

<b>SIGNED OFF BY</b>	Director of Place
<b>AUTHOR</b>	Katie Jackson, Environmental Health Manager
<b>TELEPHONE</b>	Tel: 01737 276309
<b>EMAIL</b>	Katie.Jackson@reigate-banstead.gov.uk
<b>TO</b>	Executive
<b>DATE</b>	Thursday, 24 June 2021
<b>EXECUTIVE MEMBER</b>	Portfolio Holder for Neighbourhood Services

<b>KEY DECISION REQUIRED</b>	N
<b>WARDS AFFECTED</b>	(All Wards);

<b>SUBJECT</b>	Fees and Charges Policy for Licenced Mobile Home Sites
----------------	--

**RECOMMENDATIONS**

- (i) That the Fees and Charges Policy for Licenced Mobile Home Sites provided as Annex 1 be approved by Executive.**
- (ii) That the additions to the Officer Scheme of Delegation contained within the Council’s Constitution be approved by Council, as set out in Annex 2 in relation to Section 5 (Housing and Other Residential Accommodation).**

**REASONS FOR RECOMMENDATIONS**

A documented and published Fees and Charges Policy is required before the Council can introduce fees for the licensing of mobile home sites. This covers both site licensing activities and the operation of the Fit and Proper Person register of site operators.

The Officer Scheme of Delegation needs to be kept up-to-date and for that purpose it is necessary to add some newly introduced legislation to ensure that all necessary enforcement powers available under the legislation can be utilised.

**EXECUTIVE SUMMARY**

A new Fees and Charges Policy for Licensed Mobile Home Sites has been prepared to enable the Council to charge fees in relation to the licensing of mobile home sites, as permitted in law. This covers site licensing fees and also fees for the new Fit and Proper Person test, which comes into effect in July 2021 and requires Councils to consider applications from site operators to be placed on a register of ‘Fit and Proper Persons’ to

operate a licensed mobile home site. The Council must publish a fee policy before it may impose any fees and charges for this work.

The introduction of the Fees and Charges Policy for Licensed Mobile Home Sites will allow the Council to recover the cost of its work licensing and inspecting these sites, which has previously been done for no charge, as well as the new duty to assess Fit and Proper Persons, which will be a substantial piece of work. Fees have been calculated on the basis of recovery of the officer time needed to complete each element of the licencing processes and in accordance with government guidance of fee setting. The revenue income generated will contribute to the existing income budget of the service, which has previously been increased in expectation of the introduction of new fees and charges, including for mobile homes. The proposals are consistent with the Council's corporate Fees & Charges Policy that is approved as part of budget-setting each year.

To enable the practical day-to-day functioning of a local authority, the Council may delegate its powers, as it sees fit, to committees, officers and others. The Council's Constitution contains an Officer Scheme of Delegation that documents which decisions are delegated and this report seeks to update that scheme to include the new Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

It is important that officers' delegated authority be very clearly documented and evidenced to ensure that enforcement action can be shown to be appropriately authorised. The addition of the new regulations will allow these provisions to be enforced where appropriate.

**Executive has authority to approve recommendation (i).**

**Recommendation (ii) is subject to approval by Full Council.**

## **STATUTORY POWERS**

1. The Council is a licensing authority empowered under the Caravan Sites and Control of Development Act 1960 (CSCDA) to licence mobile home ('caravan') sites, both residential and non-residential. The CSCDA permits licensing authorities to place conditions on licences with a view to protecting the health and safety of occupiers, both permanent and visitors, and by requiring the provision and proper maintenance of basic amenities.
2. The Mobile Homes Act 2013 amended the CSCDA and made changes to the law relating to the licensing of residential mobile home sites (referred to as 'relevant protected sites' in the legislation). The revised licensing regime for such sites enables licensing authorities to monitor site licence compliance more effectively and enables licensing authorities to take enforcement action where necessary. A new power to set fees was also introduced in relation to relevant protected sites to enable licensing authorities to recover the costs of licensing such sites. The Act requires a Council to publish a 'Fees Policy' before it can introduce fees for the licensing of mobile home sites.
3. Regulations made under the Mobile Homes Act 2013 introduced changes to the administration of site rules. Site rules are an agreed set of rules between the site owner and the residents. The Council is not involved in setting these rules. However, it is a requirement of the Mobile Homes (Site Rules) (England) Regulations 2014 for the Council to establish and keep up-to-date, a register of the rules for the sites in its

district and to publish this online. The Council may charge a fee for the deposit and publishing the site rules and this fee is included in the policy.

4. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (hereafter 'the Fit and Proper Person Regulations') introduce a fit and proper person test for mobile home site owners or the person appointed to manage the site. The purpose of the fit and proper person test is to improve the standards of mobile home site management.
5. The Fit and Proper Person Regulations were made on 23 September 2020 and allow local authorities to prepare to receive applications from site owners by 1 July 2021. From that date and by 1 October 2021, all site owners must have applied to be assessed as fit and proper persons. Fees may also be charged for assessing applications to enable authorities to recover the costs of this activity. The Regulations again require the Council to publish a 'Fees Policy' before it can introduce fees in respect of the Fit and Proper Person test.

## **BACKGROUND**

6. Licensing of residential mobile home sites is undertaken by the Private Sector Housing Team within the Environmental Health service. There are currently 12 licenced mobile home sites in the Borough. One has over 150 pitches, two have 70 – 80 pitches and the others have 25 or less. Mobile home sites are usually laid out as a private estate with the infrastructure and most of the services provided by the site operator. Residents generally own their own homes but pay a pitch fee (ground rent) for the land on which the home is located.
7. The purpose of mobile home site licensing is to ensure that sites are operated in a way to prevent risks to the health and safety of the residents and visitors to the site. Through licensing, the Council can ensure that sites are properly maintained and correctly laid out, for example, there is adequate spacing between units to prevent the spread of fire and adequate provision of services for electricity and drainage to homes.
8. A Council may only issue a site licence for a mobile home site with the appropriate planning permission to operate as a residential site. Licences last in perpetuity unless the relevant planning permission expires or is time limited. It is an offence to operate a relevant mobile home site without a site licence.
9. The Council may impose Licence Conditions with the licence, regarding amenities, maintenance, the provision of services and spacing between units. Model licence conditions were issued by the then Department for Communities and Local Government (DCLG) in 2008, as a guide for local authorities. These must be considered when applying site licence conditions to specific sites.
10. The provisions of the new licensing regime also apply to privately owned, authorised gypsy and traveller sites.

## KEY INFORMATION

11. In line with the majority of Councils in Surrey and nationally, it is proposed to use the provisions of The Mobile Homes Act 2013 to introduce fees for work involved in licensing residential mobile home sites. This is in keeping with the organisational objective of being a financially self-sustaining Council, by utilising available mechanisms to recover the costs incurred during the licensing function.
12. The fees can broadly be separated into those relating to site licensing and those related to the Fit and Proper Person test.

### Site Licence Fees

13. The following site licencing fees are proposed:
  - Application for grant of a new mobile home site licence
  - Application to vary an existing mobile home site licence
  - Transfer of an existing mobile home site licence
  - Annual fee
  - Deposit of Site Rules
14. New Mobile Home Site Licence - Existing Licensed Sites - for all the existing sites, which are already licensed, the 'New Mobile Home Site Licence Fee' will not apply. The licence they already have will remain in operation.
15. New Mobile Home Site Licence - Sites Applying for a Licence for the First Time - if someone wishes to open a new residential site or continue to operate one that is not currently licensed, they will be required to apply for a New Mobile Home Site Licence. There would be a fee for this new application. We are not able to issue a site licence for any site that does not have the relevant planning permission. The fee is dependent on the size of the site.
16. Variation of a Licence - If a site operator wishes to request a change to the site licence conditions, there will be a fee for the Variation of a Licence. The Council will not impose a charge if we wish to make a change to existing licence conditions. The fee is dependent on the size of the site.
17. Transfer of a Licence – If a site operator wishes to transfer the licence to a different named operator there will be a fee for this. This is a flat rate fee for all sites.
18. Annual Fee - Site operators will be required to pay an annual fee for the periodic programmed inspection of the site to ensure it complies with the site licence conditions. This fee also covers time spent by officers throughout the year dealing with complaints, enquiries and site issues. The fee is dependent on the size of the site and reflects the fact that smaller sites will be inspected less frequently than large ones.
19. Deposit of Site Rules - Where a site operator has agreed Site Rules with the residents of a site, these are required to be deposited with the Council, for publication on our website. There will be a small flat rate fee for this.

