

Background Papers, if any, are specified at the end of the Report

MOBILE HOMES ACT 2013

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RECOMMENDATIONS

- **To note the new local authority powers in the Mobile Homes Act 2013.**
- **To recommend to Full Council that the terms of reference of Licensing and Regulation Committee be amended to include the new functions introduced by the Mobile Homes Act**
- **To agree that a fee policy is considered and developed during 2014/2015 to take effect from 1 April 2015, but that no fees are to be charged for the year 2014/15.**
- **To recommend to Full Council that that the Scheme of Officer Delegations is amended to give authority to the Head of Health and Housing to exercise the functions introduced by the Mobile Homes Act 2013, including the preparation, adoption and publication of a fees policy.**

Relationship to Council Objectives

Objective 1 – Efficient and effective customer focused services

Objective 2 – Safe, healthy and cohesive communities

Implications

(i) This matter is a key decision.

(ii) This matter is within the policy and budgetary framework.

Financial Implications

The Government's intention is that the cost of administering the licensing regime will be met from fee income. However, as the number of sites in the Chiltern District is small, any income from fees is also likely to be minimal and any additional workload is likely to be absorbed within existing resources.

Risk Implications

The 2013 Act imposes new duties and grants new powers to local authorities in respect of residential caravan site licensing. Failure to

adequately discharge these duties and powers may result in a legal challenge from mobile home site licence holders, residents or other aggrieved parties. Any fees policy should therefore be carefully developed having regard to guidance and the actual cost of administering licencing to reduce the risk of challenge or non-payment.

Equalities Implications

None

Sustainability Implications

None

Background

- 1 The Council has a statutory duty under the Caravan Sites and Control of Development Act 1960 to licence caravan sites (including mobile home parks) which have planning permission. There is no discretion to issue a licence where planning permission has been granted, but the Council is able to attach conditions to licences to ensure basic standards relating to the physical condition of the site including matters such as layout and the provision of services and equipment.
- 2 There are six licensed permanent multiple residential caravan sites (ie with more than one caravan) and 11 licensed permanent single residential sites in the Chiltern District. New applications are received infrequently – less than one application per year.
- 3 Whilst there is no statutory duty to regulate site licence conditions, the 1960 Act gives powers to take enforcement action where conditions are not complied with. The Council's Private Sector Housing Officer currently undertakes routine inspections of permanent multiple caravan sites to check compliance with licence conditions. Most sites are visited on a three to five yearly inspection programme.
- 4 The Mobile Homes Act 2013 received Royal Assent on 26th March 2013 and aims to improve standards in the industry, give greater protection to home owners and provide more effective enforcement action by local authorities regarding licence obligations. The 2013 Act amends the 1960 Act by introducing (amongst other matters) new provisions in relation to local authority powers with effect from 1st April 2014. These are:
 - Power to charge fees for new residential site licences, licence transfers and variations
 - Power to charge an annual fee to existing residential site licence holders
 - Power to refuse a licence (or to refuse to transfer a licence)
 - New enforcement powers to tackle breach of licence conditions including powers to serve and enforce 'compliance notices' and

undertake emergency works together with the power to recover expenses and costs relating thereto.

- Requirement to be the keeper of 'Site Rules' deposited with the authority by site operators and Registers.

5 The Act also gives the Secretary of State powers to make regulations requiring a site licence holder to be a 'fit and proper' person and for the local authority to keep a register of fit and proper persons. However, Regulations are not expected to be issued in this regard for at least three years.

6 Guidance is also awaited in respect of:

- a. setting licence fees,
- b. matters to have regard to when deciding whether to issue a licence and
- c. the details around depositing of site rules.

7 The 2013 Act has also introduced new laws to address malpractice across the park homes sector with the aim of raising standards in the industry. For example, it removes opportunities for site operators to block sales and requires them to agree new site rules with park home residents. Many of these provisions are now in force but do not affect local authority powers and duties.

Licence Fees

8 The 2013 Act requires that where a local authority intends to charge fees it must prepare and publish a fee policy, which can be revised from time to time. However, the guidance around the setting of fees is not expected until February 2014.

9 It is therefore proposed that no fees are charged in the first year 2014/15 and a fee policy is developed during the coming year to be implemented from April 2015. The reasons for this are:

- a. **Timeframe:** The timeframe between the availability of the guidance and the start of the financial year are too short to give full consideration to appropriate charges, leaving the authority at risk of challenge or non-payment. By delaying the introduction of fees for a year, will enable the Council to enter in to effective consultation with site owners and also assess the costs in exercising this licensing regime. National case law will also provide more clarity as to the appropriate fee charges to apply.
- b. **Numbers:** As there are few sites, the potential income is not significant. The application process will therefore need to be low cost and utilise the internet, and on line payment systems and a risk based inspection programme.
- c. **Shared Service:** Caravan site licensing will be dealt with by the new shared Chiltern and South Bucks licensing team. In the early part of 2014/15 resources will be focused on implementing the new service.

The processes and costs of administering caravan site licensing will need to reflect the resources available in the shared service.

Scheme of Delegation

- 10 The Scheme of Delegation will need to be amended to reflect the new powers in the 2013 Act, for example the powers to serve a Compliance Notice and powers to undertake emergency action. It is proposed that authority to exercise the Council's functions under the 2013 Act, including the preparation, adoption and publishing of a fees policy is delegated to the Head of Health and Housing.
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