

Executive Committee
meeting

date of

Mobile Homes Act 2013 – Introduction of Licensing Fees

Relevant Portfolio Holder	Cllr Craig Warhurst
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis
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Wards Affected	All
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	Run and Grow a Successful Business Finding Somewhere to Live
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

The Executive Committee RECOMMEND that:-

- 1) The Mobile Home Fee Structure is approved and implemented to all relevant sites throughout Redditch Borough and reviewed on an annual basis.**
- 2) The recovery of expenses through enforcement action is approved and implemented to all relevant sites throughout the Borough.**

2. BACKGROUND

- 2.1 The Mobile Homes Act 2013 came into force on 1st April 2014 and was introduced as an addendum to the Caravan Sites and Control of Development Act 1960 and applies to caravan sites typically known as residential parks, mobile home sites or caravan sites.
- 2.2 Caravan sites must have received planning permission prior to a caravan site licence being granted as determined under the Caravan Sites and Control of Development Act 1960 (as amended).
- 2.3 There are currently no licensable sites within Redditch Borough. Officers are however aware of a number of locations that are currently with the Planning Officer for determination of either new site development applications or investigation for retrospective planning consent. Sites that are granted development permission will subsequently require licencing unless they are exempted from licencing requirements. A Local

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Authority may charge for Site Licencing applications, annual site inspections and enforcement subject to formal adoption of a relevant Policy.

- 2.4 There is currently no provision to charge for such elements of work. It is proposed that Redditch Borough Council charge fees from January 2022 in accordance with the following proposals

Proposed Fee Structure

- 2.5 The fees and charges set will aim to achieve the full cost recovery of providing the service. Potential enforcement costs will be recovered separately. The fees generated by the Mobile Homes Act 2013 are not designed to include investigation of harassment or matters not related to the site licence, these should be dealt with through Residents Associations or other appropriate channels.
- 2.6 Fees must be transparent and reasonable and should fairly cover costs incurred deliver the function. The proposed fee structure has been developed in line with DCLG 'A Guide for local Authorities on Setting Fees'. If approved the fees and charges will be reviewed annually in line with the corporate fees and charges policy. Fees are non-refundable if the application is refused or withdrawn.
- 2.7 It is proposed that a standard fee would be introduced for each element of work as detailed within the following table (Table 1). For costing detail see Appendix A – Assessment of Costs)

Table 1

Fee Type	Proposed Fee amount
Register of Site Rules	£99.17
New Site License Application Fee	£326.67
Licence Amendment Application Fee	£256.67
Transfer of Licence Fee	£186.67

- 2.8 There is no time limit to the Site License; therefore the above situations will arise on an ad-hoc basis.

Annual Inspections Fee

- 2.9 Officers have taken account of the guidance and propose adoption of a 'banded' fee structure. It is considered to offer transparency and fairness to both residents and site owners and reflects actual inspection costs based on existing experiences. Where a Site Owner refuses to pay the fee this may result in the Local Authority referring the case to the First Tier Tribunal

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(Property Chamber) for the recovery of the charge and potential revocation of the Site License.

2.10 The Mobile Homes Act 2013 does allow the Local Authority to exempt certain sites from charging for licensing functions. It is proposed that small sites with single units are exempt as they are low risk and tend to be owner occupied sites where no business interest or third party duty exists. The cost of an inspection is outweighed by the cost of administering any charges. Where single unit sites are privately rented however it is proposed that these will be included into the annual site license inspection regime and charged at the Band A rate.

2.11 Table 2 indicates the bandings and charges for the annual inspections.

Table 2

Annual Site Fee (per number of sites)	Annual Site Fee
Band A (2-10 Units)	£256.67
Band B (11-30 units)	£274.17
Band C (31-70 units)	£385.00
Band D (71-100+ units)	£420.00

Enforcement

2.12 When issued, a site licence includes Site Licence Conditions based upon the national Models Standards. Non-compliance issues are currently difficult to pursue as the only available enforcement tool is prosecution for non-compliance. This does not however ensure that any necessary works are completed. The Mobile Homes Act 2013 provides the Local Authority with additional enforcement tools to tackle site owners over non-compliance issues. The Act has introduced the ability to serve compliance notices detailing breaches and for recovery of enforcement costs. Non-Compliance with the notice may result in a potential fine of up to £5,000.

2.13 Charges for enforcement costs cannot be passed onto the residents pitch fees.

3. FINANCIAL IMPLICATIONS

3.1 Currently the Local Authority cannot levy charges for these functions. The proposals will enable recovery of a substantial portion of service costs where these arise.

4. LEGAL IMPLICATIONS

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- 4.1 The Local Authority has taken into consideration and ensured compliance with the following legislation and guidance: -
- Mobile Homes Act 2013,
 - Caravan Site and Control of Development Act 1960
 - DCLG Mobile Homes Act 2013
 - 'A guide for Local Authorities on Setting Fees'
 - The Mobile Homes (Site Rules) (England) Regulations 2014
 - Mobile Homes (Site Licensing) (England) Regulations 2014

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 5.1 The introduction of charging for annual inspections to mobile home sites enables the local authority to meet its community priority of 'Supporting the delivery of appropriate housing for the Borough'. Sites regularly are able to be regularly inspected and compliance with model standards monitored and maintained in order to ensure the safety of residents and visitors to mobile home sites throughout the Borough. Regularly inspecting sites also ensure that site owners are supported in their business by maintaining compliance with Legislation.

Climate Change Implications

- 5.2 It has been determined that there are no climate change implications.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

- 6.1 It has been determined that there are no direct diversity or equality implications associated with the introduction of license fees.

Operational Implications

- 6.2 The option to not charge fees has been considered, however the functions are still required to be performed. There is no additional demand upon internal IT systems above what is provided currently.

7. RISK MANAGEMENT

Risk	Consequence	Controls
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Increased number of challenges relating to the introduction of site license fees	Increased officer time dealing with challenges relating to the introduction of annual inspection fees	The charges structure is based upon and in line with the guidance.
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APPENDICES

8. APPENDICES and BACKGROUND PAPERS

- Appendix A – Assessment of costs
- Caravan Sites Control of Development Act 1960
- Mobile Homes Act 2013
- DCLG Mobile Homes Act 2013 'A guide for Local Authorities on Setting Fees'
- The Mobile Homes (Site Rules) (England) Regulations 2014
- Mobile Homes (Site Licensing) (England) Regulations 2014

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9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder		
Lead Director / Head of Service		
Financial Services		
Legal Services		
Policy Team (if equalities implications apply)		
Climate Change Officer (if climate change implications apply)		