

BABERGH DISTRICT COUNCIL and MIDSUFFOLK DISTRICT COUNCIL

From: Head of Housing	Report Number: P75
To: Executive Committee Strategy Committee	Date of meeting: 17 November 2014 20 November 2014

MOBILE HOMES FEES POLICY

1. Purpose of Report

1.1 The Mobile Homes Act 2013 has introduced some important changes regarding mobile home sites. These include the expectation that Councils will inspect sites annually and are able to charge a fee for the associated licensing functions. The policy sets out the proposed charges and fee structure for Babergh and Mid Suffolk.

2. Recommendations

2.1 That the proposed Mobile Homes Fee Policy, as contained in the Appendix attached to this report, be adopted with immediate effect.

2.2 That the Head of Housing be authorised to make any minor amendments to the Policy, including increasing the fees to enable costs incurred to be recovered.

The Committee is able to resolve this matter.

3. Financial Implications

3.1 Babergh and Mid Suffolk carry out annual inspections of mobile home sites to ensure compliance with the Site Licence. Often several visits are required where issues are found. Currently there is no charge to the site owner for this work and the cost of this has to be met by the Councils. The proposed policy will ensure that the costs incurred are recovered from site owners. Where enforcement action becomes necessary due to non-compliance of a Notice charges will be on a cost recovery basis.

4. Risk Management

4.1 The key identified risk is:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to implement licence fees will adversely impact on local taxpayers and LA resources.	2 - Often	3 - Noticeable	Implementation of charging a fee for the licensing functions associated with mobile home sites in accordance with the policy.

5. Consultations

- 5.1 The owners, residents and Residents Associations of mobile home sites across the two Districts were consulted on the proposed fee structure. No comments were received.

6. Equality Analysis

- 6.1 There are no direct equality impacts on persons or groups with protected characteristics arising from the content of this report.

7. Shared Service / Partnership Implications

- 7.1 The policy will ensure that the fee structure across the two Districts is aligned.

8. Key Information

- 8.1 The Mobile Homes Act 2013 made huge changes to the law on park homes in order to give better rights and protection to park home owners.
- 8.2 Part of the changes included enabling local authorities to monitor site licence compliance more effectively. Authorities have now been given the necessary power to take enforcement action where site owners are not managing their sites. This will ensure the health and safety of residents is better protected.
- 8.3 The fee policy must be published and be transparent and reasonable.
- 8.4 Mid Suffolk has 6 mobile home sites with a total of 230 homes. Babergh has 4 sites and a total of 63 homes.

9. Appendices

Title	Location
A Mobile Homes Fee Policy	Attached

10. Background Documents

- 10.1 The Mobile Homes Act 2013

<http://www.legislation.gov.uk/ukpga/2013/14/contents>

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APPENDIX A

MOBILE HOMES FEE POLICY



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RELATED DOCUMENTS.

1. Mobile Homes Act 2013
2. The Caravan Sites and Control of Development Act 1960
3. DCLG Guidance on Site Licensing Fee Setting

Mobile Homes Fee Policy

1. **BACKGROUND**

The Caravan Sites and Control Of Development Act 1960 introduced a licensing system to regulate the establishment and operation of caravan sites. The Mobile Homes Act 2013 (MHA 2013) was introduced to provide greater protection to occupiers of residential park homes as the existing legislation had not been updated for more than 50 years. This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions. The councils can also now charge a fee for licensing functions. The legislation allows the councils to serve enforcement notices and requires the publication of any site rules relating to a site.

2. **FEES CHARGED FOR LICENCES**

The changes introduced by the MHA 2013 came into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of 'relevant protected sites'. The definition of a relevant protected site is any licensable caravan site unless it is exempted. A site is exempted if:

- it has planning permission or a site licence for exclusive holiday use.
- there is a restriction on use as a permanent residential site.

Sites which do not fall within this definition are still subject to the licensing requirements contained in The Caravan and Control of Development Act 1960 but payment of fees does not apply.

Under the new Act a fee can be charged for:

- applications for a new licence
- applications to transfer or amend an existing licence
- annual fee for administering and monitoring existing site licences
- depositing site rules
- serving of enforcement notices and recovery of costs incurred.

3. **FEES STRUCTURE**

The council has calculated fees based on the estimated average time and costs involved in undertaking the activities involved. The current fees are shown in Appendix 1.

The DCLG guidance sets out the activities the councils can include when calculating fees. These are shown in Appendix 2.

The fees policy and current charges will be published on the council's website.

Mobile Homes Fee Policy

4. APPLICATION FOR A NEW SITE LICENCE

All sites require a site licence (subject to the exemptions in the Caravan Sites and Control of Development Act 1960). Licences will only be issued for a site with a valid planning permission. Fees are based on a fixed cost with a variation to reflect the number of pitches.

5. TRANSFER OF AN EXISTING SITE LICENCE

Where a licence holder wishes to transfer the licence an application must be made to the council for which a fee is payable.