## **Fit and Proper Person Fees**

20. New legislation, the Fit and Proper Person Regulations introduced a requirement for all site licence holders to apply between 1st July and 1st October 2021, to be assessed as a 'Fit and Proper Person' to operate a licenced mobile home site. Applications can be made by an individual i.e. the site owner or their appointed manager or a company, and the Council must assess them and create a register of those whose applications are accepted. This must be published online. Certain sites i.e. those that are 'non-commercial family occupied sites' will be exempt from this requirement. It is possible that this will apply to some of the smaller sites and will be explored with each site during the application process.
21. The application and assessment must include consideration of the applicants legal interest in the site, their conduct e.g. any criminal record, and the site's financial and management arrangements. The application may be approved, approved with conditions attached or refused. Applicants will have a right of appeal.
22. Councils may charge a fee for assessing Fit and Proper Persons applications initially, and thereafter an annual fee to cover the costs of monitoring the scheme and any conditions attached to an applicant. Payment of the annual fee may also be required as a condition of inclusion in the register.
23. Where a site owner or their manager fails a test and they are unable to identify and appoint a suitable alternative manager who must also undergo the fit and proper assessment, the local authority could appoint a person to manage the site, with the consent of the site owner. The reasonable costs of this action can also be recovered from the site. If this were to be required, the Council would seek full cost recovery of all officer time and any other resources required to undertake this action. As with site licence fees, the fees must be set out in a published Fee Policy.

## **Calculation of Fees**

24. The proposed fees have been calculated taking full account of the government guidance on fee setting. The government has issued guidance on the factors which may and may not be included when setting fees in relation to the licensing of mobile home sites. The Fees and Charges Policy for Licenced Mobile Home Sites for which this report seeks approval, has been formulated following guidance issued by the Department for Communities and Local Government (DCLG), 'The Mobile Homes Act 2013 - A Guide for Local Authorities on setting licensing fees'.
25. Draft guidance only is currently available for setting fees in relation to the Fit and Proper Person test, but as the final guidance is not due until at least the end of May 2021 and the policy is required to be in place ready for the 1st July 2021, the fee policy has been prepared based on the available information. If the final guidance results in a need for any changes in approach this will be reflected in the final report to Executive in June. It is noted that the draft guidance appears consistent with the existing site licence fee guidance, so it is not anticipated that it will be subject to substantial change.

26. The Council is not permitted to make a profit from licence fee income. The costs to which the Council may have regard when calculating the various fees are clearly set down in the guidance produced by the DCLG.
27. In determining those fees, the Council has considered all administrative costs incurred in the licensing and Fit and Proper Person Test process, including officer visits to sites, travel costs, consultations, meetings, monitoring of sites/investigation of complaints and the giving of informal pre-application advice. All the fees are required to be calculated on a cost recovery basis.
28. The proposed site licence fees are calculated based upon a detailed breakdown of officer time spent on each stage of the different elements involved in processing the licence, based on experience of this function. The same methodology has been used for assessing applications for Fit and Proper Persons. However, with no previous experience of this activity, it is more difficult to be certain how long each stage of the process will take.
29. It should be noted that the matters required to be considered as part of the Fit and Proper Persons test are extensive, taking in the site operators organisational and financial arrangements and any evidence of previous criminal record. It is anticipated that each application will require a significant amount of time to obtain all of the necessary information and to fully assess it.
30. The officer time required to carry out each stage of the processing is then costed based on calculated officer hourly rates. These include salary (including on-costs of National Insurance and pension) and back office recharge costs. The hourly rates costs used are an established method of consistently charging for staff time at the true cost of providing the service, giving confidence that a robust process has been used to calculate all proposed charges. The approach is consistent with the Council's corporate Fees & Charges Policy that is approved as part of budget-setting each year.
31. It is proposed that the site licence fees will depend on the number of pitches, as this will correlate to the amount of time a site will take to regulate. Fit and Proper Person fees will be flat rate for all sites.

