



AGENDA ITEM: 9

SUMMARY

Report for:	Cabinet
Date of meeting:	21st July 2015
Part:	1
If Part II, reason:	

Title of report:	
Contact:	Councillor Janice Marshall - Portfolio Holder for Environmental, Sustainability and Regulatory Services David Austin – Assistant Director Neighbourhood Delivery Nicholas Egerton - Team Leader Environmental Protection & Housing
Purpose of report:	To provide an opportunity for Members to comment on the Regulatory Services – Mobile Homes Fees Policy
Recommendations	That Cabinet approves the Regulatory Services – Mobile Homes Fees Policy
Corporate Objectives:	To produce a Mobile Homes Fees Policy in line with current best practice and one that provides value for money and most economical use of resources.
Implications:	<u>Financial</u> There are limited financial implications relating to this report. The fees proposed and detailed in this policy should ensure that the actions can be funded (cost recovery only) from the site licence fees. All officers costs associated with delivering the actions should therefore be achieved within existing resources.
'Value For Money Implications'	<u>Value for Money</u> Improvements in the quality of the mobile home parks located in the borough will reduce the risks to residents, and ensure compliance with the Site Licence conditions.

Risk Implications	Dacorum Council has a duty to develop a Mobile Homes Fees Policy which sets out how fees and charges will be administered. Failure to comply with this requirement could leave this authority open to legal challenge, be unable to charge annual fees, and therefore be unable to recover costs incurred or have to repay fees already charged.
Community Impact Assessment	This policy is drafted in accordance with the Mobile Home Act 2013 and associated guidance https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285926/140227_A_guide_for_Local_Authorities_on_setting_site_licensing_fees.pdf . The legislation and guidance has been subject to consultation and negative impacts will have been minimised
Health And Safety Implications	There are no additional health and safety implications associated with this report.
Monitoring Officer/S.151 Officer Comments	Monitoring Officer: The fees policy is required to ensure that the Council's charging policy is clear and transparent Deputy S.151 Officer There are no direct financial consequences of this report. All mobile home fee income has been built into the base revenue budget.
Consultees:	<ul style="list-style-type: none"> • Councillor Janice Marshall, Portfolio Holder for Environmental, Sustainability and Regulatory Services • All relevant Dacorum Borough Council Departments Dacorum Borough Council website for general public access The comments received were considered and where appropriate included.
Background papers:	Department for Communities and Local Government (DCLG), The Mobile Homes Act 2013, A Guide for Local Authorities on Setting Site Licence Fees.
Glossary of acronyms and any other abbreviations used in this report:	Not provided as none used.

1.0 Background

- 1.1 The [Caravan Sites and Control of Development Act 1960](#) has been amended by the [Mobile Homes Act 2013](#) , which came into force on the 1 April 2014.
- 1.2 As part of the changes, a new licensing scheme came into force on 1st April 2014. This enables local authorities to monitor site licence compliance more effectively. Authorities will now have the tools to take enforcement action where owners are not managing and maintaining their sites and its services. This will ensure residents' health and safety are better protected and the value of their homes is safeguarded.
- 1.3 These Acts lay down 'model standards' that should be included in the licences for the site. These standards specify conditions relating to:
- the road
 - speed limits
 - signage within the site
 - the distance between mobile homes
 - boundary fences
 - other structures within the plot area
 - the information that should be provided on the site by the manager and
 - the fire precautions that must be in place within the site

2.0 Recovery of Costs Associated with Licensing.

- 2.1 From the 1st April 2014 local authorities can charge Mobile Home Sites fees for:
- considering applications for the issue or transfer of a site licence;
 - considering applications for altering conditions in a site licence; and
 - administration and monitoring of site licences.
- 2.1 These fees have been included in the 2014/15 budgeting process and fees and charges set accordingly.
- 2.2 The fee for administration and monitoring of licences is levied as an annual fee. Where a local authority decides to charge fees these must be published in its Fees Policy document and must be transparent and reasonable.
- 2.3 A risk rating inspection system will be used that introduces a sliding scale of annual charges based on the risk/inspection frequency. This means a site which is more problematic will pay a higher licence fee than one which requires little regulatory involvement from the council.



