



Policy and Resources Committee – 15th September 2014

Mobile Homes Act 2013 – Implementation of Fees

Purpose of Report

To approve the adoption of the Mobile Homes Act 2013 and Part 6 of the Housing Act 2004 and to approve the Fees and Charges Policy as required by the Mobile Homes Act 2013.

Attachment(s)

Appendix One – Fees and Charges Policy
Appendix Two – Equalities Impact Assessment

1.0 Background

- 1.1 The Mobile Homes Act 2013 came into force on the 1st April 2014 which amends the existing Caravan Sites and Control of Development Act 1960. Environmental Services deal with all Caravan Site licences that fall under this act and inspect these sites twice a year.
- 1.2 Currently there is no fee for applying for a licence nor for any other function such as variations, transfers and enforcement. The Mobile Homes Act 2013 amended this and required each local authority to develop a Fees and Charges Policy, to be approved by Members before fees are introduced. In East Northamptonshire we have 5 sites that would now be required to pay an annual fee.
- 1.3 In order to be as consistent as possible across the County it was agreed to develop a simple fees and charges policy. The CAU Board have discussed the policy attached in Appendix one and approved its contents.

2.0 Mobile Homes Act and Licences

- 2.1 The licensing scheme requires the Council to formally adopt the Mobile Homes Act 2013 in order for the fees to be applied and for the new enforcement tools to be available to officers. If the legislation was not adopted the Council would be unable to utilise the new enforcement powers available for such sites nor receive fees for time spent on such sites.
- 2.2 The aim of the legislation is to ensure that the mobile homes sites, that have permanent residents and sites that meet set criteria have more controls in place for the benefit of the residents. This includes the requirement for site rules to be formally agreed and posted with the local authority for each site, better enforcement powers for those living on the sites and bringing the legislation more in line with the requirements within the Housing Act 2004 in order to protect those residents.
- 2.3 The fees and charges associated with administering the new licensing regime have been calculated based on full cost recovery. The guidance provided by Government on how to set the fees did not get released in time for a fees and charges policy to be approved prior to the 1st April 2014 when the legislation came into force. The countywide group agreed to create one fees and charges policy so ensure the charges were consistent across the county and in line with government guidance. This policy is dated for this financial year and although it is to be approved halfway through the year, the group felt it was reasonable to charge the annual fee for this year on a pro rata basis from the date of approval covering the rest of this financial year and full

fee from April 2015. The Councils have never been in the position to receive an annual fee before and therefore there is no financial hit for not charging the full year fee.

2.4 As each site is different and of varying sizes with a different number of pitches, the councils agreed that the fairest way was to breakdown the costs of the licence into groups based on the number of pitches a site has. This allows costs recovery to be calculated more effectively, as larger sites will obviously take longer to inspect than smaller sites.

2.5 The draft policy was sent for consultation with all businesses that its implementation would affect. Only a few comments were received back, one site requested assistance in completing the site rules requirement requesting a template to assist them in completing this. The other comments received at Wellingborough and at East Northamptonshire was a hope that the fees wouldn't increase year on year.

2.6 It is recommended that the fees for a new application be set as follows:

| Number of Pitches | Application Fee |
|-------------------|-----------------|
| 1-10 | £148 |
| 11-50 | £198 |
| 51-100 | £248 |
| 101+ | £298 |

With the fees for the annual fee as follows:

| Number of Pitches | Annual Fee |
|-------------------|--|
| 1-5 | Exempt (low risk sites usually owned and occupied by one family group) |
| 6 - 10 | £98 |
| 11 - 50 | £123 |
| 51 100 | £148 |
| 101+ | £173 |

2.7 Our existing sites have the following number of pitches

| Site name | Number of pitches |
|-------------------------------|-------------------|
| Berry Green, Clopton | 12 |
| Station Road, Irthlingborough | 36 |
| Hill Top, Ringstead | 24 |
| The Bungalow, Ringstead | 12 |
| Kingsmead, Rushden | 90 |

2.8 In order for the scheme to operate the scheme of delegation would need to be updated to include the Mobile Homes Act 2013 and corresponding powers provided in Part 6 of the Housing Act 2004 that the Council has not currently adopted. It is recommended that delegation is given to Executive Director, Head of Environmental Services, Environmental Protection Manager and Senior Environmental Protection Officer and Environmental Protection Officer for grants, refusals, revocations, transfers and enforcement.