### **Rationale for Introduction of Fees and Charges**

32. It had originally been intended to bring forward the Fees and Charges Policy for Licenced Mobile Home Sites in 2020, but this work was delayed by the COVID-19 response. Following the recent introduction of the Fit and Proper Person Regulations, this work has been refocused, to seek to confirm and publish all relevant fees at the same time in one piece of work.
33. If the Council does not have a policy in place for the fees and charges relating to mobile home sites, it risks having to accept applications for Fit and Proper Persons tests without being able to recover any of the costs of this work, as it must be ready to start receiving applications from 1<sup>st</sup> July 2021. It is proposed that the policy comes into effect immediately, but that the first annual fees are not charged until April 2022.

34. Licensed sites have been subject to previous inspection but limited intervention, as historically there were limited enforcement options available for mobile home sites. The updated legislation and developed capacity in housing enforcement mean that it is now possible to implement a proactive programme of periodic risk based inspection of all licensed sites, which will benefit residents. This will also present an opportunity to review and if necessary update site licence conditions, some of which are quite historic, while maintaining and improving standards generally.

### **Enforcement Costs**

35. The Council may make a charge for any enforcement activities carried out in respect of the licence. These costs cannot be included as part of the licence fee calculation. Enforcement options are detailed in the Housing Enforcement Policy, which is due to be amended to include revised provisions relating to recovery of enforcement expenses and the Council's approach to enforcement action under the Mobile Homes Act 2013.

### **Payment of Fees and Charges**

36. The Council requires payment of fees for applications for a new site licence, and for applications to vary or transfer a site licence and for inclusion on the Fit and Proper Person register. The Council will not start processing any applications until such time as the correct fee is received. Application fees may be paid by credit or debit card or upon request, by invoice. Application fees are non-refundable if the application is not approved.
37. Annual fees will become due on the 1st April each year and will be invoiced. Non-payment can result in an application to the First-tier Tribunal (Property Chamber) requiring payment, and ultimately to revocation of the site licence.
38. Payment of the Fit and Proper Pest Test annual fee is a condition of entry on the register of Fit and Proper Persons. Failure to pay the Fit and Proper Pest Test annual fee will be a breach of the condition and if convicted the site owner could face an unlimited fine.
39. The site owner or operator is responsible for paying all the licence fees. However, the Mobile Homes Act 2013 allows them to recover the site licence annual fee from the residents who live on the site. This is the only fee that the site owner may recover from the residents. A site owner may choose to add a proportion of the annual fee onto each pitch fee so that it is paid pro-rata by the mobile home residents on the site. It then becomes an integral part of their annual pitch fee.

### **Addition to the Scheme of Delegation of the Fees and Charges Policy for Licensed Mobile Home Sites**

40. The Council's Scheme of Delegation contains delegated authority to the Head of Service with Responsibility for Environmental Health to refresh certain policies

regularly and in response to legislative and guidance changes, as they are live operational documents, such as the Environmental Health and Housing Enforcement Policies.

41. As the Fees and Charges Policy for Licensed Mobile Home Sites is a new policy document, it is appropriate to seek Executive approval at its initiation. However, once it has been adopted it will require regular review and updating, for example with changes in legislation and centrally issued guidance, which may affect the fee setting process. It would be impractical to require returning the policy to Executive for operational updates of this nature.
42. It is proposed that delegated authority be applied to the Fees and Charges Policy for Licensed Mobile Home Sites, to allow for the regular operational review, amendment and updating. Significant variations in approach would still require Executive oversight.

