

Mobile Homes Act 2013

Special Committee

Date: 21st October 2014

Author: Acting Director of Public Health

Wards: ALL

Locality Affected: ALL

Parishes Affected: ALL

1. Purpose and Reasons

- 1.1 To inform the Committee of the Local Authority's new obligations under the Mobile Homes Act 2013, and to seek the delegated powers necessary for officers to discharge these duties, including the use of new enforcement powers to secure site licence holder compliance and the application of an appropriate schedule of fees to be charged.
- 1.2 This report supports the delivery of the Swindon Health and Wellbeing Strategy and One Swindon Outcomes, reducing vulnerability, improving residents health, providing well cared for neighbourhoods, and making best use of the Council's staffing resources.

2. Recommendations

The Committee is recommended to:

- 2.1 Note the Council's obligations under the Mobile Homes Act 2013.
- 2.2 Agree the schedule fees set out in Appendix 1 for licensing and service of Enforcement Notices for the following reasons:-
 - 2.2.1 A licence fee for applications to grant, or transfer a licence, or an application to alter the conditions on a licence.
 - 2.2.2 An annual licence fee for administering and monitoring licences (including existing).
 - 2.2.3 Serve Compliance Notices in respect to any breach of site conditions (Councils are at liberty to charge site-owners in order to recover costs, should this action be warranted).
 - 2.2.4 Charging fees for the deposit of site rules.
- 2.3 To delegate the powers contained in the Mobile Homes Act 2013 to the Director of Public Health and authorise their use by officers as necessary to carry out the Council's obligations under the Mobile Homes Act 2013. This will include any future fee setting in accordance with the methodology contained in Appendix 1
- 2.4 To agree that the current fees set out in Appendix 1 for 2013/14 be implemented as from 1st November 2014 and be charged in respect of any fees due during this year.

Further information on the subject of this report can be obtained from Paul Simmonds, Public Protection Manager, Direct Dial 01793 466097, psimmonds@swindon.gov.uk.

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- 2.5 To authorise the Director of Law and Democratic Services to make the necessary changes to the Council's Constitution and Scheme of Delegations to enable the Director of Public Health to carry out the Council's obligations under the Mobile Homes Act 2013.

3. Detail

- 3.1 The Mobile Homes Act 2013 amends and modernises the Caravan Sites and Control of Development Act, which was introduced in 1960. It enables the Council to charge fees and serve Compliance Notices for breaches of the Act.
- 3.2 Under the Act, the Council may charge fees to cover the reasonable cost of providing the services. This has been analysed and a proposed fee structure is set out in Appendix 1. The owners of all existing mobile home sites were consulted on the new fee proposals and no adverse responses were received.
- 3.3 In calculating costs, the Council has referred to The "Department for Communities and Local Government guide for local authorities on setting site licensing fees".
- 3.4 The proposed fees are open and transparent, being based on the amount of time taken by an officer to undertake the work involved.
- 3.5 Swindon Borough Council's Residential Services Team will carry out a minimum of 2 site-inspections per year to each of the 4 Park Home Sites in the Borough as part of our licensing obligations, consulting with Planning, Wiltshire Fire and Rescue Authority, the Health and Safety Executive etc. when appropriate.
- 3.6 The Residential Services Team will also pursue enforcement action when deemed necessary in accordance with any identified criminal action breaches of the Mobile Homes Act 2013.
- 3.7 The Council will be legally obliged to publish a fees policy, setting out how fees are calculated. It is proposed that publication is by way of the Council's web-site. These will be published once fees have been agreed. There is a high proportion of vulnerable residents living within Park Homes (aged 65 years plus). It is a priority to ensure that the homes of such vulnerable groups are properly and regularly inspected to ensure decent standards are being maintained and health risks mitigated.

4. Alternative Options

- 4.1 Not to implement the provisions contained in the Mobile Homes Act 2013 which are aimed at improving conditions for residents of mobile home sites and providing them with greater protection.
- 4.2 Not to charge fees for obligations under the Mobile Homes Act 2013.

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Charge a higher level of fees, which could be considered un-justifiable in terms of the actual cost of administering the new regime.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The Mobile Homes fee structures are set on a cost recovery basis and it is proposed for the additional responsibilities to be absorbed within existing staff levels. There is therefore potential for additional income to the Council, however expectation is that the amounts will be minimal.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications were taken fully into account in the preparation of this report and it is believed the recommendations are compatible with Convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 Implementation of the Mobile Homes Act 2013 will impact on staff resources within the Council's Residential Services team. It is proposed that existing staffing levels will absorb the additional work-load. However, impact will be reviewed annually.
- 5.4 A prime objective of the Mobile Homes Act 2013 is to help maintain and sustain decent Park Home standards, and dispel "rogue site owners". This in-turn will improve the health and well-being of residents many of whom are older persons or otherwise vulnerable.
- 5.5 Non-compliance with existing site-conditions could result in the Council pursuing enforcement action under Section 9A of the Act. Failure to comply with a compliance notice would be a criminal offence, punishable on conviction.

Diversity Impact Assessment

- 5.6 No Diversity Impact Assessment is required at this stage; any DIA that is required during review of topics included within the work programme will be identified and undertaken at the appropriate stage.

Risk Management

- 5.7 There are no additional financial risks for the Council. It is anticipated that the additional work-load associated with implementation of the licensing and enforcement new regime can be absorbed by existing staffing levels. If it is subsequently found that additional resources are necessary then these costs can be recovered through fees chargeable.

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- 5.8 The Council could be at risk of challenge and even judicial review if it failed to implement to new regime of Mobile Home site control introduced by the 2013 Act OR if it disregarded the advice provided by Department for Communities and Local Government on how fees should be set.
- 5.9 The principle risk involving staff involves carrying out “lone working” inspections on mobile home sites. This risk is considered to be low. Public Protection embraces the Council’s “lone working policy” and risks will be monitored to ensure that any identified risks are properly mitigated.

6. Consultees

- 6.1 The owners of all existing mobile home sites.
- 6.2 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Park Homes Determination Policy and Fee Structure.