3.0 Consultation

3.1 It was recognised at an early stage by the countywide group that the changes made by the Mobile Homes Act 2013 would have a significant impact on existing sites and that they would now be required to do more than they have been previously required to do and for some the changes may be confusing. The main change is that they will now be required to pay an annual fee for their site licence, therefore once the draft

policy was agreed by all the councils it was specifically sent to all the businesses it affected.

- 3.2 In the development of the policy, the councils with the most sites licensed were more involved than those who have no sites. The policy was agreed by all but South Northamptonshire who were working with Cherwell and couldn't commit to our timescales for getting the policy adopted. All other councils including those who currently have no sites that require a licence have agreed the policy and shall adopt it should an application be submitted.

4.0 Equality and Diversity Implications

- 4.1 The completed Equalities Impact Assessment can be found in Appendix Two. There is a negative impact for those who cannot read and write in the generation and formal posting of the site rules, which may have more of an impact for our licensed Gypsy sites or for those where English is not their first language.

5.0 Legal Implications

- 5.1 The Mobile Homes Act 2013 and Part 6 of the Housing Act 2004 must first be adopted by Council and the Scheme of Delegation be amended in order for the fees and charges policy to be introduced and enforcement powers to be available for officers in situations of non compliance

6.0 Risk Management

- 6.1 There is a risk of non payment for licences as they have previously never had to do this before. The legislation sets out a specific process the local authority must go through for non payment which includes requesting a repayment order be granted by the Residential Property Tribunal. The repayment order would then require the operator to pay the fee within 3 months, if the operator fails to do so the local authority can then apply to the Residential Property Tribunal for the site licence to be revoked.

7.0 Financial Implications

- 7.1 This legislative change allows the council for the first time to apply cost recovery for work that is undertaken in inspecting, enforcing and determining site licences. Based on our current licensed sites and the number of pitches we could raise £640 per year. The costs provided within the policy includes the time of the officers but also the administration costs for the CAU to ensure full cost recovery.

8.0 Corporate Outcomes

- 8.1 The Corporate Outcomes affected by this policy are:
- Good Quality of Life
 - High Quality Service Delivery
 - Knowledge of Customers and Communities.

9.0 Recommendations

- 9.1 Resolve to recommend to full council to adopt the Mobile Homes Act 2013
(Reason: To allow us to implement the requirements within the Mobile Homes Act 2013)
- 8.2 Resolve to recommend to full council to adopt Part 6 of the Housing Act 2004, which includes enforcement powers specifically for mobile homes sites.
(Reason: To allow us to implement the requirements within the Housing Act 2004 and the Mobile Homes Act 2013)
- 8.3 Resolve to recommend to full council to amend the Constitution to delegate authority


to licence, refuse, revoke and suspend licences for relevant sites to the following posts:

Head of Environmental Services
 Environmental Protection Manager
 Senior Environmental Protection Officer
 Environmental Protection Officer
 Executive Director

(Reason: To ensure the scheme of delegation allows appropriate decision making)

- 8.4 To approve the Fees and Charges Policy and incorporate these charges onto the Councils existing Fees and Charges document as shown in Appendix 1.
(Reason: To ensure the appropriate fees is charged for the service for full cost recovery)

- 8.5 To approve the Equalities Impact Assessment provided in Appendix 2
(Reason: To ensure all Equalities and Diversity Implications have been considered)

| | | | | | |
|--|---|-----------|--|-----------|--|
| Legal | Power: Caravan Sites and Control of Development Act 1960 Mobile Homes Act 2013 Housing Act 2004 | | | | |
| | Other considerations: | | | | |
| Background Papers: | | | | | |
| Person Originating Report: Jenny Walker Environmental Protection Manager 01832 742209 jwalker@east-northamptonshire.gov.uk | | | | | |
| Date: 4 June 2014 | | | | | |
| CFO 3/9/14 |  | MO | | CX | |

