

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Assistant Director Housing, Jason King

To: Policy Development Panel Tuesday, 21 September 2021

(Author: Jason King , Assistant Director Housing)

Subject SHDC Mobile Homes and Caravan Site Licensing and Fee Policy

Purpose: To seek feedback on the proposed Mobile Homes and Caravan site licencing and the proposed introduction of a fee-charging structure for eligible administration connected with the policy.

Recommendation(s):

- 1) That the Policy Development Panel review and provide feedback on the proposed policy.
- 2) That the Policy Development Panel provide any recommendations for changes or amendments to the policy.

1.0 BACKGROUND

- 1.1 Under the Caravan Sites and Control of Development Act 1960 (the 1960 Act) South Holland District Council (SHDC) issues site licences for caravan park homes that have relevant planning permission. The legislation has been amended by the Mobile Homes Act 2013 (the 2013 Act) which aims to raise standards in the industry. This also provides for enforcement that is more effective when site licence holders fail to comply with their licence obligations. The 2013 Act also introduces some important changes to buying, selling or gifting of a park home and the pitch fee review process.
- 1.2 The changes relating to site licencing came into force on 1 April 2014. Licences issued under the 1960 Act still remain in force, but the new enforcement powers apply and Local Authorities enabling them to charge fees for functions relating to 'relevant protected sites'. Following the implementation of the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 and setting of a fee for inclusion in Fit and Proper Person Register under the Regulations, the council is proposing the introduction of a fee charging structure for the associated administration.
- 1.3 There are approximately 640 licensed caravans or mobile homes in the South Holland District area on over 50 licenced sites.
- 1.4 A relevant protected site is defined in the Act as any land to be used as a caravan site other than one where the application for a licence is:
 - For holiday use only, or
 - Subject to restrictions or conditions, which limit the times of the year when the site may be used for stationing caravans for human habitation.

- 1.5 Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks, park home sites and Gypsy and Traveller sites. Other sites, which are not relevant protected sites, are still subject to licencing under the 1960 Act, but no fee is required to be paid.
- 1.6 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 its fees policy
 - May fix different fees in different cases
 - May determine that no fee is required in some cases.
- 1.7 Any fees charged must fairly cover the costs (or part of the costs) incurred by the Local Authority in performing its function under Part 1 of the 2013 Act (excluding the costs of enforcement action or any functions relating to prohibiting caravans on commons or provision of sites by the Local Authority itself). In setting its fees policy and the fees to be charged, SHDC has had regard to the Ministry for Housing, Communities and Local Government guidance for setting licencing fees. Under the 2013 Act SHDC can charge for:
- The issuing of the first site licence
 - Generic fees for all sites for the issuing of the licence
 - Annual renewal: monitoring and administration of existing site licences
 - The depositing of site rules
 - The transfer of a licence
 - The alteration of a licence (initiated by the site owner)
 - The inclusion of a relevant person to the Fit and Proper Person register.
- 1.8 Section 10A (5) of the 1960 Act (as amended by the 2013 Act) states that a fees policy must include provision about the time at which the annual fee is payable. For the purpose of the policy, the period covered by the annual fee will be 1 April to 31 March and will be invoiced on the 1 April each year or as soon as practicable after.
- 1.9 A summary of the fees for each of the processes set out on this policy are shown below. These are broken down fully in the appendix of the Mobile Homes and Caravan Site and licencing Fee Policy, which is attached to this report.

Fee type	Fee
Application fee for a new site licence	£300.89 + £6.62 per pitch
Annual inspection fee	£115.51 + £6.62 per pitch
Amendment to a licence	£142.93
Transfer of a licence	£83.94
Depositing of site rules with Local Authority	£81.70
Application for Fit and Proper Person register	£249.99
Enforcement costs	£56 / hour

2.0 **OPTIONS**

- 2.1 Option 1- Review the proposed content of the Mobile Homes and Caravan Site Licencing and Fee Policy. Provide any feedback to amend or shape the proposed policy.
Recommended.

2.2 Option 2- Do nothing; do not provide feedback or recommendations for consideration in development of this policy. **Not recommended.**

3.0 REASONS FOR RECOMMENDATION(S)

3.1 The Council seeks to recover its costs in administering the new regulations, introducing statutory requirements for all residential mobile home site owners or their appointed manager to apply for and be deemed a Fit and Proper person. The Council is required to maintain a mandatory register held under the Mobile Homes (Requirement for Manager of site to be a Fit and Proper Person.) (England) Regulations 2020. Entitlement to charge an administration fee on cost recovery basis is also embedded within this.

4.0 EXPECTED BENEFITS

4.1 It is expected that the Council will recover its full administrative costs in all matters relating to relevant site licences and the appointment of Fit and Proper persons. The fee charging structure will enable the Council to generate an income stream from all relevant sites.

5.0 IMPLICATIONS

5.1 Financial

5.1.1 Administration of this legislation and the associated requirements will be delivered through existing resources within the Private Sector Housing Team. The ability to recover the Councils cost in administration of providing this element of the service will contribute to the overall cost of providing this service.

5.2 Staffing

5.2.1 It is not proposed to increase the existing establishment posts within the Private Sector Housing Team. It is anticipated that the relatively minor number of applicable applications will be administered through existing resources.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All wards.

7.0 ACRONYMS

7.1 SHDC- South Holland District Council

Background papers:-

Lead Contact Officer

Name and Post: Jason King, Assistant Director Housing

Telephone Number

Email: JasonKing@sholland.gov.uk

Key Decision: N

Exempt Decision: N

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Mobile Homes and Caravan site licencing and Fee policy.