Dacorum Borough Council

**Mobile Homes Fees Policy
Effective from 1st January 2015**

Dacorum Borough Council

Regulatory Services Mobile Homes Fees Policy

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1.0 **Introduction**

- 1.1 Dacorum Borough Council ('the council') has powers under the Caravan Sites and Control of Development Act 1960 (the Act) as amended by the Mobile Homes Act 2013 to issue licences in respect of 'relevant protected sites' and to charge fees for the provision of our licensing functions.
- 1.2 All of the residential mobile home parks currently licensed by the council come under the new licensing regulations; these sites are referred to as "relevant protected sites". The following sites are exempt:
- sites granted for holiday use only
 - sites which have restrictions at certain times of the year (such as planning conditions)
 - sites owned by local authorities.
- 1.3 The council can charge:
- a licence fee for applications to grant or transfer a licence or an application to alter the conditions on a licence
 - an annual licence fee for administering and monitoring licences
 - a fee for assessing the depositing of site rules.
- 1.4 The legislation allows the site owner to pass on each year to residents, through their annual 'pitch fees', the annual licence fee imposed by the council in the first year.
- 1.5 Before the council can charge a fee, it must have a fees policy. When fixing a fee the local authority:
- must act in accordance with their fees policy
 - may fix different fees in different cases
 - may determine that no fee is required in some cases.
- 1.6 Any fees charged must fairly cover the costs (or part of the costs) incurred by the council under its functions in Part 1 of the Act, other than the costs of enforcement action. They must be reasonable and transparent and whilst different fees can apply to different types of cases, there must be consistency in the fee structure and its application.
- 1.7 This document outlines the policy adopted by the council. Implementation, monitoring and review of this policy will be undertaken by the Team Leader for Environmental Protection and Housing, along with the Group Manager (Regulatory Services). Cabinet will be consulted if significant amendments to the policy are proposed, while minor changes may be agreed by the Group Manager (Regulatory Services) in consultation with the Portfolio Holder.. Where legislation dictates that elements of the policy must be changed, these changes will be implemented as soon as practicable following the notification of the changes.

1.8 Any person who operates a business of owning/managing a mobile homes relevant protected site within Dacorum must apply to the council for a site licence.

2.0 New applications

2.1 Applicants must apply (or apply for a variation) using the prescribed form, enclose a copy of all relevant documentation and submit the correct fee.

Incomplete licence applications, including those not accompanied by the correct fee, requested supporting documentation or all relevant disclosure certificate/s will not be processed. Incomplete applications may be returned to the applicant.

3.0 New applications fees and existing site licence fees

3.1 Application fees and site licence fees will be reviewed every year as part of the council's fees and charges review and will be published on the council's website.

3.2 Site Licence fee

3.2.1 Annual Costs will be incurred for any reasonable cost incurred as part of the administration and monitoring of site licences, these may include for example:

- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- Site inspections and re-inspections including associated travel costs;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- review by manager or lawyers; review any consultation responses from third parties;
- updating public register;
- carrying out any risk assessment process;
- Any other reasonable cost incurred by the authority.

3.2.2 The annual fee for the site licence will be based on a risk rating that takes into account the size of a site, the level of compliance of the site with the conditions of the site licence and confidence in management. Further details of

the risk based approach can be seen in Appendix A of the policy. The fees are set in accordance with the provisions of the 2013 Act and based on a risk based inspection regime. This approach complies with the regulators code.

- 3.2.3 This means that a site which is historically more problematic than another site and therefore requires more officer involvement and more monitoring, would pay a higher licence fee than a well managed site that requires very little local authority involvement.
- 3.2.4 As sites have historically been visited sporadically, with various frequencies of inspection or advisory visits it is considered reasonable that all sites will be charged as low risk for the first charging period. The risk assessment determined on the initial visit will determine the frequency of the next visit. The risk based methodology will consider breaches against the site licence conditions. Issues identified which are included in the site licence will increase the risk even if these are not enforced by this authority. The risk rating methodology is shown below in Appendix A. Non compliance issues will be dealt with in accordance with the Council Enforcement Policy and the requirements of the Regulators Code.
- 3.2.5 A subsequent visit will be undertaken during the 2015/16 financial year and based on this inspection the site will be risk assessed in terms of the cost and the frequency of the next visit. This will allow a year for any issues identified on a site and raised to the owner of the site during the initial visit in 2014 to be rectified.
- 3.2.6 Site Licence Fees will be charged annually from the 1st January. The fees will be reviewed annually in accordance with the Council's fees and charges policy. Any surpluses and deficits will be considered when the annual fees are reviewed, and approved by Members.

