

Report to the Cabinet

Report reference: C-007-2014/15

Date of meeting: 21 July 2014



**Epping Forest
District Council**

Portfolio: Housing.

Subject: Proposed New Arrangements for Park Home Rules.

Responsible Officer: Sally Devine (01992 564149).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

- (1) That a charge of £130 be introduced for residential park home site owners to meet the Council's objectives for depositing site rules with the Council for the first time or for applications to vary or delete existing site rules;**
- (2) That the Epping Forest District Council Policy on Fees for Licensing Residential Park Home Sites be revised to include the fees for depositing site rules; and**
- (3) That the fees be added to the Schedule of Housing Fees and Charges and reviewed by the Finance and Performance Management Cabinet Committee on an annual basis.**

Executive Summary:

The Mobile Homes Act 2013 introduced some important changes to the licensing and enforcement of park home sites, one of which was the power for local authorities to charge fees for their licensing functions. The Cabinet agreed the introduction of fees for the licensing of residential park home sites in the Epping Forest District from 1 April 2014 (C-080-2014-14).

The Act also includes new Regulations concerning 'site rules' and set new requirements with which site owners and their rules must comply. Although it is not a requirement for site owners to have site rules relating to the management of the site, they are often made by site owners and, where they exist, form part of the express terms of the legal agreement between the park home owner and the owner of the site. New site rules that are produced in accordance with the Regulations must be deposited with the local authority, who may charge a fee.

These procedures will require the Council to carry out tasks in addition to their existing duties in connection with park home sites. These include checking that the site rules have been made in accordance with the statutory procedures and maintaining and publishing a register of the site rules of all the residential park home sites in the District. The cost of the additional work has been calculated as around £130.00 per site, which is the charge proposed.

It is recommended that the Cabinet agrees this fee, that this is included in Council's Fees Policy and that it is reviewed annually.

Reasons for Proposed Decision:

The Mobile Homes (Site Rules) (England) Regulations 2014 introduces new responsibilities for local authorities in respect of depositing site rules and allows local authorities to charge site owners for so doing. If a fee is not charged for carrying out this function, the cost will be borne by the General Fund which is under increasing pressure.

Other Options for Action:

The option not to charge is not being pursued because the cost of the work involved in depositing the site rules will otherwise come from the General Fund which is under increasing pressure. Regulations made under The Mobile Homes Act 2013 provide an opportunity to recover these costs. Moreover, the cost to the site owner is not considered excessive and is likely to be a one-off fee as site rules, once introduced, tend to remain with the site unchanged for the lifetime of the site and its owner.

Report:

1. Site owners can make site rules in order to manage their sites effectively and promote good community relations. Site rules may relate to issues such as the permitted age of home owners and the keeping of pets. Where there are site rules, they form part of the contract between the park home owner and the owner of the site. However, there is evidence that rules have sometimes been used to give site owners unfair advantages or economic benefits.

2. New Regulations made under the Mobile Homes (Site Rules) (England) Regulations 2014 provide a new procedure for making site rules, and set new requirements with which site owners and their site rules must comply. The Regulations ensure that the site rules are made fairly, that home owners are engaged in that process and that when they have been made, the rules are transparent and are available for public inspection, having been deposited with the local authority. Once the rules are deposited, they will bind both the home owner and the site owner. If in the future the site owner wants to change the rules, this can only be done by repeating the procedure in the Regulations.

3. Site owners have until 3 February 2015 (a year from the implementation of the Regulations), to deposit site rules with the local authority. If they do not do so it will be deemed that no rules exist until some are deposited that meet the requirements of the regulations and have been consulted upon correctly. Any rules made before 26 May 2013, called 'pre-commencement rules', will continue to have effect until 3 February 2015 unless they include specific rules which have been banned under other regulations in the Act.

4. The Site Rules Regulations impose certain requirements on the local authority regarding the rules that are deposited, which includes ensuring that the site owner carries out the correct consultation process with home owners on the site and that no rules are included that are banned by the Regulations. The local authority must also keep an up to date register of the site rules of all their residential park home sites and keep this available for inspection at the council offices during normal working hours and to view on-line.

5. The local authority is allowed to charge a fee to cover the costs of providing this service when site owners deposit site rules. It is important to note that, unlike fees imposed by the local authority on the site owner for site licensing, the site owner cannot pass on these fees to residents.

6. Officers have calculated a proposed one-off fee based on officer time of £130. The fee is the same for first depositing the rules or for a subsequent variation to them, because the process will be the same in each case. The fee reflects the resource implications for the

Council and is likely to be charged only once in relation to each site because site rules, once introduced, tend to remain with the site, unchanged for the lifetime of the site and its owner.

7. It is considered that the owners of the seven largest park home sites in the District are likely to deposit site rules with the Council resulting in an additional one-off income of £910. If the Council did not charge these fees it would still be required to carry out the same functions concerning site rules but the cost would be borne by the General Fund.

8. If the charge is agreed it is recommended that it is implemented with immediate effect and added to the Council's Schedule of Housing Fees and Charges to be reviewed by the Council's Finance and Performance Management Cabinet Committee on an annual basis along with the Council's other fees and charges.

Resource Implications:

The fee of £130 for depositing the site rules covers the cost of officers' time in the administration of site rules and is likely to result in an additional income of £910. If the Council was not to charge these fees officers would still be required to carry out the same functions concerning site rules but the cost would be borne by the General Fund.

Legal and Governance Implications:

Caravan Sites and Control of Development Act 1960
The Mobile Homes Act 2013
The Mobile Homes (Site Rules) (England) Regulations 2014

Safer, Cleaner and Greener Implications:

The purpose of the new Regulations is to increase transparency and ensure that rules are fairly introduced and managed. The Council is responsible for ensuring that there are no banned rules or rules that impose unreasonable requirements on homeowners. This may include rules that unreasonably limit resident's choice, and this may be in respect of cleaner/greener options, for example in relation to choice of fuel provider.

Consultation Undertaken:

While there is no legal requirement to carry out a consultation with site owners on this issue, Officers have held three separate information events for site owners and park home owners on the effects of the provisions of the Mobile Homes Act 2013.

At the first event in October 2013, site owners and residents were given a broad outline of the new Act and notified that it was proposed that local authorities would be permitted to charge a reasonable fee when site rules were deposited. Site owners and residents were also informed that the Department of Communities and Local Government (the CLG) was carrying out a consultation on these proposals and advised how to respond to this consultation.

Two further information events took place in March, the first of which was for site owners and dealt specifically with site rules. While not specifically stating that the Council would be charging site owners a fee when they deposit site rules, they were made aware that this was an option.

An Officer of the Council is on the CLG's Park Homes Working Group and other members of the Group have confirmed that their councils are charging fees similar to those recommended. Officers from other authorities within Essex are also recommending fees in line with these.

There is no need to carry out a consultation with park home owners about these charges in the way that the Council previously consulted with them on the site licence conditions and charging policy as the legislation does not allow site owners to pass on the charges for site rules onto them.

Background Papers:

None.

Impact Assessments:

Risk Management

By virtue of the fact that site rules must be deposited with the Council, site owners and residents may have the impression that the Council can influence the 'reasonableness' of the rules and whether certain rules should be included or left out which it cannot. Officers may be involved in extra, unnecessary work because of this and, as a result of being unable to remove rules that site residents may find objectionable, there may be a risk of reputational risk to the Council.

There is also the risk that a site owner may, for whatever reason, not deposit any rules with the Council and as such no rules will exist on that site after 3 February 2015. This could lead to additional work for Officers as a result of enquiries from sites where site owners have tried to impose site rules that include ones that have been banned under the regulations.

In order to mitigate these risks officers have held information events for site owners and residents to explain the new procedures, including the roles and responsibilities of all parties. Representatives of LEASE, a Government sponsored body specifically employed to deal with issues relating to the Mobile Home Act 2013, also attended the events and advised of their availability to provide help and advice to site owners and residents alike.