the application, and the Council will clearly state its reasons for requesting any additional information. Only when the additional information is received will the Council consider it has all the information it needs to make its decision, and it will then determine the application as soon as reasonably practicable, and generally within 80 working days (though this may be subject to change).
17. Where the Council receives an incomplete application, the associated fee is not paid, or where additional essential information is requested but not provided, the Council may refuse to accept the application. Any fee will not be returned in such circumstances.
18. Where the proposed licence holder does not actively engage with the Council or respond to its further enquiries, the Council may decide to determine an application based only on the information it holds. The Council may also consider the failure to engage as a sign of further management concerns which may in turn influence the Council's licensing decisions.
19. The Council has discretion to approve or refuse an application for a new site licence. Therefore, it is essential that **before** any person purchases a site for the purpose of developing a caravan site, they contact the Council for an in-principle discussion. This will be separate to any pre-application advice a proposed licence holder may seek from RBWMs planning department.

20. A licence can be issued only if the site has the necessary planning consent, and the applicant is entitled to the benefit of that permission. An 'established use certificate' does not give an entitlement to a licence. An application for a caravan site licence may be made without planning permission being in place, but the LA cannot issue the licence until the applicant has the benefit of the necessary planning permission. If an application is made without planning permission being in place, when planning permission is granted the application will be processed, usually within 80 working days.

Matters the Council Considers when Determining a Site Licence Application

21. Regulation 3 of the Mobile Homes (Site Licensing) (England) Regulations 2014 sets out the prescribed matters that the Council must consider when deciding whether to grant or refuse a licence. **Appendix 1** gives detailed information about those matters, but in general terms these relate to the following:

- a. The proposed licence holder's interest in the land (including the duration of any lease)
- b. The funding arrangements for management of the site
- c. The proposed licence holder's ability to comply with any conditions attached to a licence and funding for doing so and
- d. The ability of the proposed licence holder (and any other person nominated) to manage the site.

22. The Council will undertake relevant enquiries regarding the applicant's suitability to hold a licence which may involve requests for information from other agencies including other Councils, the Fire Service, the Police or other relevant regulatory agencies.

23. A licence will not be issued to a person who has had a licence revoked within the past three years.

24. Caravan site licences cannot be issued for a limited period (and will therefore have no expiry date) unless the planning permission authorising the use of the land as a caravan site is time-limited, in which case the licence will be stated to expire at the same time as the planning permission. Subject to this proviso, licences run in perpetuity until transferred or revoked by a court or tribunal.

25. Decisions concerning site licence applications will be made by an officer with appropriate delegated authority in consultation with authorised officers from the environmental health- residential services team and where required legal services.

'Fit and proper person' requirement

26. Since 2021 all site owners must make a fit and proper person application to the Council for either themselves or the site manager to be assessed and placed on a public register of fit and proper persons. The Council has published a separate

application and determination policy for fit and proper person applications which can be found here: [Housing | Royal Borough of Windsor and Maidenhead](#)

Conditions of licence

27. The Council may issue a licence subject to conditions and in doing so will have regard to up to date model standards, the most recent being the Model Standards 2008 for Caravan Sites in England which can be found at the following location:
<https://webarchive.nationalarchives.gov.uk/ukgwa/20120919234852/http://www.communities.gov.uk/publications/housing/modelstandardsparkhomes>.
28. It is a mandatory condition that a copy of the site licence must be displayed on the land in a conspicuous place.
29. The Council has wide discretion in setting site licence conditions, but they will generally relate to:
- The numbers and types of caravans that may be on the site, including dates
 - Caravan spacing and density
 - Steps for enhancing or preserving the amenity of the land
 - Provision and maintenance of access routes, sanitary facilities and utilities.
30. In addition to the model standards, in setting licence conditions the Council will have regard to relevant codes of practice and industry guidance. Under the Regulators Code the Council has a duty to ensure that any requirements it imposes are proportionate and unambiguous so that anyone bound by those requirements clearly understand what they need to do to comply, and the Council can enforce where conditions are breached. As such the Council will carefully consider the conditions it wishes to attach to a licence.
31. Although there is a duty to consult with a site owner when the Council intends to alter conditions in an existing licence, there is no corresponding duty to consult with the site owner on proposed conditions in a new site licence. However, given that there is a right of appeal against the imposition of any condition, the Council will seek representations from the site owner in advance of issuing a new licence. If a site owner wishes to make representations, they will have to do so in writing within the timeframe given by the Council. Where representations are not received, the Council will conclude that the site owner does not wish to respond.
32. Where the Council deems any proposed condition will have a substantial impact on those living on a site, prior to issuing the licence, the Council may also invite representations from residents; though it is under no obligation to do so. Where applicable consultation with residents will be achieved through engagement with a Qualifying Resident's Association.
33. In drafting the licence conditions the Council will also consult with Royal Berkshire Fire and Rescue Service who are the enforcing authority for The Regulatory Reform (Fire

