

**Cheltenham Borough Council**  
**Cabinet – 11 November 2014**  
**Mobile Homes Act 2013**  
**Fee Policy**

<b>Accountable member</b>	<b>Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
<b>Accountable officer</b>	<b>Mark Nelson, Built Environment Enforcement Manager</b>
<b>Ward(s) affected</b>	<b>Wards containing Mobile Home Parks</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The Mobile Homes Act 2013 introduces new powers allowing local authorities to charge fees for their licensing functions in respect of mobile home parks and to charge for enforcement under the Act.</p> <p>It is at the local authority's discretion whether they charge for all or any aspect of licensing. If fee charges are approved these will be reviewed and adjusted each year to reflect actual costs to the Council. The Council is not expected to make a loss or profit in carrying out its licensing function.</p> <p>The Mobile Homes (Site Rules) (England) Regulations 2014 also allow the council to charge for the depositing of site rules with the council by the Site Owner.</p>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li><b>1. That Cabinet approves the charging of licence fees as laid out in appendix 2, which will be reviewed annually.</b></li> <li><b>2. That Cabinet approves the charging for enforcement action to recover associated costs, which will be calculated on a case by case basis.</b></li> <li><b>3. That Cabinet approve the charge for depositing of site rules under the Mobile Homes (Site Rules) (England) Regulations 2014 Section 16 as contained in appendix 2.</b></li> </ol>
<b>Financial implications</b>	<p>Charging for licensing and enforcement action allows the council to recover costs associated with carrying out functions under the Mobile Homes Act 2013 and for the deposit of site rules by the site owner.</p> <p>The costs of administering the licensing function will be absorbed within existing resources. An income budget of £4,000 can be achieved from 2015/16 which will reduce the cost of service delivery and the level of subsidy from the general fund, contributing to the overall savings target for the REST project.</p> <p><b>Contact officer: Nina Philippidis, Accountant</b>  <b>nina.philippidis@cheltenham.gov.uk, 01242 264121</b></p>

<b>Legal implications</b>	The legal implications are set out in the body of the report.  <b>Contact officer: Vikki.fennell@tewkesbury.gov.uk, 01684 272015</b>
<b>HR implications (including learning and organisational development)</b>	None
<b>Key risks</b>	<b>See Appendix 1</b>
<b>Corporate and community plan Implications</b>	A resourced mobile home licensing function helps communities to be safe and feel safe. It also helps to ensure a clean and well maintained environment for residents.
<b>Property/Asset Implications</b>	None

## 1. Background

- 1.1** The Mobile Homes Act 2013 (the Act) came into force on 1<sup>st</sup> April 2014. Powers introduced by the act include powers for local authorities to charge for their licensing functions in respect of relevant protected sites, typically known as residential parks or mobile home parks.
- 1.2** Local authorities can charge:
- A licence fee for applications to grant or transfer a licence or an application to alter the conditions on a licence and;
  - An annual licence fee for administering and monitoring licences.
- 1.3** Before a local authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee the local authority must act in accordance with their fee policy.
- 1.4** Factors in deciding the level of fees for applications for grant or transfer of a licence can include (in addition to Officer time associated with site inspections):
- Initial enquiries;
  - 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;
  - Sending out forms;
  - Updating hard files/ computer systems;
  - Processing the licensing fee;
  - Land registry searches;
  - Time for reviewing necessary documents and certificates;
  - Downloading photographs;
  - Preparing reports on contraventions;
  - Preparing draft and final licences;
  - Review by manager or lawyers; review any consultation responses from third parties;
  - Updating public register;

- Carrying out any risk assessment process considered necessary;
  - Reviews of decisions or in defending appeals
- 1.5** Factors in deciding the level of fees for setting annual fees can include (in addition to Officer time associated with site inspections):
- 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;
  - Handling enquiries and complaints;
  - Updating hard files/ computer systems;
  - 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;
  - Carrying out risk assessment process considered necessary
- 1.6** Factors in deciding the level of fees for application to alter the conditions in a licence can include:
- Sending out and processing the application (including dealing with the initial inquiry)
  - Site inspections
  - Third party consultation
  - Consultation with the site owner
  - Preparing draft licences (with altered conditions);
  - Review by manager or lawyers; review any consultation responses from third parties;
  - Notification of decision (including where appropriate the updated final licence) and
  - Where appropriate up-date of register
- 1.7** Fees have been set according to the officer time associated with and costs incurred with regard to each of the factors listed in paragraphs 1.4 to 1.6 .The time allocated to park inspection reflects the number of mobile homes contained within the parks, which have been placed into four bands for costing purposes.(see appendix 2)
- 1.8** The Act provides that the local authority in setting annual fees must advise the site owner of the extent to which they have had regard to deficits and surpluses from the previous year. In deciding surpluses and deficits a local authority must not make a profit and can only pass on to the site owner their costs incurred in carrying out the licensing functions.
- 1.9** Local authorities can also charge separately for enforcement action which cannot be taken into account when setting licence fees. Expenses in deciding to and in the service of a compliance notice may be recovered on a case by case basis.
- 1.10** Compliance notices may be served to rectify breaches of site licence conditions and where there has been failure to comply and an associated conviction, the Council has the power to carry out work in default. The Council also has the power to carry out emergency action to rectify a breach of condition where there is imminent risk of serious harm associated with the breach. All costs of such action may be recovered by the Council, provided correct legal procedures have been followed.

- 1.11 All enforcement action will be taken in compliance with the Council's enforcement policy.
- 1.12 Under the Act the owner or manager of a relevant protected site must issue prescribed site rules for his/her site. From the 4<sup>th</sup> February 2014 existing site rules on Park Home Sites must be replaced with new ones and these rules deposited with the Council by 3rd February 2015.
- 1.13 The site rules will be subject to consultation between the site owner and mobile home owners and contain procedures with regards to the management and conduct expected on the site. All new site rules must be deposited with the Council.
- 1.14 All Local Authorities, with Relevant Protected Sites must publish a register of all sites that have issued site rules. These rules will be made available for inspection on the Cheltenham Borough Council Website.
- 1.15 The Council can charge for the depositing of these sites rules.

**2. Reasons for recommendations**

- 2.1 To recover costs incurred by Cheltenham Borough Council in carrying out licensing functions in respect of mobile home parks.

**3. Alternative options considered**

- 3.1 Not to charge. Charging is discretionary.

**4. Consultation and feedback**

- 4.1 Fees have been set after consultation with Gloucestershire District Councils.

**5. Performance management –monitoring and review**

- 5.1 Licensing fees will be reviewed on an annual basis having regard to actual costs incurred by the Council.

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<b>Appendices</b>	<ul style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Fee Charges</li> </ul>
<b>Background information</b>	<ul style="list-style-type: none"> <li>1. Caravan Sites and Control of Development Act 1960</li> <li>2. The Mobile Homes Act 2013</li> <li>3. The Mobile Homes (Site Rules) (England) Regulations 2014</li> </ul>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the Cabinet does not approve a fees policy, the Council will not be able to charge for carrying out their mobile home licensing function at a time when staffing resource is stretched and service provision is being reviewed. Helping to resource a mobile home licensing service will contribute to maintaining the current high standards that exist in Cheltenham’s mobile home parks.	Mark Nelson, Enforcement Manager, Environmental and Regulatory Services		1	2	2		Approve fee policy to ensure that mobile home licensing function is properly resourced		Mark Nelson, Enforcement Manager, Environmental and Regulatory Services	
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											