(Committee Report Normal Rev. 22)

Northamptonshire



Mobile Homes Draft Licensing Fees Policy

April 2014 - March 2015

- 1.1 The Northamptonshire district and borough local authorities have produced this policy in accordance with the requirements of the Caravan Sites and Control of Development Act 1960 (the amended Act) as further amended by the Mobile Homes Act 2013. The amended Act requires that where a local authority proposes to charge a fee for a caravan/mobile home site licence, covered by the amended Act it shall prepare and publish a fee policy.
- 1.2 When producing the policy the authority:
 - may fix different fees in different cases
 - may determine that no fee is required in some cases
 - must act in accordance with the policy
- 1.3 Any fees charged must fairly cover the costs (or part of the costs) incurred by a local authority under its functions in Part 1 of the amended Act other than the costs of enforcement action. The fees must be reasonable and transparent and whilst different fees can apply to different cases there must be consistency in the fee structure and its application. Fees can only be charged for cost recovery and not for profit.
- 1.4 The ability to charge fees does not apply to all sites licensable under the Act but only to those that are “relevant protected sites” (RPS). An RPS is one covered by the provisions of the amended Act other than where the licence:
 - is granted for holiday use only
 - is subject to conditions that prohibit the use of caravans for human habitation during certain times of the year
- 1.5 In addition, an RPS where occupation is permitted all year round will not be covered by the provisions when the caravan is authorised to be occupied by:
 - the occupier of the site
 - persons employed by the occupier who do not occupy the caravan under an agreement made under section 1 (1) of the Mobile Homes Act 1983.
- 1.6 Local authority owned sites are also not covered by these provisions.

2.0 Fee Structure

- 2.1 The government has published a guide⁽¹⁾ on the setting of fees but has made it clear that the setting of fees is a decision for local authorities. As several local authorities in Northamptonshire administer caravan sites licences through a joint administration unit it has been agreed to publish a policy which covers the whole county. This is in line with the better regulation principles to the benefit of site operators who will be charged the same as other businesses in the area.
- 2.2 Fees can include the costs of all administrative tasks, report writing, meetings, inspections, consultations and advice given. The administration unit has determined a standard rate for administering licence processes. Where the fee includes a technical officer visit or input this is also charged at a standard rate per hour.
- 2.3 The sites covered by the fee policy vary considerably in size from very small, with less than 10 pitches to others with over a 100 pitches. Where the fee is

for a licence application or annual inspection visit, the amount of work required will be proportionate to the number of units on the site and the fees have been banded accordingly. For licence transfers, amendments or the deposit of site rules the work will be similar regardless of the site size and a single fee will be set.

- 2.4 Any annual licence fee charged in 2014 may be passed on by the site operator to residents in the first year of the scheme. In subsequent years, the additional charge may only be increased by the Retail Prices index.

3. Review of Fee Structure

- 3.1 The actual administration and officer costs will be reviewed annually and any surpluses or deficits used in setting subsequent years fees.

4. Payment of Fees

- 4.1 An application for a new site licence, licence amendments, transfer or submission of site rules must be accompanied by the relevant licence fee. Where the application is not approved there will be no refund of the fee.
- 4.2 Where an annual inspection fee is payable, an invoice will be sent to the licence holder in April of each year and payments are due within 28 days.
- 4.3 Where payment is overdue, an application may be made to the First Tier Tribunal, Residential Property, (RPT) for an order for the payment of the fees. If this is not complied with within 3 months, an order to revoke the site licence may be applied for.
- 4.4 An operator has the right to apply to the RPT if they disagree with the licence fee being charged.
- 4.5 Where a licence is granted during the year the annual fee payable for that year will be calculated pro rata on the number of whole months remaining in the year from the date of issue.
- 4.6 In the first year the annual fee will be due within 28 days of the receipt of the invoice by the licence holder.