Safety) Order 2005 (RRO). The Council will avoid the inclusion of licence conditions that overlap with the requirements imposed by the RRO, as to do so could cause confusion for site owners.

Transfer of an Existing Licence

34. Where an existing licence holder wishes to sell or transfer ownership of a site to another party, they may seek the consent of the Council to transfer the licence.
35. The Council is not obliged to consent to the transfer of a licence, so it is vital the existing licence holder and any proposed new owner, contact the Council before the ownership of the land is transferred, and prior to applying for the transfer of a licence. **The Council advises that contact is made at least 6 weeks prior to the date the transfer of the land is complete.**
36. If the land is transferred and the Council has not received a licence transfer application from the existing owner, or a new licence application from the new owner, the Council may choose to take enforcement action against the new owner for operating a site without the appropriate licence, which is an offence under Section 1 of the CSCDA 1960.
37. Similarly, If the land is transferred, and Council subsequently refuses to consent to the transfer of the licence, any new owner may commit an offence of operating a site without a licence for which they may be prosecuted. Furthermore, the existing licence holder may remain liable for the obligations conferred by the licence.
38. The Council will not change the conditions of licence as part of the transfer process. If the Council believes the site licence conditions need to be updated, they will seek a new licence application from the proposed new owner of the site.
39. The Council will use the pre-application discussion referred to above, to advise the licence holder and prospective owner which application is most appropriate in the circumstances.
40. The application for the transfer of a licence *must* be made by the existing licence holder. The Council has published a Site Licence Transfer Application Form on its website.
41. The Council may refuse to process an application that does not have the required information or is not accompanied by the relevant fee.
42. As with applications for new licences, the Council can request any further information it reasonably requires from the applicant after the initial transfer application has been received. The Council will make any requests for further information in writing. The Council may choose to refuse to process an application where requested information or documents are not provided.



43. Much of the information the Council requires to determine the application to transfer a licence will be held by the proposed owner/ licence holder rather than the existing licence holder/applicant so the Council will seek to engage with the proposed new owner early in its deliberations. Where the new owner fails to engage the Council may refuse to process the application for a transfer.
44. There are no time limits for processing applications for transfer of a site licence however the Council will endeavour to process the transfer application within 80 working days of receiving all relevant information.
45. In determining whether to grant consent to transfer a licence, the Council must consider the matters set out in The Mobile Homes (Site Licensing) (England) Regulations 2014. **Appendix 1** sets out in more detail how the Council will apply these considerations in determining licence transfer applications.
46. Decisions concerning site licence transfer applications will be made by an officer with appropriate delegated authority in consultation with authorised officers from the environmental health- residential services team, and where required legal services.

Notification of the decision to refuse to grant or transfer a licence

47. Where the Council decides not to grant a site licence or to refuse consent to a transfer, it will serve notice of its decision on the proposed licence holder and, in the case of a transfer, the existing licence holder.
48. The notice will contain an explanation of the reasons for the decision and details of the right of appeal.
49. In the case of a transfer application, the notice will also explain that the existing licence holder will remain as such, until any appeal is determined successfully, or a new application is made, and the Council consents to that application.

