

Mobile Homes Fees Policy

SUMMARY

- 1.1 The legislation regarding the licensing of mobile home sites has changed.
- 1.2 The new legislation introduces new local authority powers, including new enforcement powers and the ability to charge for some licensing functions.
- 1.3 Before any charging regime is implemented, the Council must agree a Mobile Homes Fees Policy following consultation with existing licence holders and current residents.
- 1.4 The report contains a proposed Mobile Homes Fees Policy and a proposed Consultation Timetable.

RECOMMENDATION

- 2.1 That Committee adopts a charging regime for mobile homes sites and authorises the Service Director, Environment and Regulatory Services, to go out to consultation with existing licence holders and current residents on the proposed Mobile Homes Fees Policy set out in Appendix 2.
- 2.2 That Committee notes and approves the Consultation Timetable set out in Appendix 3 on the proposed Mobile Homes Fees Policy.
- 2.3 That Committee authorises the Chair, in consultation with the Service Director, Environment and Regulatory Services, to consider the comments made during the consultation period and propose a final draft version of the Mobile Homes Fees Policy to be considered at a future meeting.

REASONS FOR RECOMMENDATION

- 3.1 The Mobile Homes Act 2013 is mandatory legislation and therefore must be implemented by the Council. However, the Council has discretion as to whether it charges a fee for a relevant licensing function.
- 3.2 The adoption of a charging regime for all the relevant licensing functions will enable the Council to recover the costs of undertaking the work required by the new legislation.

SUPPORTING INFORMATION

- 4.1 The Council has a statutory duty under the Caravan Sites and Control of Development Act 1960 (the 1960 Act) to licence caravan sites but can choose not to regulate them. The legislation also covers Park and Mobile Home sites. The Council can attach conditions to ensure certain standards are maintained where a site licence has been issued.
- 4.2 Whilst there is no statutory duty to regulate sites, the 1960 Act gives powers to take enforcement action where conditions are not complied with. The Licensing Team currently undertakes regular inspections of the licensed sites to check compliance with licence conditions.
- 4.3 There are currently three licensed residential mobile home sites in the Council's administrative area that the new legislation will apply to. Applications for new site licences are very rarely received.
- 4.4 The Mobile Homes Act 2013 (the 2013 Act) received Royal Assent on 26 March 2013. The Act aims to improve housing standards, giving greater protection to home owners and provide more effective enforcement action by local authorities. The 2013 Act amends the 1960 Act and introduces new provisions to:
- serve and enforce 'compliance notices' and undertake emergency works together with the power to recover expenses and costs relating to works in default
 - have a role in the new system for making site rules and for agreed site rules to be deposited with the local authority. The new Act allows a fee to be charge for depositing the site rules
 - charge fees for new site licences, licence transfers and variations
 - charge an annual fee to existing residential site licence holders
 - refuse a new licence, or refuse the transfer of a licence
- 4.5 The 2013 Act also introduced new laws to address general malpractice across the mobile homes sector, including site operators blocking sales, and that all new site rules must be agreed with the residents. Many of these new provisions are now in force, but do not affect local authority powers and duties.
- 4.6 Before any charging regime is implemented, the Council must agree a Mobile Home Fees Policy which is attached at Appendix 2. Licence fees are being calculated and will be presented at the meeting. They will also be included as part of any consultation process.
- 4.7 In formulating the Mobile Homes Fees Policy, the fees have been calculated with reference to 'The Mobile Homes Act 2013 – A Guide for Local Authorities on Setting Site Licence Fees' issued by The Department for Communities and Local Government.

- 4.8 Before a Policy is adopted, a consultation process must be carried out with existing licence holders and site residents in the Council's administrative area. A copy of the Mobile Homes Fees Policy Consultation Strategy is attached at Appendix 3.
- 4.9 Following the consultation period, it is proposed that the Chair, in consultation with the Service Director, Environment and Regulatory Services, considers the comments made during the consultation period and sets out a proposed final draft version of the Mobile Homes Fees Policy to be considered at a future meeting.

OTHER OPTIONS CONSIDERED

- 5.1 Committee could decide not to introduce fees at this time and not adopt the Mobile Homes Fees Policy. If the Policy is not adopted, the cost of administering the existing site licences, and dealing with any new applications or transfers will have to be met from other sources for which there is no budget. It is the Government's intention that the cost of site licensing should be met from the fee income.

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	Amanda Fletcher
Human Resources officer	n/a
Estates/Property officer	n/a
Service Director(s)	n/a
Other(s)	Michael Kay, Ann Webster

For more information contact: Background papers: List of appendices:	Sandra Mansell 01332 641931sandra.mansell@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Proposed Mobile Homes Fees Policy Appendix 3 – Mobile Homes Fees Policy Consultation Strategy
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IMPLICATIONS

Financial and Value for Money

- 1.1 The regime allows for the local authority to re-charge the cost of certain licensing functions. Licence fees are being calculated and will be presented at the meeting. They will also be included as part of any consultation process.

Legal

- 2.1 The Mobile Homes Act 2013 received Royal Assent on 26 March 2013 and came into force on 1 April 2014. The Council has responsibility for the licensing, administration and enforcement of the Act, and has discretion to charge a fee for certain licensing functions.
- 2.2 The duty to consult must adhere with the guiding principles of effective consultation, namely, that consultation:
 - (a) should be well timed, allowing contributors sufficient time to consider and respond;
 - (b) should be clearly presented, in order to encourage informed opinion;
 - (c) should be properly targeted;
 - (d) responses should be properly considered;

Personnel

- 3.1 None arising from this report.

IT

- 4.1 None arising from this report.

Equalities Impact

- 5.1 An equality impact assessment will be done and the findings along with the consultation results will be presented to this committee with the final draft.

Health and Safety

- 6.1 None arising from this report.

Environmental Sustainability

7.1 None arising from this report.

Property and Asset Management

8.1 None arising from this report.

Risk Management

9.1 The adoption of a fees policy will avoid a budget pressure.

Corporate objectives and priorities for change

10.1 The proposals set out in this report will deliver **better outcomes for our communities, more efficient and effective services and improved value for money for our customers.**