4.0 Appeals against the fees charged

- 4.1 A licence holder has the right to apply to the First Tier Tribunal if they disagree with the licence fee being charged.

5.0 Fees for depositing, varying and deleting site rules

- 5.1 Site rules are different to the site licence conditions and are put in place by the owner of the site to ensure acceptable standards are maintained. The new Act has changed the way site rules must be agreed between the park owner and residents. Councils are now required to keep a register of site rules and assess the park owner's consultation process over those rules. If the council deem the consultation process to be inadequate, the park owner can be required to re-consult the residents and re-apply.
- 5.2 The council will charge a set fee for assessing the park owner's consultation process, depositing, varying and deleting site rules. If the park owner has

completed an inadequate consultation process, a new depositing of site rules fee must be paid by the park owner to cover the council's costs.

6.0 Exemptions

6.1 A site licence is not required for:

- incidental use within the curtilage of a home (e.g. a caravan kept on a domestic driveway for private use by the owners)
- single caravans for not more than two nights and 28 days in 12 months
- holdings of five acres or more if not more than 28 days in 12 months and maximum three caravans at any time
- sites occupied and supervised by exempted organisations (e.g. the Caravan Club)
- sites approved by exempted organisations for up to five caravans
- meetings organised by exempted organisations
- seasonal agriculture and forestry workers
- building and engineering sites
- travelling showmen
- sites occupied by a local authority
- gypsy sites occupied by county or regional councils

View a copy of the Act at <http://www.legislation.gov.uk/ukpga/Eliz2/8-9/62/schedule/FIRST> detailing the exemptions in full.

7.0 Timescales

7.1 The council aims to process applications within two months. There is no deemed approval of applications until a licence is granted.

7.2 Depending on the status of the site's planning permission, a licence will be granted either permanently or for a fixed period. If the licence is for a fixed period the expiry date will be stated on the licence.

8.0 Renewal of licences

8.1 It is the applicant's responsibility to apply and ensure that the necessary planning permission is in place before an application for renewal of a licence is submitted.

9.0 Appeals and complaints

- 9.1 Concerns about how application are handled should initially be with the case officer dealing with your application. If you are still not satisfied you can lodge a formal complaint which will be investigated in accordance with our published complaints procedure. .
- 9.2 If you are dissatisfied with a condition attached to your licence you have the right of appeal to a magistrate's court within 28 days.

10.0 Appendix A **Park Home risk rating system**

Park Home risk rating system	Penalty	Total
<u>Occupancy</u>		
1 - 5 units	0	
6 - 10	5	
11 - 20	10	
21 - 50	15	
51 - 100	20	
>100	25	
<u>Complaints</u>		
Enquiries and complaints not substantiated	0	
1 substantiated unique complaint in 12 month period	5	
2-3 substantiated complaints in 12 month period	10	
> 3 substantiated complaints in 12 month period	15	
<u>Compliance with site conditions</u>		
<u>Spacing</u>		
All park homes spaced correctly	0	
5% of Park Homes closer than 6m	5	
5-10% Park Homes closer than 6m	10	
> 10% Park Homes close than 6m	15	
Other spacing issues	5	
Combustible items erected/constructed between PH	15	
<u>Roads/Footpaths/Communal areas</u>		
Defective surfaces to site	5	
Insufficient lighting	5	
Infringement of width of pathways	5	
Emergency vehicle access	5	
Lack of adequate Communal waste bins	5	
Trees/ hedges/ grass/ vegetation not maintained	5	
<u>Fire Fighting Equipment</u>		
Lack of Risk Assessment made available (RRO 2005)	10	
Lack of test certificate of equipment	5	
Lack of fire notices on 1 or more unit	5	
Alarm failure on 1 or more unit	10	
<u>Site Information</u>		
Lack of Site Plan on display in Park	5	
Lack of Licence/ Licence Holders details on displayed	5	
Other - more homes than licenced for	5	
Storage of gas/ oil fails to meet correct statutory requirements	5	
Electrics not maintained in accordance with current statutory requirements	5	