Undertakings

50. The Council may choose to consent to the transfer of a licence subject to undertakings from either the existing or proposed licence holder. The Council can seek undertaking from the existing or proposed licence holder, or they can be offered by either or both.
51. An undertaking must be in writing and cannot be a licence condition; though the grant or transfer of a licence may be conditional on the undertaking being given.
52. Undertakings may be given in relation to:
 - a. The completion of works to remedy breaches of a licence conditions
 - b. Money that is owed to the Council
 - c. Action to improve the site management
 - d. Any ongoing proceedings in relation to the site e.g. an outstanding compliance notice

53. The Council is under no obligation to accept an undertaking proposed by any party and undertakings will only be agreed where they are reasonable and deliverable. There is no right of appeal where the Council refuses to accept an undertaking, though the Tribunal may have regard to any undertaking given or sought during in any appeal against the authority's decision.

Right of appeal

54. Any applicant may appeal to the First-tier Tribunal (Property Chamber) against the Council's decision not to issue, or consent to the transfer of, a site licence in respect of a relevant protected site within 28 days of receipt of notification of the decision by the Council. Furthermore, an applicant aggrieved by conditions attached to a licence can also appeal to the tribunal within 28 days.

55. The website of the First Tier Tribunal will provide further information and the correct forms for making an appeal.

56. Anyone wishing to appeal a decision is advised to seek independent legal advice.

Fees

57. The Mobile Homes Act 2013 permits the Council to make a charge for applications for relevant protected site licences, transfer of licences and applications for variation of conditions attached to such licences.

58. Where such licences have been issued, the Council will also require the licence holder to pay an annual fee for administering and monitoring the licences. The Council has devised a Fee Policy which can be found on the Council's website. This document should be read alongside the fees policy. It is the site owner or proposed site owner's responsibility to ensure that applications are accompanied by the appropriate fee and that annual fees are paid on time. Decisions and fees relating to the 'fit and proper person' registrations are dealt with in separate policies.

Variation of the licence

59. The Council may vary the conditions attached to a licence (either at its own instigation or on request from the licence holder). The Council does not require the agreement of the licence holder to vary licence conditions, however the Council will consult with the licence holder prior to any variation.

60. In certain circumstances the Council may also choose to consult with residents though there is no obligation to do so. Where applicable, consultation with residents will be via a qualifying Residents Association.

61. Circumstances where the Council may consider varying a site licence include, but are not limited to:
- Where licence conditions are obsolete, outdated or unenforceable
 - Where the Council is concerned about the management of the site, but are satisfied that the concerns could be addressed through the imposition of conditions
 - Where it is not reasonably practicable to comply with a condition without having a detrimental impact on residents, and that condition is not required to protect the health or safety of residents.
62. The Council is under no obligation to vary a licence condition simply because a licence holder has requested it, or because the development to which the condition relates is permitted under planning rules. Development on a licensed site that is allowed under permitted development rights, can still be prohibited under licence conditions, if the Council believes that the development will have a detrimental impact on residents. However, the Council will not unreasonably refuse a licence holders request to vary or remove a licence condition.

Monitoring Compliance with Licence Conditions

63. The Council will monitor compliance with licensing requirements on an annual basis through a combination of physical inspections, audits of documentation, and meetings with site owners and other interested parties. The Council will also record and investigate complaints relating to licensing breaches made by residents or other agencies. The costs associated with monitoring compliance are covered by an annual fee, details of which are published in the Mobile Home Site Licensing Fees Policy, available on the Council's webpages.
64. It will not always be necessary for officers to undertake an annual physical inspection of every licensed site. Where sites are small, with relatively simple management structures, a good record of compliance and no recent complaints, the Council may simply make a written request for relevant documentation from the site licence holder, which will be reviewed by authorised officers in the environmental health team. Where the relevant documentation is not provided the Council will generally undertake a full physical inspection.
65. Where the Council identifies a site as posing a low risk of non-compliance, and consequently chooses to monitor compliance using only documentary evidence, it will still generally seek to undertake a full inspection every 3 years to ensure standards of management are being maintained.
66. Council officers will generally give the site owner at least 24 hours' notice of their intention to inspect a site. More information on the Council's powers of entry is included in paragraphs 75-79 of this policy.

