



Mobile Homes Act 2013 - Policy including Fees

Corporate Priority:	High
Relevant Ward Member(s):	All Wards
Date of consultation with Ward Member(s):	17 June 2021
Exempt Information:	No

1 Summary

- 1.1 The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) was amended by the Mobile Homes Act 2013 (MHA 2013) in order to provide greater protection to occupiers of residential park homes and caravans. This legislation places an expectation on local authorities to inspect caravan sites / mobile home parks and take the appropriate action to ensure that the site owners comply with the conditions of the site licence. These conditions relate to the safety and amenity provisions that must be adhered to.
- 1.2 The Mobile Homes Act 2013 allows Local Authorities to charge some of the costs associated with licensing to site owners if they are contained with a fees policy.
- 1.3 Recent new legislation The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 place a requirement for local authorities to determine whether a Site owner or Site manager is 'Fit & Proper' to manage a site. Fees can be charged to cover this function but only if a 'Fees Policy' is in place.

2 Recommendation

That Committee:

- 1. Approves the Mobile Homes Act 2013 Fees Policy and the fees contained therein.**

3 Reason for Recommendation

- 3.1 The proposed policy will allow Melton Borough Council to recover its costs from the applicants for a 'Relevant Protected Site' licence

- 3.2 The proposed policy will exempt sites from all fees and programmed inspections but not the requirement to apply for a licence where the site consists of only 1 pitch. This is because such sites are generally deemed to be low risk and do not contain the hazards associated with larger sites such as fire separation. It would not be deemed necessary or cost effective to monitor such sites.
- 3.3 The proposed policy also exempts sites from annual fees and programmed inspections but not the requirement to apply for a licence where the site is for the sole use of the owner and their families (not run for financial gain). It is an unjustified intrusion on the private lives of the family run sites to force inspections and charge where there are no complaints of poor standards. It is a poor use of Council resources and the cost of trying to obtain payment and conduct inspections where they are not wanted is likely to outweigh any benefit to the residents. Exemptions of the type proposed in the revised policy are suggested in the Government guidance on setting licence fees.
- 3.4 The licensing fee calculations are based on the Government guidance on setting licence fees.

4 Background

- 4.1 The Caravan Sites and Control of Development Act 1960 introduced a licensing system to regulate the establishment and operation of caravan sites. The Mobile Homes Act 2013 (MHA 2013) was introduced to provide greater protection to occupiers of residential park homes as the existing legislation had not been updated for more than 50 years. This Act brought in important changes to the buying, selling or gifting of a park home and the pitch fee review process.
- 4.2 There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with the site licence conditions.
- 4.3 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 place a requirement for local authorities to determine whether a site owner or site manager is 'Fit & Proper Person' (F&PP) to manage a site.
- 4.4 The Council can also now charge a fee for licensing functions – fees can only be charged where an authority publishes a fees policy. The legislation allows the Council to serve enforcement notices and requires the council to publish any site rules relating to a site.

5 Main Considerations

- 5.1 Following a Government review of the Mobile Homes Act, 2013, the Government introduced a new regime under the Caravan Sites and Control of Development Act 1960 called the Fit and Proper Person test. The new regime was introduced by regulations in 2020 to be implemented by local authorities on 01 July 2021. The regime sits within The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations, 2020.
- 5.2 All protected residential sites which are operated on a commercial basis must have demonstrated that they are operated/managed by a fit and proper person. From 1 July and by 1 October 2021 all site owners must submit an application for a relevant person to be assessed as fit and proper.
- 5.3 After 1st October 2021 all new applications will be covered by this fees policy.

6 Options Considered

- 6.1 Adopt the policy including fees to enable recovery of costs for this statutory function.

6.2 Do not adopt the policy including fees for this statutory function and not recover any costs.

7 Consultation

7.1 Consultation is not required under this legislation.

8 Next Steps – Implementation and Communication

8.1 If adopted this policy will come into operation from 1st October 2021 when current operators of ‘Protected residential sites’ will have been invited to apply to register the Owner or Manager as Fit & Proper.

8.2 Letters will be sent out and the new regime will be explained and the fees policy will provide clarity on what is being charged.

8.3 After that any new applicants for a ‘protected residential site’ can apply to be registered.

9 Financial Implications

9.1 Adopting the policy including fees will enable Melton Borough Council to recover the costs associated with delivering this process. The costs will be met from within existing resources and it is estimated based on the current sites an income of approximately £1,000 will be generated. If the policy including fees is not adopted, the Council will not be able to recover the costs associated with this new statutory function.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

10.1 Fees cannot be charged without a fees Policy being published.

10.2 Sections 3(2A) and 5A of the Caravan Sites and Control of Development Act 1960 provide local authorities with the power to charge a fee for administering licences for “relevant protected sites.” In addition, section 1(3) sets out that where ‘a local authority sets a fee it must inform the licence holder of the matters to which they have had regard in fixing the fee for the year in question...’. Guidance from the Secretary of State recommends that this should be undertaken by adopting a Mobile Homes Act 2013 Fees and Charges Policy.

Legal Implications reviewed by: Louise Arnold

11 Equality and Safeguarding Implications

11.1 In this process no adverse impacts on protected characteristics has been identified.

12 Community Safety Implications

12.1 The F&PP test will give better support to caravan site residents, a number of whom are elderly and some of whom may be in vulnerable groups.

12.2 The F&PP requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying caravans.

13 Environmental and Climate Change Implications

13.1 In this process no adverse impacts on the environment or climate have been identified.

14 Other Implications (where significant)

14.1 No other implications have been identified.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Lack of income if no fees collected	Very High	Marginal	
2	Impact on authority if inspections not carried out due to funding	Low	Marginal	
3	Impact on residents if statutory function not carried out	High	Marginal	

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High		1		
	5 High		3		
	4 Significant				
	3 Low		2		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Policy will allow collection of fees
2	Fees will fund inspections and liaison with sites
3	New regime of checks will ensure better living conditions

16 Background Papers

- 16.1 The Local Authority Caravan Site Licensing Officers' Forum which has over 200 local authority members, barrister advice has been obtained in the preparation of the fees policy.
- 16.2 Legislation and Guidance documents were used in the writing and setting up of this policy (See below).
- 16.3 The Mobile Homes Act 2013
- 16.4 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

- 16.5 Mobile homes a guide for local authorities on the fit and proper person test June 2021
- 16.6 Mobile homes a guide for local authorities on setting fees for the fit and proper person test June 2021
- 16.7 A Best Practice Guide for Local authorities on Enforcement of the New Site Licensing Regime March 2015
- 16.8 Melton Borough Council Schedule of Charges

17 Appendix 1

- 17.1 Melton Borough Council Mobile Homes Policy including Fees 2021

Report Author:	Simon Greensmith , Licensing and Compliance Officer
Report Author Contact Details:	01664 502384 SGreensmith@melton.gov.uk
Chief Officer Responsible:	Pranali Parikh , Director for Growth and Regeneration
Chief Officer Contact Details:	01664 504321 PParikh@melton.gov.uk