

Background Papers, if any, are specified at the end of the Report

MOBILE HOMES FEES POLICY

Contact Officer: Nathan March 01494 732056 nmarch@chiltern.gov.uk

RECOMMENDATIONS

- **To note the updated guidance regarding local authority powers to charge administration and monitoring fees in respect of the Mobile Homes Act 2013.**
- **To agree and adopt the draft Fees Policy in respect of Mobile Homes Sites**

Background

- 1 Following the report regarding the Mobile Homes Act presented at the Licensing and Regulation Committee on 13th February 2014, further advice has been received from the DCLG which has an impact on the appropriate timescales for setting and charging fees.
- 2 There are six licensed permanent multiple residential caravan sites (i.e. with more than one caravan) and 11 licensed permanent single residential sites in the Chiltern District. New applications are received infrequently – less than one application per year.
- 3 The 2013 Act amends the 1960 Act by introducing (amongst other matters) new provisions in relation to local authority powers with effect from 1st April 2014. These are:
 - Power to charge fees for new residential site licences, licence transfers and variations.
 - Power to charge an annual fee to existing residential site licence holders.
 - Power to refuse a licence (or to refuse to transfer a licence).
 - New enforcement powers to tackle breach of licence conditions including powers to serve and enforce ‘compliance notices’ and undertake emergency works together with the power to recover expenses and costs relating thereto.
 - Requirement to be the keeper of ‘Site Rules’ deposited with the authority by site operators and Registers.

Licence Fee Policy

- 4 The 2013 Act requires that where a local authority intends to charge fees it must prepare and publish a fee policy, which can be revised from time to time. A draft fees policy is attached for consideration in **Appendix 1**.

- 5 The Council previously agreed that no fees are charged in the first year 2014/15 and a fee policy would be developed during the coming year to be implemented from April 2015.
- 6 However, following this decision, further guidance and clarification has been received which has made it essential that fees are set promptly so that they can be charged to operators during the current financial year.
- 7 The reason for this is that the date on which a local authority introduces its annual charge will determine whether a site owner can pass on the fee to their residents through the pitch fee.
- 8 A site owner can only pass on the annual fee in the first year after the legislation comes into force, which means they can only pass the fee on in a pitch fee review that falls between 1 April 2014 and 31 March 2015.
- 9 The fee policy should set out :
- a. the fees payable for
 - i. applications for the grant of a site licence
 - ii. applications for the transfer of a site licence
 - iii. applications for the alteration of a site licence
 - iv. an annual fee for an existing licence
 - b. the matters of apportionment of those costs in the setting of those fees
 - c. if an annual fee is to be paid, when it is to be paid
 - d. how surpluses and deficits are to be treated and
 - e. such other matters as the local authority consider to be relevant.
- 10 Following adoption of the policy the authority must publish the policy before charging any fee. Any revision of the fee must be in accordance with the policy. The authority must publish the policy following any revision of the policy.

Proposed fees

- 11 The draft policy includes all of the proposed fees for the chargeable functions that the Council will undertake.
- 12 The fees have been developed with consideration as to the amount of officer time each process is estimated to take and how much this costs to the Council, using an average cost of £47 per hour.
- 13 The cost of the systems required to conduct the functions has also been included in the charges to e-enable the service in line with the shared service business case developed for Licensing.
- 14 The breakdown of the chargeable functions included in the fees is shown in Table 1 in **Appendix 1**.

Background Papers

Mobile Homes Act 2013 Licensing and Regulation Committee Report, 13 February 2014
