



Report for:	<b>Licensing, Health &amp; Safety and Enforcement Committee</b>
Date of meeting:	<b>25 June 2019</b>
PART:	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Mobile Homes Fees Policy</b>
Contact:	Nathan March – Licensing Team Leader, Corporate and Contracted Services
Purpose of report:	To introduce a new draft policy and fees for agreement to go to consultation.
Recommendations	1. That the Committee consider the draft policy for consultation, with or without any suggested amendments.
Corporate objectives:	<ul style="list-style-type: none"> <li>• Providing good quality affordable homes, in particular for those most in need.</li> <li>• Delivering an efficient and modern council</li> </ul>
Implications:	<p><u>Equalities Implications</u></p> <p>None – The impact of the proposals will only affect licence holders, and potential applicants.</p> <p><u>Financial / Value for Money / Risk / Health And Safety Implications</u></p> <p>Ensuring that a fees policy is set via the correct process, and that fees are established that achieve cost recovery ensures value for money for licence holders, and appropriate levels of</p>

	income to the council to allow for it to meet its responsibilities, whilst keeping the risk of any challenge to the fees low.
Consultees:	<p>The policy is required in order that fees may be charged. The fees that are subject to the policy only affect existing, and potential Mobile Home Site owners, therefore a short and direct consultation to existing owners, together with notification of the consultation on the Council's website is considered sufficient.</p> <p>Internally, the Finance team have already been consulted during the drafting of this policy.</p>
Background papers:	<p>Draft Mobile Homes Fees Policy (attached)</p> <p>Current Mobile Homes Fees Policy available at <a href="https://www.dacorum.gov.uk/docs/default-source/council-democracy/mobile-homes-policy.pdf?sfvrsn=0">https://www.dacorum.gov.uk/docs/default-source/council-democracy/mobile-homes-policy.pdf?sfvrsn=0</a></p> <p>Fees estimate workings (Appendix 2)</p>
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

- 1.1. The Mobile Homes Act 2013, which came into force on the 1 April 2014, allows the Council to charge a fee for various aspects of its licensing of caravan sites.
- 1.2. Local authorities are expected to monitor site licence compliance more effectively and have some additional tools to take enforcement action where owners are not managing and maintaining their sites and its services.
- 1.3. Caravan site licences include a variety of conditions, often these will reflect model standards that have been produced by the Department for Communities and Local Government (most recently in April 2008), and include 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

1.4. It is important to note that whilst many site licences include conditions relating to the provision of fire safety equipment, the licensing authority is not able to enforce against these as a result of The Regulatory Reform (Fire Safety) Order 2005, which places the responsibility for the regulation of communal areas of caravan sites with the fire authority. However, the licensing authority does remain responsible for ensuring that individual plots on sites do not breach any conditions regarding fire safety such as the erection of combustible structures.

## 2. Recovery of costs associated with licensing.

2.1. Local authorities can charge fees for:

- considering applications for the issue or transfer of a site licence
- considering applications for altering conditions in a site licence
- administration and monitoring of site licences

2.2. The proposed fees have been estimated using the same budgeting process as other fees that have been set on a cost recovery basis, considering the time and cost associated with each function.

2.3. 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 and must be transparent and reasonable.

2.4. The guidance provided by the Department for Communities and Local Government suggests a number of possible approaches to fee setting.

2.5. The Council's current fees policy uses a risk rating process as part of the fee setting estimations, the rating process is shown in Annex 1. This is a complex process, which has led to at least one challenge in relation to how sites are rated. In order to make the fee setting more simple and transparent, the new draft policy has simplified the process that is proposed.

2.6. The new process considers the size of a site as part of determining how long it is likely to take to inspect and this is used to determine part of certain fees, in addition to a flat figure fee for aspects of staff time that are expected to be reasonably standard such as travel time to and from sites.

2.7. All sites will be inspected annually as it is recognised that any longer than this could lead to site licence breaches not being identified until a significant amount of time has passed.

## 3. Impact on existing sites and benchmarking

3.1. The change in approach to estimate fees has a varied impact on the annual fee for existing sites. The chart below shows the impact that the proposed charges would have on each of our existing sites.