Compliance Notices

67. The Mobile Homes Act 2013 introduced provisions for Council's to serve compliance notices in respect of relevant protected sites where the occupier of the land is in breach of licence conditions.
68. The decision to issue a compliance notice will be taken on a case-by-case basis in line with the Council's Enforcement and Prosecution Policy which can be found on the Council's website. The Council may delay the issuing of a Compliance notice where it is confident that the non-compliance will be addressed without the need for formal action.
69. There is a right of appeal against a compliance notice. The appeal must be made the First Tier Tribunal (Property Chamber). Compliance notices will always contain information on the right of appeal.
70. Where the Council decides to issue a compliance notice it is empowered to recover from the person on whom the notice is issued, costs reasonably incurred in deciding whether to serve the notice, and in preparing the notice. Expenses recoverable include any costs of obtaining expert advice. The Council will seek to recover its costs in full in all but exceptional circumstances. Further information about the process for cost recovery can be found in the Council's Caravan Site Licensing: Fees Policy.
71. The Council may also carry out works itself (works in default) where the site owner has failed to comply with a compliance notice (or in an emergency situation) and again may seek to recover the expenses incurred in doing so.
72. Works in default will not always follow failure to comply with a compliance notice. The Council is more likely to undertake work where the failure to comply with the notice confers a risk to public health or safety and there is no realistic prospect of achieving compliance with the notice in the foreseeable future.
73. In determining whether to undertake works in default, officers from the environmental health- residential services team will prepare an options report setting out the risks and benefits of proceeding. The report will be presented to an officer with the appropriate delegated authority, usually the Assistant Director or above, who will determine whether to proceed to undertake the work. Any work will be commissioned in line with the Council's financial and procurement processes. Offences
74. The occupier of any land commits an offence if that person permits the use of land as a caravan site (caravans situated on land for the purpose of human occupation) without the benefit of a site licence and on summary conviction is subject to an unlimited fine.

75. A site owner who fails to take the steps specified in a compliance notice commits an offence and is liable on summary conviction to an unlimited fine. The Council may make an application for revocation of a licence at the court hearing where a licence holder has been convicted of failing to take steps required by a compliance notice provided they have been convicted of that offence (or, prior to the Mobile Homes Act coming in to force, an offence under section 9 of the CSCDA of failing to comply with conditions) on at least two previous occasions.
76. The Council takes prosecution decisions in line with The Code for Crown Prosecutors | The Crown Prosecution Service, its own Enforcement and Prosecution Policy. The decision to prosecute for any offence relating to CSCDA or associated legislation will be taken by an officer appropriate delegated authority, in consultation with the Council's legal team.
- Power of Entry**
77. Section 26 of the Caravan Site Control of Development Act 1960 empowers authorised officers of the Council to enter land used as a caravan site to carry out inspections, etc. and obtain information to enable them to:
- Determine what conditions should be attached to a site licence or whether conditions attached to a site licence should be altered
 - Ascertain whether there is, or has been, on or in connection with the land any contravention of the licensing provisions
 - Ascertain whether there are circumstances which would warrant the LA taking any action, or executing any work(s)
 - Take any action or execute any work(s) on the site in accordance with the provisions of the CSCDA.
78. The Council will generally give licence holders 24 hours' notice of an inspection or visit by authorised officers of the Council. There may be circumstances in which the Council visits the site without notice for example where it is visiting a resident by invitation, or simply checking some minor details on site, however the Council will not demand entry as a right unless it has given notice.
79. There is provision for the LA to apply to the magistrates' court for a warrant if there is a need for urgent, immediate access or obstruction is envisaged or the occupier is absent.
80. Wilful obstruction of a person exercising right of entry in accordance with section 26 or of a warrant issued under that section is an offence punishable on summary conviction by a fine not exceeding Level 4 on the standard scale.
81. The officer carrying out duties on behalf of the Council will be properly authorised, in writing and they will produce their authority if requested.

