



North Devon Council

Report Date: Monday, 13 May 2024

Topic: Residential Park Home Sites, Fees and Licensing and Compliance Policies

Report by: Tanisha Rowswell, Environmental Health Officer

1. INTRODUCTION

1.1. Consideration is sought in respect of the implementation of a new Fees Policy for residential park homes and a Policy on the Licensing and Compliance of Residential Park Home Sites. The final revised fees policy is found within Appendix A, and the final revised Licensing and Compliance policy is found in Appendix B.

1.2. A six week consultation exercise was undertaken to gather feedback in relation to the two policies.

1.3. The main purpose of this report is to provide feedback on the results of the six week consultation exercise, and to recommend approval to Full Council regarding a new set of fees for residential caravan site licences, contained in a Fees Policy and to approve a Policy on the Licensing and Compliance of Residential Park Home Sites.

1.4. It is proposed that the 2024/25 fees will be pro-rata further to the referral of the fees to Full Council.

2. RECOMMENDATIONS

2.1. To consider the feedback of the public consultation exercise, contained within Appendix C.

2.2. To recommend the approval of the residential park homes Fees Policy to Full Council.

2.3. To adopt the Policy on the Licensing and Compliance of Residential Park Home Sites.

3. REASONS FOR RECOMMENDATIONS

3.1. Despite legislative changes creating a position whereby fees may now be charged for licence applications and inspections associated with residential park home sites, the Council has no Fees Policy or fee structure in place at this time. The Fees Policy is necessary to ensure that the Council better recovers its costs from the licensing regime.

3.2. It is necessary to clarify the Council's position with regards to site licence compliance. The Policy on the Licensing and Compliance of Residential Park Home Sites has been designed to support the Fees Policy. It sets out how this licensing regime is to be administered and regulated, and provides enhanced transparency and robustness in respect of the Council's licensing procedures.

4. REPORT

4.1. The Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) (the Act), authorises local authorities to issue licences in respect of caravan sites. The Council may require applications for 'relevant protected sites' (more commonly referred to as residential park home sites licences) to be accompanied by a fee fixed by the authority. Fees may also be charged for applications to transfer site licences, to change conditions on site licences, and to deposit site rules with the authority. Separate fees may also be charged for enforcement and local authorities may charge for the administration and monitoring of site licences by levy of an annual fee.

4.2. The fees for caravan site licensing are 'locally set', meaning that fees are not prescribed by statute. The Council has yet to approve fees since April 2014 when the amendments to the Act became effective, and it is now necessary to adopt a fees policy to ensure that the Council better recovers its costs.

4.3. A draft copy of the Fees Policy and the Policy on the Licensing and Compliance of Residential Park Home Sites was presented by the Public Protection Manager at the Strategy and Resources committee meeting on 4th December 2023, and a consultation on the proposed implementation of the policies was subsequently recommended and approved.

4.4. The six week consultation exercise ran between 22nd January and 4th March 2024.

4.5. Correspondence with details of the consultation was sent to site owners, residents associations (where known), the general public (via a social media release), the British Holiday and Home Parks Association, and the National Association of Park Home Residents.

4.6. We asked consultees to provide their feedback on whether they agreed with the implementation of the new fees policy and the way in which the fees policy has been calculated and why. We also asked for feedback on whether consultees felt that the proposed policies provided suitable clarity, and also

for opinions on whether consultees agreed with the principles of the two new policies.

- 4.7. The main points provided in the feedback have been addressed below.
- 4.8. 14 online responses were received in total. The full results are attached in Appendix C.
- 4.9. 8 respondents agreed with the implementation of the Fees Policy, and 6 respondents disagreed. 10 respondents left further feedback for this question.
- 4.10. The most common comment and the main concern regarding the implementation of the fees policy was in respect of worries relating to the fees being passed onto residents. The Mobile Homes Act 2013: a guide for local authorities on setting licence fees document, advises that a site owner may not pass on the costs of enforcement action to residents through the pitch fee. Additionally, the costs incorporate annual site visits by Council Officer's, so residents will receive a licensing service which is above what they currently receive. Additionally, one comment was in respect of concerns relating to future fees the Council may implement. At this time, we do not propose to implement any further charges, and the fees will be monitored on a regular and annual basis in line with the Council's budgets.
- 4.11. 9 respondents agreed with the banding structure of the fees policy proposed, and 5 respondents disagreed. 5 respondents left further feedback in respect of this question.
- 4.12. The main response received was the suggestion that the fees policy should be undertaken in bands of 25. However, the development of further categories would make the fees policy more complex, and it is deemed that the fees set are fair and proportionate at this time. The fees set will be reviewed annually.
- 4.13. 9 respondents agreed that the fees policy is clear and concise and 5 respondents disagreed. 1 respondent left further feedback in relation to this question.
- 4.14. 1 respondent left a comment and advised that they were unable to view the documents as they were unsure where to find the proposed documentation. We believe there was some confusion in the location of the documents in this respect, as the documents were available to view alongside the consultation link.
- 4.15. 9 respondents agreed that the Council's Policy on the Licensing and Compliance of Residential Park Home Sites is clear and concise, and 5

respondents disagreed. 1 respondent left further feedback in relation to this question.

4.16. Similarly to the above, 1 respondent left a comment and advised that they were unable to view the documents as they were unsure where to find the proposed documentation. We believe there was some confusion in the location of the documents in this respect, as the documents were available to view alongside the consultation link.

4.17. 8 respondents agreed with the principle of the two new policies, and 6 respondents disagreed. 3 respondents left further feedback in relation to this question.

4.18. Further to this question, one respondent highlighted that they believe the fee stated should already cover all costs. We are unsure if this comment refers to the new application fee or annual fee, but as outlined in the fees structure, the cost of enforcement action cannot be reflected in the fee structure adopted by the local authority, so there are separate fees which cover this element. Another respondent left a comment in respect of the fit and proper person requirements, but this will be looked at separately outside of the scope of the fees policy.

4.19. The responses have been considered in the formal recommendation of approval of the Fees Policy and the Policy on the Licensing and Compliance of Residential Park Home Sites.

5. RESOURCE IMPLICATIONS

5.1. There is no additional workload associated with this report. Additional income from those residential park home sites currently licensed is expected should the proposed fees be approved, albeit as per the provisions of the legislation and guidance, this will only allow for recovery of the Council's costs.

6. EQUALITIES ASSESSMENT

6.1. The impact of the proposals is perceived to be neutral. An Equality Impact Assessment has been undertaken.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental benefits or impacts identified as a result of the proposed changes.



8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

- 8.1.1. The commercialisation agenda: neutral.
- 8.1.2. Improving customer focus: neutral.
- 8.1.3. Regeneration or economic development: neutral.

9. CONSTITUTIONAL CONTEXT

9.1. The decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in Part 3 Annexe 1 for Strategy and Resources Committee paragraph 1 of the Constitution.

9.2. As noted in the report, the power to decide on one or more of the recommendations in this report is reserved to Full Council pursuant to Article 4.5 of the Constitution and as such the recommendation must be referred to Full Council to ratify.

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

- Caravan Sites and Control of Development Act 1960
- Mobile Homes Act 2013
- Department for Communities and Local Government, The Mobile Homes Act 2013: a Guide for Local Authorities on Setting Licence Fees. February 2014.

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

Tanisha Rowswell, Environmental Health Practitioner 16.04.2024