



Forest of Dean  
— DISTRICT COUNCIL —

## LICENSING COMMITTEE

12 March 2014

**E.63**

Subject	<b>MOBILE HOMES ACT 2013</b>										
Accountable officer	Frank Russell, Senior Environmental Protection and Licensing Officer Tel: 01594 812404 Email: frank.russell@fdean.gcsx.gov.uk										
Summary	This report is to advise the Licensing Committee of the implications of the introduction of the Mobile Homes Act 2013. To adopt a fees policy for this Act and to agree fees to be introduced from 1 <sup>st</sup> April 2014.										
Annexes											
Recommendation	a) To note the introduction of the Mobile Home Act 2013. b) Agree the fees policy as set out in the report. c) To agree the fees proposed in the report										
Implications (details at end of report)	<table border="1"><thead><tr><th>LEGAL</th><th>FINANCIAL</th><th>RISK</th><th>EQUALITIES</th><th>SUSTAINABILITY</th></tr></thead><tbody><tr><td>YES</td><td>NO</td><td>NO</td><td>NO</td><td>NO</td></tr></tbody></table>	LEGAL	FINANCIAL	RISK	EQUALITIES	SUSTAINABILITY	YES	NO	NO	NO	NO
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YES	NO	NO	NO	NO							

## **1. INTRODUCTION**

- 1.1.** To date local authorities have managed mobile home parks under the Caravan Sites and Control of Development Act 1960. However, the Communities and Local Government Select Committee published a report in June 2012 highlighting the fact that the existing legislation was not fit for purpose and that 'malpractice' was widespread in parts of the park home sector. The Government therefore sought to remedy this by introducing the Mobile Homes Act 2013.
- 1.2.** The Act, which seeks to raise standards within the industry, will apply to Residential Sites now known as "Relevant Protected Sites" and will not apply to Holiday Sites and Touring Caravan Sites.
- 1.3.** The Act contains a number of sections that will come into effect on 1 April 2014. These sections relate to the site licences issued to park owners by local authorities and include:
  - a) the authority to charge a fee for a site application
  - b) the authority to charge an annual fee for a site licence
  - c) the annual fee to be determined by the local authority

## **2. FIT AND PROPER PERSON TEST**

- 2.1.** The Act also includes a provision for regulations to be made to introduce a fit and proper person test for park owners and managers. This would enable the local authority to refuse the grant of a licence where it considers the applicant to be unsuitable to hold such a licence. However, a date for when this provision will take effect is yet to be announced.

## **3. BREACH OF SITE LICENCE CONDITIONS**

- 3.1.** Under the Act local authorities will have powers to enforce Site Licence Conditions against park owners and in such cases the local authority may serve a Compliance Notice on the park owner. The Notice will:
  - a) Set out the breaches that have been identified
  - b) Tell the park owner what he must do to correct the breaches
  - c) Tell the park owner by when he must correct the breaches
  - d) Explain how the park owner may appeal against the Compliance Notice
- 3.2.** Failure to comply with any Compliance Notice is an offence punishable by way of a fine up to £5,000 in the Magistrates Court (Level 5) and subsequent prosecutions may lead to revocation of the Site Licence.
- 3.3.** Where a park owner continually fails to comply with a Compliance Notice after prosecution, the local authority will have powers to enter the site and carry out the work required. Thereafter, the costs incurred may be claimed from the park owner. Any charges that remain unpaid within the required period may then be registered as a local land charge.

#### 4. FEES POLICY

- 4.1. Section 10A(2) of the Act states that the local authority must prepare and publish a fees policy.
- 4.2. The Forest of Dean District Council will charge an application fee and annual fee based upon the number of homes on the “relevant protected site”. The banding is as follows:-
1. Up to 10 units
  2. 11 to 30 units
  3. 31 to 50 units
  4. 51 units and over
- 4.3. The annual fee shall become payable 12 months from the grant of a licence for a “relevant protected site”.
- 4.4. The fees shall be set at a level that will recover the full costs of the Council in administering the licence and officer time incurred in carrying out inspections, preparing the subsequent report and a contribution to relevant officer training.
- 4.5. Existing Mobile Home Parks that qualify as “relevant protected sites” may apply for a licence as a “relevant protected site” at a reduced fee, as all existing sites have been inspected recently so a site inspection would be unnecessary. This reduction will last until 31st October 2014 allowing the site owners 6 months to submit an application.
- 4.6. Single owner occupied mobile homes are exempt under the legislation and where a single residential mobile home is occupied under an agreement to which the Mobile Homes Act 1983 applies no licence fee or annual will be charged.

#### 5. PROPOSED FEES

- 5.1. The proposed fees for relevant protected sites are contained in the table below:-

	All	up to 10 units	11 to 30 units	31 to 50	over 51 units
Existing Residential Mobile Home Site up until 31st October 2014	£106	N/A	N/A	N/A	N/A
Application Fee after 31st October 2014 and for any new Relevant Site.	N/A	196.63	241.63	265.16	287.95
Annual Inspection Fee	N/A	126.63	171.63	195.16	217.95
Deposit of Site Rules	£50	N/A	N/A	N/A	N/A
Change of Site Rules	£35	N/A	N/A	N/A	N/A

#### 6. ALTERNATIVE OPTIONS

- 6.1. Not to charge an application fee for licences or annual visits.

Legal implications	Fees can be set under section 10A of the Mobile Homes Act 2013. The committee is permitted to set these fees under its delegation from Full Council
Financial implications	If no fee is charged then the cost of the service will need to be met from general funds and not from income from other licences.

#### **BACKGROUND PAPERS**

The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

None

These documents will be available for inspection at the Council Offices, Coleford during normal office hours for a period of up to 4 years from the date of the meeting. Please contact the author of the report.