

<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>15 MARCH 2018</b>
<b>Heading:</b>	<b>MOBILE HOME SITES – CONSULTATION ON THE IMPLEMENTATION OF LICENCE FEES</b>		
<b>Portfolio Holder:</b>	<b>HOUSING AND ASSETS</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

### **Purpose of Report**

To advise Members of the process the Council follows in respect of licensing mobile home sites and the need to consider introducing licensing fees to cover the costs incurred by the Council for delivering this process.

### **Recommendation(s)**

**To endorse the content of this report, specifically the role of the Council in licensing mobile home sites.**

**To approve consultation with mobile home site owners and other stakeholders regarding the proposed implementation of licensing fees to cover the costs incurred by the Council in administering the licensing scheme.**

### **Reasons for Recommendation(s)**

The Council has a duty to licence mobile home sites within the district. In addition to administering the licensing process, officers conduct two site visits per year and provide advice and assistance to site owners to ensure sites are correctly managed.

In view of the costs incurred by the Council it is reasonable to consider introducing a licence fee. This is in line with other Local Authorities in Nottinghamshire. As part of the consideration process the Council is obliged to consult with site owners and stakeholders, including site residents. Consultation should last for a period of 3 months.

### **Alternative Options Considered**

Not to consider the introduction of licensing fees. This was not considered as the Council is incurring costs in respect of managing the licensing process and it is important that the Council considers recouping these costs by way of a licence fee. Currently residents Council Tax is used to subsidise this work rather than a fee paid by the recipients of the service.

## Detailed Information

The Council has granted Caravan site licenses under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The CSCDA has now been amended by the Mobile Homes Act 2013 (MHA). The MHA 2013 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.

The MHA introduced some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is a statutory requirement that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions. The council can also now charge a fee for different licensing functions, serve enforcement notices and publish any new site rules relating to a site as well as re issuing a site licence to bring them up to the current legislative requirements. The fee generated by the MHA 2013 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.

There are 6 licensed sites within the Ashfield District

Site Name	Type	Pitches
Ashfield Mobile Homes Park, Sutton in Ashfield	Residential	25
David Street, Kirkby in Ashfield	Residential	6
Teversal Camping & Caravanning Club, Teversal	Residential holiday homes	2
	Static Caravans	10
	Touring	126
The Willows Mobile Home Park, Selston	Residential	4
Hodgkinson Road, Kirkby in Ashfield	Residential	7
Oak Tree Paddocks, Kirkby in Ashfield	Residential	2

Total number : 182

To date the Council has not charged a licence fee. This decision has been at the discretion of the local authority; some have chosen to exercise their right to levy a fee whereas others have continued with the long standing practice of not charging.

As standard, Private Sector Enforcement Officers conduct 2 site inspections each year. The inspections relate to fire safety, mobile home conditions, etc. However, issues relating to the sites mean more frequent licence enforcement visits are undertaken.

The purpose of a licence fees is to recover some of the cost associated with the management of the licences contribute towards officer time to manage the licensing of the sites.

The Nottinghamshire County Districts have discussed licence fees to ensure there is consistent pricing. A typical fee structure could look like the following;

Application for a NEW Licence	£407 plus £8 per pitch
EXISTING Licence holders – Annual Fee	£12 per pitch
Transfer/Variation of a Site Licence of Site Rules	£152 or £274 for complex applications
Deposit of Site Rules – one off fee for NEW and EXISTING	£126

Existing licence holders **will not** be charged an initial one-off fee, they will be charged an annual pitch fee and for the deposit of site rules.

The site owner, who in respect of the 6 sites listed above is also the licence holder, will be liable for paying the licence fee. Any unpaid fees must be recovered through the Residential Property Tribunal. The Tribunal may issue an order requiring the licence holder to pay the amount due by a specified date. Failure to comply could result in the Council applying to the Tribunal for an order to revoke the site licence.

Following the consultation period the comments will be considered and if the recommendation is that a licence fee should be introduced another report will be submitted to Cabinet, this will include further information regarding a proposed fee structure.

## **Implications**

### **Corporate Plan:**

The recommendations link to the Council's priority in respect of Corporate Improvement, specifically;

- Implement a financial strategy that prioritises income generation balanced with efficiencies to sustain the Council's finances
- Match priorities with resources to deliver our corporate objectives
- Become a more enterprising, productive and commercial organisation, exploring and delivering income generation and business development opportunities

### **Legal:**

The relevant legal provisions are detailed in the body of the report.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	No financial implications at consultation stage. If fees are levied this shall provide revenue to cover costs currently incurred. Prior to setting fees, consideration of VAT should take place and an income budget agreed.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Failure of licence holders to pay their fees – financial loss to the Council	Clear procedure in place for dealing with the payment of licence fees and clear process of prompt escalation

### **Human Resources:**

No additional staff resources are required. The proposals will require action by existing officers within the Private Sector Enforcement Team.

**Equalities:**

An equalities screening assessment will take place as part of the consultation process and be considered prior to any recommendation to implement.

**Other Implications:**

None identified

**Reason(s) for Urgency**

N/A

**Reason(s) for Exemption**

N/A

**Background Papers**

N/A

**Report Author and Contact Officer**

Phil Warrington  
Lettings & Strategic Housing Manager  
Tel 01623 608893  
Email [p.warrington@ashfield.gov.uk](mailto:p.warrington@ashfield.gov.uk)