
PPP Charging Policy for Relevant Protected Sites (Mobile Homes) - Summary Report

Committee considering report:	Joint Public Protection Committee
Date of Committee:	12 th June 2018
Date agreed by Joint Management Board:	16 th March 2018
Report Author:	George Lawrence

1. Purpose of the Report

- 1.1 To agree a policy position to enable a consistent approach to charging 'relevant protected sites' i.e. mobile home sites administration & annual inspection fees across the Public Protection Partnership (PPP).

2. Recommendation(s)

- 2.1 To follow JMB decision insofar as requesting that the Joint Public Protection Committee adopt the existing Bracknell Forest Policy across PPP to allow for charging against all relevant protected sites within the PPP's areas.

Nb: This proposal does not introduce any recommendation of altering the existing charging fee formula across the PPP which currently differ.

3. Implications

- 3.1 Financial:** If adopted, annual income would increase by around 7k per year across PPP which is 'ring-fenced' to mobile home site licensing enforcement activity. This would bring the total income from 14k to around 21K assuming 100% recovery. The existing 14k contribution to PPP from Bracknell Forest has already been included in its annual budget position.
- 3.2 Policy:** The Inter-Authority Agreement delegates the responsibility for setting key policy direction with the Joint Committee insofar as those policy areas relate to the Relevant Functions. Housing and Caravan Sites is one such are. If approved the policy would set out the overarching model for charging certain types of protected sites and an annual inspection regime for those sites across the PPP.
- 3.3 Personnel:** The implications of introducing this policy are that

resources would need to increase to deliver on the policy commitment. The increase of inspection number would increase from 10 to 52 across a range of sized sites and may result in disproportionate fee/resource calculation.

3.4 Legal: The Mobile Homes Act 2013 affords local authority the ability to place a charge against administering and carrying out annual inspection of certain mobile homes sites, however, the Partnership cannot charge without there being a specific policy in place detailing the charging regime. A consultation review of park home legislation is being carried out by the Ministry of Housing, Communities & Local Government (MHCLG) which has now closed – this will include amongst other areas, elements of the charging regime.

3.5 Risk Management: Risk that require mitigating include:

- Ensuring adequate resources to ensure all income collection is made;
- Public perception of penalising the vulnerable should charges be passed onto the owners/tenants of the mobile homes;
- Exemptions and non-payment from operators may create additional resource sacrifice to ensure the poor performers hold not advantage over the better performers;
- Unlawful development control is not identified as a driver in the charging policy and charges are only relevant to those sites that have planning permission and hold a licence;
- The proposed policy does not consider a risk based approach, but rather a fixed annual inspection to all relevant protected sites;
- Not conducting adequate administrative matters annual inspections to sites that are charged may led the Council to be challenged such as ombudsman involvement.

3.6 Property: No implications

3.7 Other: None

4. Other options considered

To do nothing and accept differing charging positions across PPP.

To cease charging within Bracknell Forest area to provide an alternate consistent approach.

5. Executive Summary

5.1 The Inter-Authority Agreement (IAA) sets out of the functions that are delegated to the Joint Committee under the terms of the agreement. These include an array of functions relating to the enforcement and administration of licences for authorised caravan sites.

5.2 It has long stood that certain authorised mobile home sites require a site licence that imposes certain conditions around the infrastructure and management of that site. Licences have traditionally been issued on receipt of application, and no charges were made that related to administering that application or carrying out site visits to ensure conditions were being met on a frequent basis. The licence is not time limited assuming no changes in management, layout, or planning conditions.

5.3 The concept of charging was introduced under The Mobile Homes Act 2013 that amends the Caravan Sites and Control of Development Act 1960 (“the CSCDA 1960”), the Caravan Sites Act 1968 (“the CSA 1968”) and the Mobile Homes Act 1983 (“the MHA 1983”) thus allowing authority’s to charge a fee for issuing a licence and as an ongoing annual charge. The rationale being that annual fees would bring about an inspection regime that would be part-funded as a cost recovery exercise. However, in order to charge, the authority must publish a policy explaining how and who it intends to charge. It is not a requirement to consult.

5.4 There exists in Bracknell Forest a charging policy enabling this charge to be made. No such published policy exists in Wokingham and West Berkshire Councils. The most recent (2016) number of LA’s who have adopted a charging regime was around 38% of all LA’s – there is considerable variation in the amounts charged across England.

5.5 Assuming an approach to have a charging policy adopted across PPP, each authority must also determine the charging mechanism. The DCLM sets out a number of options, and these have been pre-determined across PPP in its budget setting out fees and charges, but unsurprisingly differ in their respective formulas and amounts.