6. AMENDMENT OF AN EXISTING LICENCE

Where the licence holder requests an amendment to the site licence conditions the councils will charge a fee.

Where the council deem it necessary to alter the conditions there will be no fee payable.

7. ANNUAL FEE

All relevant protected sites (except those exempted) must pay an annual fee to the council. Invoices will be sent on the 1st April each year and payment will be due within 30 days.

Where a site licence is issued part way through the year an invoice will be sent after the licence has been granted and the fee will be pro-rata.

This fee covers the cost of administration, annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any work required. If there is still a breach in site licence conditions after the revisit further charges may be payable to cover the cost of enforcement action (see section 8 Enforcement Costs).

8. ENFORCEMENT COSTS

Where there has been a breach in a site licence condition the council may serve a compliance notice. The Caravan and Control of Development Act 1960 details the elements a local authority can include when charging for enforcement action.

A detailed breakdown of the relevant expenses will be provided with the notice.

Mobile Homes Fee Policy

If works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

If a prosecution was successful the council would have the power to carry out the works in default.

9. FEES FOR DEPOSITING SITE RULES

Site rules are put in place by the owner of the site to ensure acceptable standards are maintained. The MHA 13 changes the way site rules must be agreed between site owners and residents. The council must keep an up to date register of site rules and publish these on-line.

Any site rules deposited for the first time or applications to vary the site rules must be accompanied by the appropriate fee.

Mobile Homes Fee Policy

APPENDIX 1

LICENCE ACTIVITIES AND APPROX. TIME TAKEN

ACTIVITY	OFFICER	TIME (MINS)
Initial enquiry and computer input	ATSO	10
Confirm planning permission	HSCO	30
Send out site application with covering letter	HSCO	10
Arrange site visit	HSCO	10
Travel time	HSCO	40
Check application is complete	HSCO	40
Check supporting documentation (eg. Electrical certificates)	HSCO	30
Land Registry Search	HSCO	10 *
Process licence fee	ATSO	20
Prepare site licence and conditions	HSCO	90
Discuss site conditions with applicant	HSCO	60
Site licence checked and signed by Manager	CM	60
Site licence sent to applicant	ATSO	10
Scan documents and update website	HSCO	20
Arrange annual inspection with site owner	HSCO	10
Carry out full site inspection, making note of any breaches of site licence conditions and any work required where there are 1 – 5 pitches	HSCO	60
Additional time required for inspection of sites with 6 – 24 pitches	HSCO	45
Additional time required for inspection of sites with 25 – 99 pitches	HSCO	90
Record details on file and M3	HSCO	30
Corporate Work Plan/Policy Writing	CM/LEGAL	120

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ACTIVITY	OFFICER	TIME (MINS)
Amend site licence	HSCO	30
Application to deposit rules received and entered on M3.	ATSO	10
Check application is valid and site rules have been made in accordance with statute, consultation has been carried out and no banned rules	HSCO	120
Amend public register and deposit rules on the website	HSCO	30

KEY

ATSO – Administration and Technical Support Officer @ £29.37/hr

HSCO – Housing Supply and Condition Officer @ £32.60/hr

CM – Corporate Manager @ £49.33/hr

Legal – £49.33/hr

*Land Registry Search (LRS) has a cost of £3.00.

Hourly rates have been supplied by Finance and include all on-costs.

1. FEE CALCULATION FOR NEW LICENCE APPLICATION

ATSO	40 mins	=	£19.58
HSCO	440 mins	=	£239.06
CM	60 mins	=	£49.33
LRS		=	£3.00

TOTAL COST = £310.97 (This assumes 5 pitches or less. Additional costs will be incurred depending on the number of pitches).

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2. FEE CALCULATION FOR AMENDMENT OF AN EXISTING LICENCE

ATSO	40 mins	=	£19.58
HSCO	220 mins	=	£118.80
CM	60 mins	=	£49.33

TOTAL COST = £187.71

3. FEE CALCULATION FOR TRANSFER OF AN EXISTING LICENCE

ATSO	40 mins	=	£19.58
HSCO	140 mins	=	£75.60
CM	60 mins	=	£49.33
LRS		=	£3.00

TOTAL COST = £147.51

4. ANNUAL FEES

ATSO	20 mins	=	£9.60
HSCO	140 mins	=	£75.60

TOTAL COST = £85.20 (This assumes 5 pitches or less. Additional costs will be incurred depending on the number of pitches).

5. DEPOSIT OF SITE RULES

ATSO	10 mins	=	£4.80
HSCO	150 mins	=	£81.00

TOTAL COST = £85.80

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APPENDIX 2

The DCLG guidance sets out the activities that the council can include when calculating its annual fee. These include:

- Letter writing/telephone calls to make appointments and requesting information from the site owner or any third party in connection with the licensing process
- Dealing with enquiries and complaints
- Updating computer systems
- Processing the licensing fee
- Reviewing documentation
- Preparing reports
- Review by manager or legal team
- Site inspections
- Follow-up inspections to check compliance.