

**REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT**

**MOBILE HOME LICENSING**

**REASON FOR REPORT**

1. To inform Members of the provisions of the Mobile Homes Act 2013 and to update them on the current work being carried out.

**RECOMMENDATIONS**

1. That Members note the statutory powers local authorities now have following the introduction of the Mobile Homes Act 2013.
2. That Members note the current work being undertaken by Officers which will culminate in a further committee meeting to discuss a potential fee policy.

**RELATIONSHIP TO CORPORATE PLAN**

1. None

**FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS**

Any financial, legal and/or risk assessment implications are set out below:

<b>Financial</b>	Not at this stage
<b>Legal</b>	The legal implications of the Act are set out in the report.
<b>Risk Assessment</b>	Low

## **1.0 INTRODUCTION**

- 1.1 The Council has a statutory duty under the Caravan Sites and Control of Development Act 1960 to licence caravan sites. This legislation also covers Park and Mobile Homes.
- 1.2 A review by Parliament's Communities and Local Government Select Committee in 2012 found the licensing regime to be outdated. It also found that it failed to provide local authorities with the necessary tools and resources to effectively licence and monitor sites.
- 1.3 The Mobile Homes Act 2013 has been introduced to enable local authorities to monitor residential park homes and caravan sites more effectively to ensure that residents' health and safety is better protected.
- 1.4 The changes apply to 'relevant protected sites' and these are defined as '*any land to be used as a Caravan Site other than one where a licence is:*
  - *Granted for holiday use only*
  - *In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions)*'.
- 1.5 Relevant protected sites are typically known as residential parks, mobile home parks, Gypsy Roma and Traveller Sites and so on.

## **2.0 THE MOBILE HOMES ACT 2013**

- 2.1 The Mobile Homes Act received Royal Assent on 26 March 2013 and amends the Caravan Sites and Control of Development Act 1960 by introducing a number of new provisions in relation to local authority powers (amongst other matters). These include powers to:
  - Charge fees for new residential site licences, transfers and variations
  - Charge an annual fee to existing residential site licence holders
  - Refuse a licence or refuse to transfer a licence
  - Serve compliance notices and undertake emergency works together with the power to recover expenses and costs relating to works in default
  - Have a role in the new system for making site rules and for site rules to be deposited with the local authority.
- 2.2 The Mobile Homes Act also introduced new laws to address general malpractice across the mobile home sector, including site operators blocking sales and ensuring site rules are agreed with park home residents. Many of these new provisions are now in force, but do not affect local authority powers or duties.

## **3.0 CURRENT POSITION**

- 3.1 Our current records show that there are 26 'relevant protected sites' in the district. The majority of these sites (19) are relatively small (i.e. contain less than 3 pitches) and the licences are historic, dating back a number of years.
- 3.2 With this in mind the Public Health Service are looking to update these records to ensure they are accurate. This includes making visits to assess sites and verify the

number of pitches. The work verifying the accuracy of our current records is essential in order to ensure well informed decisions can be made at a later stage.

- 3.3 The main focus of the upcoming work will be to try and decide whether or not fees should be introduced and if they should, whether they should apply to all 'relevant protected sites' in the district.
- 3.4 The Council has the discretion to exempt certain categories of site from payment, but will have to justify any such decisions e.g. based on potential risk or cost. The Government has produced some guidance on this and it is copied below:

*Whilst adopting a fees policy a local authority can decide to exempt certain categories of sites from payment. A local authority must however be able to justify any such decisions - which will usually be due to risk and, or cost.*

*Any exemption must be rational, objective and consistent. The exemptions must be set out in the fee policy. Site categories which are exempted can subsequently be brought within the charging structure by a change to the fee policy.*

*Importantly too, a local authority should not charge higher fees for non-exempted sites to cover its costs in relation to licensing functions for those sites that are exempted from payment.*

*A local authority may consider exempting the following types of sites:*

- *Certain sites based on a minimum size – this may be single unit sites or sites of a size less than a given figure e.g. 3 or 5. The rationale for exempting such sites being that they are low risk, they tend to be family run sites which are not run as a business, they are rarely, if ever, the subject of complaints and the cost of inspection is outweighed by the cost of administering any charges.*
- *Sites that are not run as a business, again justified as above – this would include family run sites and typical small Gypsy Roma and Traveller sites. However, consideration needs to be given as to how you would quantify/ define 'family site' and the evidence required to show that a site was not a family run site and was instead a business when challenged otherwise. On balance this is considered a problematic category and is not recommended.*
- *Gypsy Roma and Traveller (GRT) sites – some local authorities currently have little involvement with these sites and some do not even impose conditions. There may be a presumption that administering and recovering charges on these sites would be problematic. Even if no fees are charged the local authority still has a duty to license such sites and has powers of enforcement. There may be an expectation that enforcement action will be taken - in particular in respect of fire safety where the enforcing responsibility usually rests with the local authority and not the fire service under the Fire Safety Order (whereas on traditional residential park home sites the Order is relevant for common parts). Local authorities may consider the most sensible option to assess GRT sites against the same criteria as the traditional sites. So all sites of a minimum size (say less than 5) are exempt from charging, whilst all sites, including GRT sites, above a certain size are included.*

*In considering any fees policy, a local authority has full scope to consider the particular types and sizes of sites and issues on its district, so it can frame its policy accordingly, including exemptions to suit. It can also exempt by way of type of fee payable (i.e. application or annual fees) generally or specifically in relation to categories of sites.*

## **4.0 FUTURE DECISIONS**

4.1 A further report will be brought to this committee which outlines the current position in greater detail (i.e. number of confirmed sites / general standards of those sites) and seeks to address the following points:

- Whether or not this authority should charge for the licensing functions under the Act
- Whether or not exemptions should apply to certain sites
- Potential proposed fees (if applicable)

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<b>Background Papers</b>	Caravan Sites & Control of Development Act 1960 / Mobile Homes Act 2013
<b>File Reference</b>	Licensing/Caravans/Mobile Homes
<b>Circulation of the Report</b>	Regulatory Committee