**Addition to the Scheme of Delegation of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020**

43. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 were made on 23 September 2020 and allow local authorities to prepare to receive applications from site owners by 1 July 2021. From that date and by 1 October 2021, all site owners must have submitted an application to be assessed as fit and proper persons and to be included, on a register of fit and proper persons.
44. There are a number of offences created by the new Regulations, including:
  - For a site owner to cause or permit land to be operated as a mobile home site unless they or the person appointed to manage the site is a fit and proper person to manage the site.
  - To provide false or misleading information or fail to provide information in an application.
  - To fail to comply with a requirement set as a condition of the local authority's decision to include a person on the register.
45. If convicted for a breach of the fit and proper person requirements, the site owner can face an unlimited fine. Enforcement action cannot be taken by the Council unless officers have the appropriate delegated authority to exercise the powers in the legislation.
46. This new legislation is not reflected in the current Scheme of Delegation and to enable the new provisions to be utilised effectively, delegation of a number of the Council's duties and powers to officers is recommended.

**OPTIONS**

47. The following options may be considered:



- a) Agree the recommendations to adopt the Fees and Charges Policy for Licenced Mobile Home Sites and to add the legislation outlined above to the Council's Scheme of Delegation, as set out in the Annexes. **This is the recommended option.**
- b) Make amendments to the Annexes and then agree the recommendations as set out in the revised Annexes.
- c) Do not agree the recommendations. This will prevent the Council from being able to recover the cost of licensing mobile home sites and enforcing the Fit and Proper Person provisions and is therefore **not recommended.**

### **Rationale**

48. **Adopt** the Fees and Charges Policy for Licenced Mobile Home Sites - this is the recommended option at 47a. This will support the Council in its objectives to be a financially self-sustaining Council and to generate additional income and build our financial resilience, by adopting a cost recovery model for provision of mobile home licencing, as permitted in legislation. It will also allow for appropriate enforcement of the Fit and Proper Person provisions.
49. **Amend** the Fees and Charges Policy for Licenced Mobile Home Sites in light of Council feedback at 47b – to approve some, but not all, of the proposed Policy elements would require officers to work with Executive to ascertain which elements should be implemented immediately, and which require further action. To amend the Policy proposals risks under recovery of the costs of delivering the mobile home licencing function, and the service being unable to meet the income budget expectation that is already in place.
50. Do not adopt the Fees and Charges Policy for Licenced Mobile Home at 47c – not to adopt the Policy would miss an opportunity to effectively recover the costs of delivering the mobile home licencing function, and the service being unable to meet the income budget expectation that is already in place. This would be contrary to the Council's own objectives and the corporate Fees and Charges Policy. It would also result in the Council being unable to enforce the Fit and Proper Person provisions.

### **LEGAL IMPLICATIONS**

51. The framework under which the licencing of mobile home sites must operate is set out by The Mobile Homes Act 2013 and supporting legislation. The new Fit and Proper Person test requirements are also clearly mandated in law, including the requirement to have a published policy for all fees and charges if these are to be imposed. The legislation and accompanying guidance have been used to draw up the proposed policy.
52. There are significant legal implications for incorrect licencing decisions, as the Council could be vulnerable to legal challenge and incur substantial legal costs in the event of incorrect process being followed. Adoption of a formal Fees and Charges Policy ensures that all fees and charges are fair and transparent and can be appropriately applied.

53. There are also significant legal implications for not having an appropriately updated scheme of delegation, in this case in relation to the new Fit and Proper Persons requirements. If enforcement action were to be taken but delegations were not satisfactory, the Council could be vulnerable to legal challenge and incur substantial legal costs. Alternatively, the absence of appropriately delegated authority could impair our ability to appropriately enforce statutory provisions.

