

# Cherwell District Council

## Executive

2 March 2015

### Mobile Homes Act 2013 Fees Policy

## Report of Interim Public Protection and Environmental Health Manager

This report is public

### Purpose of report

The purpose of the report is to seek approval of a joint draft Cherwell and South Northamptonshire Council Mobile Homes Fee Policy prior to public and stakeholder consultation.

### 1.0 Recommendations

The Executive is recommended:

- 1.1 To approve the joint draft Cherwell and South Northamptonshire Council Mobile Homes Fee Policy.
- 1.2 To delegate authority to the Interim Public Protection and Environmental Health Manager to consider responses and, if necessary amend the policy in consultation with the Deputy Leader.

### 2.0 Introduction

- 2.1 Councils have granted caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. This Act has now been amended by the Mobile Homes Act 2013.
- 2.2 The new Act was introduced in order to provide greater protection to occupiers of residential park homes and caravans, as the existing legislation had not been updated for more than 50 years and was considered inadequate to deal with problems associated with such sites.
- 2.3 It applies to “relevant protected sites”. A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, 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).

2.4 Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks, Gypsy Roma and Traveller sites, and so on. Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the 1960 act but the provisions relating to payment of fees do not apply.

### **3.0 Report Details**

3.1 The Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process.

3.2 It enables the Council to inspect annually to ensure compliance with site licence conditions and in turn provides powers for the council to charge for this function. Previously the frequency of inspections was not specified in legislation.

3.3 In addition local authorities have the ability to charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site.

3.4 The fee generated is not designed to include investigation of harassment or matters not related to the site licence; these should be dealt with through residents associations or other appropriate channels.

3.5 Charging of fees is optional for local authorities, but officers recommend that the Council approves the charging of fees.

3.6 The fees are for the recovery of costs only and are not for profit. It is important to note that the local authority can refuse to issue a licence. In such circumstances the fee is still payable even though the licence is not granted.

### **4.0 Conclusion and Reasons for Recommendations**

4.1 By approving the adoption of this legislation, officers will be able to carry out their statutory duties and collect fees on a cost recovery basis.

### **5.0 Consultation**

5.1 The Council is not obliged to consult with mobile home owners. However a in the interests of transparency, and in keeping with the principles of the Regulators Code a consultation will be carried out. to seek the views of those affected by the policy..

Members of the Licensing Committee have been consulted and any relevant views will be reported verbally at the meeting.

## 6.0 Alternative Options and Reasons for Rejection

- 6.1 The Executive could reject the recommendations and not set a fee structure. Officers would still have to licence, inspect and enforce the provisions of the Act but would not be able to recover costs.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report and the adoption of cost-recovery charging will enable the Council to run in a more cost-neutral manner.

Comments checked by Brian Wallace, Service Accountant, 01295 221634, [brian.wallace@cherwellandsouthnorthants.gov.uk](mailto:brian.wallace@cherwellandsouthnorthants.gov.uk)

### Legal Implications

- 7.2 The decision must comply with relevant legislation and Council Policy. All parties have a right of appeal to the Magistrates Court against any decision made by the Council.

Comments checked by Chris Mace, Solicitor, 01327 322125, [chris.mace@cherwellandsouthnorthants.gov.uk](mailto:chris.mace@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Key Decision

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

The policy links to the following strategic priorities:

- Safe, green, clean
- Sound budget and customer focused council

## Lead Councillor

Councillor George Reynolds, Deputy Leader

## Document Information

| Appendix No         | Title  |
|---------------------|--|
| 1                   | Draft Mobile Homes Policy & Fees   |
| Background Papers   |  |
| None                |  |
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