5.6 The demographic of owners and tenants in the mobile homes across PPP are more likely to be either elderly and/or retired due to downsizing or where tenanted, unable to support higher rent prices you would expect to find in more traditional dwelling houses (i.e. brick-built). It is possible that costs/fees imposed upon the licence holder may be passed onto owners/tenants residing in the mobile homes.

- 5.7** There are often disputes between site owners/management and the tenants which can range from allegation of unfair pitch fees, utility charges, and harassment to ‘unlawful’ development, encroachment and poor infrastructure. Charging for licences does not address these issues. Locally, this is evidenced by the types of service requests PPP have received. The MHCLG through its working party has ongoing work and recommendations regarding the regimes in place that might affect any single charging regime.
- 5.8** Adoption of a charging policy may unintentionally penalise the good operators and exclude the poor due to the ability for operators to create and apply for a single licence site which becomes effectively unenforceable and exempt from charging.

6 Conclusion

- 6.1** The policy recommended sets out in detail of how the PPP plans to set out a charging approach.
- 6.2** Should the decision be made to adopt the charging approach, the policy position will require on-going review to ensure that the fees and charges that are in place are correct and appropriate to the amount of time set aside for enforcement matters.
- 6.3.** However, the policy position may have to undergo significant changes should the MHCLG determine in its call for evidence review that the charging regimes requires further reform across the Country or indeed implement the recommendations made by the working group. In which case we will bring the matter back before the Committee for further consideration.

Appendices

Appendix A – Existing Bracknell Forest Mobile Home Charging Policy

Background Papers:

Review of park homes legislation: call for evidence part 1 & 2.
<https://www.gov.uk/government/consultations/review-of-park-homes-legislation-call-for-evidence-part-2>

PPP Strategic Aims and Priorities Supported:

The proposals will help achieve the following Public Protection Partnership aims as stated in the Inter Authority Agreement:

- 1 – Community Protection**
 - X 2 – Protecting and Improving Health**
 - 3 – Protection of the Environment**
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4 – Supporting Prosperity and Economic Growth

5 – Effective and Improving Service Delivery

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Equality Impact Assessment – Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

“(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:

(i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.

(2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(3) Compliance with the duties in this section may involve treating some persons more favourably than others.”

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?

- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Committee to make:	To agree a policy position to enable a consistent approach to charging 'relevant protected sites' i.e. mobile home sites administration & annual inspection fees across the public protection partnership (PPP).
Summary of relevant legislation:	Section 3, The Mobile Homes Act 2013
Does the proposed decision conflict with any of the partnerships key objectives?	No
Name of assessor:	George Lawrence
Date of assessment:	

Is this a:		Is this:	
Policy	yes	New or proposed	Yes
Strategy		Already exists and is being reviewed	
Function		Is changing	
Service			

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To provide an ability to charge for administration and recover costs for annual inspection across PPP
Objectives:	To implement a consistent PPP approach to charging against certain types of mobile home sites
Outcomes:	To have in place a policy that will lawfully allow the charging regime for certain mobile home sites
Benefits:	To provide a cost recovery framework for administrating and carrying out annual inspections of site licence

	conditions in applicable mobile home sites.
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2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	Transferring any charging to owners/tenants who may be elderly or vulnerable.	Local knowledge regarding demographic.
Disability	Transferring any charging to owners/tenants who may be elderly or vulnerable.	Local knowledge regarding demographic.
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity	Transferring any charging to owners/tenants who may be elderly or vulnerable.	Local knowledge regarding demographic.
Race		
Religion or Belief		
Sex		
Sexual Orientation		

Further Comments relating to the item:

Local knowledge regarding demographic suggests that the owners/tenants are more likely to be retired (down-sizing) or are on incomes that make other dwellings more affordable.

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	possibly
Please provide an explanation for your answer:	
Transferring any charging to owners/tenants who may be elderly or vulnerable.	

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	possibly
<p>Please provide an explanation for your answer:</p> <p>That matter of whether the licence holder should decide to pass on the administrative and annual inspection costs imposed is, in the main, a private one. The licence conditions do not allow for this to be addressed and are concerned only with standards relating to common parts infrastructure items. However, should this occur to those at risk, those individuals impacted upon can seek advice on whether this is legally permissible. Should the service be alerted to any identifiable individuals who may feel unfairly treated as a consequence of this policy, they can be sign-posted to relevant support and/or investigated for contractual or rogue landlord disputes matters.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	Yes
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: George Lawrence

Date: