

Title: **Mobile Homes Act 2013 – Park Homes Fee Policy 2025**

Committee: Licensing Committee

Date: 20 November 2024

Author: Karen See, Senior Environmental Health Officer

Report number: Z103

Contact officer:

Karen See, Senior Environmental Health Officer

karen.see@eastcambs.gov.uk, 01353 616358 SF203, The Grange, Ely

1.0 Issue

To provide information to the committee on the licensing requirements under the Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Home Act 2013), and seek adoption of an update to East Cambridgeshire's Mobile Homes Fee Policy, effective from 1st April 2025.

2.0 Recommendations

2.1 That Members:

- i. agree to implement the updated Mobile Homes Fee Policy as set out in **Appendix 1**, to take effect on 1 April 2025.

3.0 Background/Options

3.1 The Council has a statutory duty under the Caravan Sites and Control of Development Act (CSCD) 1960 to licence caravan sites. Introduction of the Mobile Homes Act 2013 amended parts of the CSCD Act to provide amongst other elements, greater protections to residents of "relevant protected sites". 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 the stationing of caravans for human habitation

Relevant protected sites now tend to be known as residential park home sites or mobile home sites, but they can include smaller sites such as permanent gypsy and traveller sites which are not owned by the Local Authority.

3.2 The provisions of the 2013 Act pertinent to local authorities and "relevant protected sites" include:

- The ability to charge fees for new site applications, site licence transfers and variations.
- The ability to charge an annual fee to existing site licence operators.

- The ability to refuse a licence or refuse a licence transfer application.
- The ability to serve and enforce compliance notices and undertake emergency works, with recovery of costs and expenses.
- To have a role in the system of site rules adoption and administration, requiring such rules to be deposited with the local authority.

In 2020 the additional requirement for the manager of relevant protected licensed sites to be considered a 'fit and proper' person was introduced and this process has been administered by the local authority since October 2021. The fee policy for fit and proper persons applications was formally approved by committee and is published on our website

<https://www.eastcambs.gov.uk/sites/default/files/FINAL%20AND%20APPROVED%20Fit%20and%20Proper%20Person%20Fee%20Policy%202021%20AC%20checklist.pdf>

A review of the Fit and Proper Person Fee Policy will be undertaken in 2025 and a merger of the two separate policies may be appropriate at this time. The 2021 policy currently remains relevant to the requirements of the service.

3.3 The 2013 Act requires local authorities to publish their fee policies. The original fee policy was approved and published in 2014 (**Appendix 2**). Although inflationary increases to the fees have been applied and charges for 2024 can be found at <https://www.eastcambs.gov.uk/licensing/mobile-homepark-home-licence> no formal review of the costs and resource requirements of administering the scheme has been undertaken since its original adoption. Such an exercise is overdue and necessary to demonstrate continued compliance with the statutory principles of setting fees.

3.4 The legal requirements of what can be, and what cannot be recovered in the setting of fees was considered by the Supreme Court in the case of R (on the application of Hemming and others) v Westminster City Council [2015] UKSC 25 and [2017] UKSC 50. The judgement made it clear that local authorities may become liable for costs if it is found that procedures for setting fees have not been correctly followed, and if the fees are not reasonable and proportionate to the costs of the licensing procedure. These factors have been considered in the proposed update to the fees.

3.5 In setting the original fees policy and the fees to be charged, the Council had regard to the Ministry for Housing, Communities and Local Government (MHCLG) Guidance for local authorities on setting licence fees under the Mobile Homes Act 2013, that was published on 1 March 2014. This guidance remains relevant and has been used within this review.

3.6 Current fees are banded in relation to the number of units on a site. Larger sites can be complex and therefore officers require additional time to review and administer these site licence applications and to undertake the annual inspections when compared with smaller sites. Sites of less than 5 pitches are not required to pay an annual inspection fee. These sites tend to be occupied by family groups and are low risk and so do not usually require an annual inspection.

3.7 The updated fee policy follows the original format, which was based on grouping different sized sites in accordance with Option 2 within the MHCLG guidance. The updated proposal is to introduce changes to the banding ranges, to reduce the number of bands thereby simplifying the complex range of charges that currently exists. This will make it more straightforward for operators to understand and aligns with the time taken and costs incurred by the council in administering the regime.

3.8 The cost bands within the new policy more closely align to the licensed sites we have here in East Cambs. There are over 60 licensed sites within East Cambridgeshire, many of these consist of small established sites occupied by family groups. Other sites are for holiday use only, and although a licence is still required and inspections are undertaken, fees cannot be charged for such sites. Of the 10 residential style park home sites currently within East Cambridgeshire where annual compliance inspections are undertaken, seven sites have between 25 and 99 units (with most having around 50 units on their sites), and three sites have less than 25 units. The banding groups, split into <5, 6-24, 25-99 and >100 units satisfy the charging requirements to recover relevant council costs.

4.0 Arguments/Conclusion

4.1 The starting point of any fee policy must be a robust and lawful calculation of the costs incurred. The authority can consider overall costs, but the cost of enforcement action cannot in law be reflected in the fee structure adopted by the local authority. The overriding consideration is that fees set, as published by the local authority, must be reasonable and transparent and whilst different fees can apply to different sized sites (as proposed by the updated policy), there must be consistency in the fee structure and its application.

4.2 Officers have considered the average time taken and hourly rates of officers undertaking the following tasks and for which costs are incurred, when determining its fee policy:

- initial enquiries
- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process
- travel time and time taken for inspections
- sending out forms
- updating IT systems
- processing the licensing fee
- land registry searches
- time for reviewing necessary documents and certificates
- downloading photographs
- preparing reports on contraventions
- preparing draft and final licences
- review by manager and the review of any consultation responses from third parties
- updating public register

- carrying out any risk assessment process considered necessary

4.3 The fees that have been set take into account the matters set out in paragraph 4.2, and are set in accordance with the Fee Policy Framework based on the hourly rate of the officers involved. It is not anticipated that a surplus will be accrued but the policy allows for such a scenario.

5.0 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

Financial Implications	Legal Implications	Human Resources (HR) Implications
Yes	Yes	No
Equality Impact Assessment (EIA)	Carbon Impact Assessment (CIA)	Data Protection Impact Assessment (DPIA)
No	No	No

Financial and legal implications

5.2 There is a cost incurred by the Council however this cost is largely recovered via the licence fees paid by those holding and applying for licences.

5.3 Prior to charging for the processing of caravan site licences and the annual inspections of sites the 2013 Act requires local authorities to adopt and publish their fees policy. On approval by Members this updated Fees Policy will replace the 2014 version and will be published on the council website in compliance with this legal requirement.

5.4 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149(7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.5 Further to paragraph 5.4 an Initial Screening Equality Impact Assessment has been completed, and there are no identified impacts requiring a full EIA to be undertaken.

6.0 Appendices

Appendix 1 – ECDC Park Homes Fee Policy 2025

Appendix 2 – ECDC Park Homes Fee Policy 2014

7.0 Background documents

Guidance: Ministry for Housing, Communities and Local Government (MHCLG)

Guidance - Mobile Homes Act 2013: A guide for local authorities on setting licence fees <https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees-summary>

Legislation: The Caravan Sites and Control of Development Act 1960

<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62/contents>

The Mobile Homes Act 2013

<https://www.legislation.gov.uk/ukpga/2013/14>