5. Fees Schedule

- 5.1 **Licence application fees** - a one off payment determined by the number of licensed pitches on the site.

| Number of pitches | Application fee |
|-------------------|-----------------|
| 1-10 | £148 |
| 11 - 50 | £198 |
| 51 - 100 | £248 |
| 101 + | £298 |

5.2 Transfer/ amendment fees - payable to administer a change in the site ownership or site licence conditions as requested by the licence holder. **£148**

5.3 Annual site licence fee - payable to cover the costs of annual inspection, determined by number of licensed pitches on the site.

| Number of pitches | Annual fee |
|-------------------|------------|
| 1-5 exempt* | |
| 6 - 10 | £98 |
| 11 - 50 | £123 |
| 51 - 100 | £148 |
| 101 + | £173 |

* Sites with 1-5 pitches have been exempted from annual charges as they are low risk and tend to be family run sites which are not run as a business and would not normally be visited annually. They would still be inspected in the case of a complaint and the policy will be reviewed in the future if there is evidence of problems at such sites.

5.4 Fees for depositing Site rules

5.5 While site licence conditions are imposed by the licensing authority, site rules are made by the site operator. Their purpose is to ensure acceptable estate management standards are maintained and to promote community cohesion among residents. The 2013 Act requires that any site rules now have to be deposited with the local authority which must keep an up to date register and publish this online. A fee can be levied for depositing the site rules for the first time, to vary or delete them and is the same in each case at **£98**

References

1. The Mobile Homes Act 2013 – A Guide for Local Authorities on setting site licensing fees. Department for Communities and Local Government.

Appendix Two

EIA Initial Screening Form – Committee decision



East
Northamptonshire
Council

| 1. Decision being taken: | Boat Licensing introduction |
|---|---|
| 2. Name and Job title / role of person completing Initial Screening: | Jenny Walker Environmental Protection Manager |
| 3. What is the main purpose of the Service or Policy under discussion? | Mobile Homes Act 2013 – Implementation of act including fees and charges policy to include annual site fees, licence application fees and |
| 4. List the main activities of the Service or Policy under discussion | Implementation of Fees and Charges Policy for relevant Mobile Homes sites |
| 5. Who are the main beneficiaries of the Service or Policy under discussion? | Residents and owners of Mobile Homes sites |
| 6. How is the success of the Service or Policy under discussion measured? | Thorough the issuing of licences, increase in standards utilising better enforcement powers provided in the act |
| 7. Are equality monitoring systems for the Service or Policy under discussion in place? | No |

8. Use the following table to indicate using a ✓:

- a) Where you think that the decision being taken could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the decision being taken could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the decision being taken could have a neutral impact on any of the equality group i.e. no impact

| Equality Group | Positive Impact | Negative Impact | Neutral Impact | Reason |
|---|-----------------|-----------------|----------------|--------|
| Gender: | | | | |
| Women/Girls | | | ✓ | |
| Men/Boys | | | ✓ | |
| Transgender people | | | ✓ | |
| Sexual Orientation: | | | | |
| Lesbians, gay men and bisexuals | | | ✓ | |
| Race/Ethnicity: | | | | |
| White British people | | | ✓ | |
| White non-British people (including Irish people) | | | ✓ | |
| Asian or Asian British people | | | ✓ | |
| Black or Black British people | | | ✓ | |
| People of mixed heritage | | | ✓ | |
| Chinese people | | | ✓ | |
| Travellers (Gypsy/Roma/Irish heritage) | | | ✓ | |
| People from other ethnic groups | | | ✓ | |

| Equality Group | Positive Impact | Negative Impact | Neutral Impact | Reason |
|--|-----------------|-----------------|----------------|--|
| People who do not have English as their first language | | ✓ | | Residents and managers/owners of such sites may struggle to read and write and understand the new requirements for site rules to be formally agreed and posted |
| Disability: | | | | |
| Physical impairment, e.g mobility issues which mean using a wheelchair or crutches. | | | ✓ | |
| Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment. | | | ✓ | |
| Mental health condition, e.g depression or schizophrenia | | | ✓ | |
| Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder | | | ✓ | |
| Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy | | | ✓ | |
| Other health problems or impairments (<i>please specify if appropriate</i>) | | | ✓ | |
| Age: | | | | |
| Older People (60+) | | | ✓ | |
| Children and Young People (see guidance for definition) | | | ✓ | |
| Religion/Belief: | | | | |
| Christian | | | ✓ | |
| Buddhist | | | ✓ | |
| Hindu | | | ✓ | |
| Jewish | | | ✓ | |
| Muslim | | | ✓ | |
| Sikh | | | ✓ | |