## **FINANCIAL IMPLICATIONS**

54. The revenue income generated by mobile home licencing fees would be received in the Housing Standards Environmental Health cost centre. This budget already includes an ambitious income budget, following the outcome of the Service and Financial Planning process for 2019-20, which saw the income budget increased by £22,000 to a total of £35,000. This change accompanied budget growth, in the form of an additional officer post to undertake residential licencing and enforcement work, the business case for which included an expectation of increased licencing fee income generated by increased activity in this area. Mobile home licence fees and charges formed part of this expectation. The income budget is therefore already in place and this policy will contribute to generation of revenue income already in the budget, rather than representing an opportunity to add new income to the budget.
55. Due to the diversion of resources to the COVID-19 pandemic response during 2020, it was not possible to bring forward the Fees and Charges Policy for Licenced Mobile Home Sites during 2020-21, as originally planned. The recent introduction of the Fit and Proper Person Regulations has refocused the need to implement a suitable fees policy. If the policy is not in place by the 1<sup>st</sup> July 2021, the Council risks having to accept applications for the Fit and Proper Person Test, without being able to charge a fee and recover the costs of its work in assessing applications and establishing a register.
56. The proposed fees will generate £5,376 additional net income in 2021-22 (part-year) via Fit and Proper Person application fees (if all 12 sites are determined to be in scope, which may not be the case) and £4,521 in 2022-23 (full year) via site licence annual fees and Fit and Proper Person annual fees (again, if all 12 sites are determined to be in scope for the Fit and Proper Person requirements).
57. The proposed policy has been subject to review by the Finance team who have confirmed it is consistent with the Council's overarching Fees and Charges Policy that is approved as part of the budget-setting process each year.
58. While new fees and charges are generally introduced from April to coincide with the new financial year, in this case agreement is sought to implement the policy from 1<sup>st</sup> July 2021, so as to be able to charge fees for applications for the Fit and Proper Person test and recover the costs of this work. Other site licence fees and charges would also become operable from 1<sup>st</sup> July 2021, such as if applications were received to vary or revoke a licence or if an application for a completely new licenced site were to be received. Annual site licence fees and annual Fit and Proper Person Fees would only become due from April 2022.

59. The fees proposed would apply until the end of the 2022-23 financial year and would then be subject to annual review in accordance with the corporate Fees and Charges Policy. It is expected that as a minimum fees and charges would be increased annually from 1 April each year in line with Consumer Price Index (CPI) inflation increases. In considering setting a fee that will extend to the end of the next financial year, the cost calculations include anticipated cost increases for 2022-23 in the hourly rates used.
60. The guidance on fee setting also requires that review and any revision of the policy will consider variations in officer and administration time to those used in calculating the fees, along with any changes to other costs incurred in providing the licensing and Fit and Proper Person function. Any surpluses or deficits for the previous years must be taken into account when fixing the fees. As the fees have been calculated based on officer time to carry out site inspections etc, officer time recording will be undertaken during the initial round of inspections to check the accuracy of the time allowances used in calculations which will be considered in the annual review, so as to assess for surpluses or deficits.

### **EQUALITIES IMPLICATIONS**

61. This duty has been considered in the context of this report and it has been concluded that there the equality and diversity implications arising from this report would be neutral. In terms of direct impacts, measures will be taken to ensure that information is accessible to all groups of site operators, as the Equalities Impact Assessment noted that some site operators may have literacy difficulties which could make correspondence and provision of information about the new fees and FPPT requirements more challenging. However, this issue is already encountered as part of the existing licensing regime and does not normally present significant obstacles, as these site operators have typically appointed an agent or representative to handle the licensing administrative process. Care will be taken in all communications to present information as clearly and simply as possible.
62. In terms of indirect impacts, there could be a small increase in costs for residents (including any residents with protected characteristics), if site operators choose to pass on part of the annual fee. This is outside the direct control of the Council and is not certain to happen. On balance it is considered that any impact would be neutral, with any increase in costs being proportionate taking into account the overall benefits of more effective licensing and regulation of sites.

### **COMMUNICATION IMPLICATIONS**

63. A feedback exercise with residents and site owners/operators of the twelve licenced mobile home sites in the borough has provided initial communication with those affected by the proposed policy and has included details of why it is being introduced and the relevant fees and charges proposed. This will be followed by targeted communication with the site owners/operators regarding the introduction of the Fit and Proper Person Test and details of the final agreed fees.
64. The policy will only directly impact those operating a licenced mobile home site, with indirect impact on residents of those sites. As such, it is not considered necessary to undertake a wider communications plan for this action.