Other Matters Relating to Mobile Home Sites

Site Rules

82. Site owners can set rules for their site if the rules are designed:
- to ensure that acceptable standards are maintained on the site, which will be of general benefit to occupiers; or
 - to promote and maintain community cohesion on the site
83. It should be noted that site owners cannot now impose rules that:
- make the resident tell them that they want to sell their home or insist that they have to agree to the sale.
 - interfere with the resident's right to sell.
 - insist on approving the buyer.
 - stop the resident from using a solicitor or estate agent to sell their home.
 - make the resident or the buyer carry out a survey.
84. There is a legal process that a site owner must follow if it wishes to introduce site rules, and the Council strongly advises site owners to seek independent legal advice before introducing any site rules.
85. The Local Authority will not get involved in regulating the process for introducing site rules and it cannot offer legal advice to residents or the site owner.
86. Where a resident wishes to challenge the introduction of site rules, it must do so to the First Tier Tribunal (Property Chamber). Any resident wishing to utilise this process should obtain independent legal advice.
87. Where a site owner has followed the correct legal process for consulting with residents and wants to begin implementing site rules, (or if they wish to delete or vary site rules) they must deposit the legally required documentation with the Council no sooner than 28 days after service of the consultation response document but no later than 42 days after service of the consultation response document. Site owners can do this by contacting environmental health – residential services at residential.services@rbwm.gov.uk
88. The Council's Mobile Homes Site Licensing Fees policy sets out the fee that must be accompany the deposit of site rules and how the fee is to be paid.
89. The Local Authority will maintain a register of site rules which it will publish online. Residents who wish to view the register may also make an appointment with the environmental health residential services team to view the register at the Town Hall Maidenhead within normal working hours.

Harassment and providing false or misleading information under the Caravan Sites Act 1968

90. The Council can investigate allegations of harassment as defined by the Caravan Sites Act 1968 (as amended). The Caravan Sites Act 1968 defines harassment narrowly, and therefore not all types of aggressive or unreasonable behaviour will be considered harassment under this legislation and residents are encouraged to contact the Police if they feel under threat by any person involved in the management of the site.
91. Harassment of residents, with a view to depriving them of their legal rights is a serious offence and the Council will work in partnership with residents, the Police and other agencies in investigating allegations of harassment by site owners and managers.

Disputes between residents and site owners: pitch fees, pitch agreements etc

92. Pitch agreements are legal contracts between the owner of the site and the resident. Disputes about pitch agreements and pitch fees are civil matters and the Council cannot involve itself in these matters or offer legal advice to either side.
93. Disputes are generally dealt with by the First Tier Tribunal (Property Chamber), and anyone who wishes to raise a dispute, to seek independent legal advice.

Publication and Review

94. This Policy was devised by the Environmental Services Manager and approved by Cabinet. The policy will be reviewed periodically and updated to reflect changes in legislation, guidance or best practice.
95. The policy and associated documents will be published on RBWM's webpages

Appendix 1

Matters Relevant to Decision Whether to Grant or Refuse a Licence

The following paragraphs set out how the Council will apply the prescribed considerations for determining whether to grant or refuse a licence, or whether to consent to the transfer of a licence. Each factor is weighted equally in the Council's determination.

Validity of application and determination period

An application will not be considered valid and the period for determination will not commence until all required information, plans and documents, together with the correct fee has been provided

1. The proposed licence holder has sufficient interest in the estate in the site (required by regulation 3 (2) (a) of the Mobile Homes (site Licensing) (England) Regulations 2014)

Only someone that owns or leases the land can be the licence holder. A freehold interest should be sufficient interest to satisfy the test, however this may not be the case if there is an intermediary lease that prevents the freeholder exercising any right over the land, and that interference would prevent the freeholder from complying with the licence conditions.

Where the proposed licence holder has a short-term lease, they are less likely to be able to meet the long-term obligations under the licence and the Council may therefore consider the interest in the site is insufficient for the leaseholder to hold the licence.

The Council will require evidence in the form of Land Registry documentation, which demonstrates the proposed licence holder's interest in the land.

Complex or fragmented management systems, for example through a variety of companies or individuals will be a cause for concern and the Council will expect transparency from any proposed licence holder.

The funding arrangements in place for managing the site and complying with the licence (required by regulation 3 (2) (c) of the Mobile Homes (site Licensing) (England) Regulations 2014)

The Council will need to be satisfied that the proposed licence holder has sufficient funds to secure the long-term management of the site. The extent of funding required will depend on the size and nature of the site and the Council may require detailed financial

information such as business accounts or bank statements, to satisfy itself that the licence holder can meet this test. The management of pitch fees and service charges will also be relevant.

Where funding is through a third party the Council may require additional information and will carefully consider whether the test can be met under these circumstances.

The proposed structure for the management of the site is appropriate (required by regulation 3 (2) (d) of the Mobile Homes (site Licensing) (England) Regulations 2014)

The Council must be satisfied that the day-to-day management and repair of the site is provided for. It must also be satisfied that long term maintenance and where necessary, improvements are undertaken or planned for.

In making its determinations, the Council will consider whether the persons or business involved in operating the site have sufficient experience and/or suitable qualifications relevant to their duties and obligations. The Council may request copies of inspections procedures, maintenance plans, training logs, or qualification certificates. Where applicants are reluctant to disclose information, or fail to engage, the Council will consider this as a relevant matter.

The Council may consider levels of compliance with licence conditions on other sites for which the proposed licence holder is responsible, and in doing so may make enquiries with other local authorities or agencies.

The Council will enquire as to the arrangements for complying with relevant statutory procedures, such those for increasing pitch fees and consulting with residents. The Council may consider it a cause for concern where no such arrangements exist.

The proposed licence holder's ability to comply with licence conditions and to provide for the long-term maintenance of the site (required by regulation 3 (2) (b) of the Mobile Homes (site Licensing) (England) Regulations 2014)

The sufficiency of the proposed licence holder's interest, their financial standing and management structures will all have a bearing on the Council's overall assessment of the suitability of the proposed licence holder to manage the site in a sustainable way.

Additional matters to be taken into consideration when considering whether to consent to the transfer of a licence

- 2. Whether the existing licence holder has been convicted for failing to comply with a compliance notice (required by regulation 3 (3) (a) (i) of the Mobile Homes (site Licensing) (England) Regulations 2014)**
- 3. Whether the existing licence holder is being investigated by the local authority in relation to an offence relating to the site under section 9B16 or is in the process of being prosecuted for such an offence (required by regulation 3 (3) (a) (ii) or (iii) of the Mobile Homes (site Licensing) (England) Regulations 2014)**
- 4. The local authority has applied to a court or a tribunal under its powers under the 1960 Act to revoke the licence or has within the previous six months notified the site owner of its intention to apply for an order of revocation (offence (required by regulation 3 (3) (b) of the Mobile Homes (site Licensing) (England) Regulations 2014)**
- 5. The site owner has not paid money owed to the local authority in respect of:**
 - Demands for expenses in relation to enforcement action or taking emergency action or doing works in default under the 1960 Act;**
 - Costs awarded in favour of the local authority by a tribunal or a court;**
 - Annual licence fees;**
 - Costs incurred by the authority in taking steps to protect the health, safety and welfare of residents.**

All of the above considerations will prevent a licence holder escaping financial or legal liabilities by giving up the licence, or enables the local authority to prevent a licence being transferred before it can be revoked. This is important as a person who has had a licence revoked in the last three years cannot be granted a new licence.

Document Name	Residential Mobile Homes Policy
Version	MHA/1
Document Author	Rhian Richards, Environmental Health Services Manager
Document owner	Rhian Richards, Environmental Health Services Manager
Reviewer	Amanda Gregory
Review date	January 2027

Revision History

Version	Revision Date	Description
Version 1	12/01/2026	First Version

Document Approvals

Approver	Name	Date
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