| Equality Group | Positive Impact | Negative Impact | Neutral Impact | Reason |
|---|---|-----------------|----------------|--------|
| Other religion (including holding no belief) | | | ✓ | |
| Other Potentially Affected Groups | | | | |
| Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access | | | ✓ | |
| Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands | | | ✓ | |
| Any other potentially affected groups (<i>please specify</i>) | | | ✓ | |
| 9. If you have indicated that there is a negative impact on any group: | | | | |
| a) Is that impact against legislation? | N/A | | | |
| b) What is the level of impact? | N/A | | | |
| 10. Could you minimise or remove any negative impact that is of low significance? | We will aim to assist those sites where the site rules requirement is a problem | | | |
| 11. Could you improve a positive impact of the decision? | No | | | |
| 12. If there is no evidence that the decision promotes equality of opportunity or improved relations, could it be adapted so that it does? | No | | | |
| Head of Service signature | | | | |
| Date of Initial Screening: | | | | |

Northamptonshire



Mobile Homes Draft Licensing Fees Policy

April 2014 - March 2015

Introduction

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| Women/Girls | | | ✓ | |
| Men/Boys | | | ✓ | |
| Transgender people | | | ✓ | |
| Sexual Orientation: | | | | |
| Lesbians, gay men and bisexuals | | | ✓ | |
| Race/Ethnicity: | | | | |
| White British people | | | ✓ | |
| White non-British people (including Irish people) | | | ✓ | |
| Asian or Asian British people | | | ✓ | |
| Black or Black British people | | | ✓ | |
| People of mixed heritage | | | ✓ | |
| Chinese people | | | ✓ | |
| Travellers (Gypsy/Roma/Irish heritage) | | | ✓ | |
| People from other ethnic groups | | | ✓ | |

| Equality Group | Positive Impact | Negative Impact | Neutral Impact | Reason |
|--|-----------------|-----------------|----------------|--|
| People who do not have English as their first language | | ✓ | | Residents and managers/owners of such sites may struggle to read and write and understand the new requirements for site rules to be formally agreed and posted |
| Disability: | | | | |
| Physical impairment, e.g mobility issues which mean using a wheelchair or crutches. | | | ✓ | |
| Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment. | | | ✓ | |
| Mental health condition, e.g depression or schizophrenia | | | ✓ | |
| Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder | | | ✓ | |
| Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy | | | ✓ | |
| Other health problems or impairments (<i>please specify if appropriate</i>) | | | ✓ | |
| Age: | | | | |
| Older People (60+) | | | ✓ | |
| Children and Young People (see guidance for definition) | | | ✓ | |
| Religion/Belief: | | | | |
| Christian | | | ✓ | |
| Buddhist | | | ✓ | |
| Hindu | | | ✓ | |
| Jewish | | | ✓ | |
| Muslim | | | ✓ | |
| Sikh | | | ✓ | |

| Equality Group | Positive Impact | Negative Impact | Neutral Impact | Reason |
|---|---|-----------------|----------------|--------|
| Other religion (including holding no belief) | | | ✓ | |
| Other Potentially Affected Groups | | | | |
| Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access | | | ✓ | |
| Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands | | | ✓ | |
| Any other potentially affected groups (<i>please specify</i>) | | | ✓ | |
| 9. If you have indicated that there is a negative impact on any group: | | | | |
| a) Is that impact against legislation? | N/A | | | |
| b) What is the level of impact? | N/A | | | |
| 10. Could you minimise or remove any negative impact that is of low significance? | We will aim to assist those sites where the site rules requirement is a problem | | | |
| 11. Could you improve a positive impact of the decision? | No | | | |
| 12. If there is no evidence that the decision promotes equality of opportunity or improved relations, could it be adapted so that it does? | No | | | |
| Head of Service signature | | | | |
| Date of Initial Screening: | | | | |