## **RISK MANAGEMENT CONSIDERATIONS**

65. There are no significant risks associated with accepting the recommendations. There are financial and legal risks in not accepting the recommendations.

## **OTHER IMPLICATIONS**

66. The introduction of the Fit and Proper Person Test will present a substantial piece of work in the Environmental Health team. The introduction of annual site licence fees will also bring increased workload, as it brings with it an expectation that there will be periodic proactive inspections of sites. With the introduction of more regular inspections and updates to the legislation and guidance in recent years to allow for more targeted and effective enforcement options, this is expected to result in increased enforcement activity associated with licenced mobile home sites, with subsequent resource demands.
67. It should be possible to accommodate this demand following previous growth in the team in the form of an additional officer post to undertake residential licencing and enforcement work, agreed during Service and Financial Planning for 2019-20.

## **CONSULTATION**

68. A consultation and feedback exercise with residents and site owners/operators of the twelve licenced mobile home sites in the borough was undertaken during 14<sup>th</sup> – 28<sup>th</sup> May 2021. This was also be sent to three mobile home site associations. The feedback exercise was notified to the Ward Members with licenced mobile home sites in their Wards, as well as via the e-members weekly newsletter to all members. The feedback exercise only covered site licensing fees and not the Fit and Proper Person Test, as the latter applies only to site owners and operators and not directly to residents.
69. Approximately 470 letters were sent out and 75 responses received, almost all from residents, with 1 being from a site owner and three being from resident shareholders of a site. Of the responses received, 48 did not agree with the introduction of fees, 10 agreed, 11 agreed to some extent and 6 did not respond to the question. On the question of whether the proposed fees were felt to be reasonable, 49 said no, 8 said yes, 10 said partially and 8 did not respond to the question.
70. The main point made by respondents was dissatisfaction that any element of the proposed fees could be passed on from site operators to residents. The only fee or charge that in law can be passed on to residents from the site operator is the annual fee, and this is as set out in the law and is not at the Council's discretion. Many comments were also made that residents already pay enough Council Tax, and this should cover all Council services fully, with others referring to issues around Site Rules, ground rent and poor service from the site owners, which while very valid concerns are not within the Council's control or relevant to the proposed licensing fees.
71. 63 out of 75 respondents indicated which site they live at, and all but one of these represented residents of the 4 largest licenced sites in the Borough. For these sites, if the annual fee were to be passed on in full and divided between the number of licensed pitches equally, residents could expect to pay an additional £3.80 - £12 per

year each. It would be at the site owners discretion as to whether to pass on the annual fee, so some may not choose to do this or not to pass it on in full.

72. Some residents questioned what benefit the proposed fees would bring to them and asked for better communication of the outcomes of inspections. If the Policy is approved, it is proposed to send a follow up letter to all residents explaining more fully what the fees do and do not relate to, and also how the fees would allow a programme of proactive periodic inspections to take place, with subsequent opportunities to review and update licence conditions and ensure compliance with these. The points about better communication of inspection outcomes will also be implemented to give greater transparency for residents and where possible to better represent their interests.

## **POLICY FRAMEWORK**

73. This Policy is well aligned with the themes and priorities of the Councils Five Year Plan, 'Reigate and Banstead 2025'. In particular our objectives to be a financially self-sustaining Council and to generate additional income and build our financial resilience, in order to sustain services through responsible and sustainable commercial activities.
74. The Policy is also aligned to the Corporate Fees and Charges Policy, in that it seeks to maximise potential income by operating as a 'Full Cost Recovery' model by default.

## **BACKGROUND PAPERS**

1. Corporate Plan 2015-20 - [http://www.reigate-banstead.gov.uk/council\\_and\\_democracy/about\\_the\\_council/plans\\_and\\_policies/corporate\\_plan/index.asp](http://www.reigate-banstead.gov.uk/council_and_democracy/about_the_council/plans_and_policies/corporate_plan/index.asp)
2. 'The Mobile Homes Act 2013 - A Guide for Local Authorities on setting site licensing fees' - <https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees>
3. Equality Impact Assessment
4. Residents feedback letter