<b>Mobile Home Parks</b>	<b>Number of Units</b>	<b>Proposed Annual fee</b>	<b>Current fee</b>
The Limit Mobile Home Park	66	<b>£566.70</b>	300

Beech Park	117	<b>£972.15</b>	675
Flaunden Mobile Home Park	39	<b>£352.05</b>	225
Scatterdells Park Caravan Park	30	<b>£280.50</b>	300
Highcroft Trailer Gardens	2	<b>£57.90</b>	100

Table 3.1

3.2. As shown in the table, some of the proposed annual fees for sites are a significant increase when compared to previous years, whilst some sites will benefit from a reduction.

3.3. It is entirely at the discretion of the Council what fee it charges or whether it charges any fee at all, as long as such fees are based on what it reasonable expects the cost of the work of officers to equate to.

3.4. Whilst the Council must not base its fees on fees charged by other authorities for this function, some cost comparison has been carried out in order to give an indication of the impact of the annual fees elsewhere, this is shown in Annexe 2. It is a difficult task to find fees for many councils, this may be because no policy has been created and therefore no fee is being collected, or may be due to councils not having relevant protected sites which can be charged. What the figures that have been obtained show, is that there is no consistency to fee setting, with different approaches being taken (as a result of the guidance providing a variety of options as to how councils may set fees, and leaving this to local discretion).

3.5. As mentioned in paragraph 2.1, in addition to the annual fees, other activities are also charged for. The impact of the draft policy on these fees would be as shown in the table below:

<b>Other fees</b>	<b>Proposed fee</b>	<b>Current fee</b>
New Site Licence Application Fee	£414.00 + £7 per unit	£50-£490 depending on size of site
Deposit/Change of Site Rules	£72	£97
Transfer/amendment of a Site Licence	£222.5 (+£84 if a site visit is required)	£112

Table 3.2

#### **4. Recommendations**

4.1. To agree the proposed policy and associated fees for consultation, with or without modification.

4.2. As the change of policy will have a direct impact on existing site owners, and it is therefore recommended to conduct a direct consultation with these licence holders, and in addition to publicise the consultation on the Council's website in case there are other interested parties who wish to comment.

4.3. A consultation period of 6 weeks is considered sufficient due to the nature of the policy and the impact being specific to identified licence holders who can be effectively consulted with directly.

4.4. The results of the consultation to be reported back to the Committee, for consideration so that the policy can be adopted with or without modification.

### Current Risk Rating System

The table below shows the approach which is currently in place for establishing annual fees. This approach requires a significant amount of officer interpretation, which is then open to challenge if the licence holder disagrees with the established risk rating. The section on Fire Fighting Equipment should not be considered in setting a fee as this cannot be regulated by the licensing authority.

Park Home risk rating system	Penalty	Total
<b>Occupancy</b>		
1 - 5 units	0	
6 - 10	5	
11 - 20	10	
21 - 50	15	
51 - 100	20	
>100	25	
<b>Complaints</b>		
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	
<b>Compliance with site conditions</b>		
<b>Spacing</b>		
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	
<b>Roads/Footpaths/Communal areas</b>		
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	
<b>Fire Fighting Equipment</b>		
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	
<b>Site Information</b>		
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	



### Comparison of other nearby local authorities annual fees

Table A1 shows a comparison of the Council's current and proposed fees with some other nearby local authorities. The authorities that are displayed were chosen simply as their fees were readily available. As stated in the main report, this is for information only, and the basis for any decision on fees levels must be on a cost recovery basis.

For ease of reference, the fees that are charged by other local authorities which would be higher than the proposed fees for equivalent sized sites are coloured green, and the fees that would be lower are shown in red.

Mobile Home Parks	Number of Units	Proposed Annual fee	Current fee	Chiltern and South Bucks District Councils	Bracknell Forest Council	Central Bedfordshire
The Limit Mobile Home Park	66	<b>£566.70</b>	£300.00	£351.00	£881.10	£844.80
Beech Park	117	<b>£972.15</b>	£675.00	£351.00	£1,561.95	£1,497.60
Flaunden Mobile Home Park	39	<b>£352.05</b>	£225.00	£351.00	£520.65	£499.20
Scatterdells Park Caravan Park	30	<b>£280.50</b>	£300.00	£351.00	£400.50	£384.00
Highcroft Trailer Gardens	2	<b>£57.90</b>	£100.00	£351.00	£26.70	£25.60

Table A1