

SUBJECT:	Mobile Homes Fees Policy
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health & Housing

1. Purpose of Report

- 1.1 To advise the Licensing Consultative Body of further guidance received from the Department for Communities and Local Government (DCLG), and the impact of this guidance.
- 1.2 To introduce the draft fees policy and fees in relation to Mobile Home Sites

2. Links to Council Policy Objectives

- 2.1 The provision of an efficient and effective licensing service contributes to the Council's Corporate Plan Key Theme 3 of safe communities.

3. Background

- 3.1 Following the report regarding the Mobile Homes Act 2013 ("2013 Act") presented at the Licensing Committee on 29th January 2014, further advice has been received from the DCLG which has an impact on the appropriate timescales for setting and charging fees.
- 3.2 The 2013 Act amends the Caravan Sites and Control of Development Act 1960 ("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.

4. Licence Fee Policy

- 4.1 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
- 4.2 The Council previously agreed that no fees are charged in the first year 2014/15 and a fee policy would be prepared, adopted and published by the Head of Health & Housing in consultation with the Chairman of the Licensing Committee and the Portfolio holder for Resources during the coming year to be implemented from April 2015.
- 4.3 However, following this decision, further guidance and clarification has been received which has made it essential that fees are set as soon as possible so that they can be charged to site owners during the current financial year.

- 4.4 The reason for this is that the date on which a local authority introduces its annual fee will determine whether a site owner can pass on the annual fee to their residents through the pitch fee as provided for in the legislation.
- 4.5 A site owner can only pass on the annual fee in the first year after the 2013 Act comes into force, which means they can only pass the annual fee on in a pitch fee review that falls between 1 April 2014 and 31 March 2015.
- 4.6 Having now had the benefit of further guidance officers have been able to understand and consider the full effects of the 2013 Act. Also as the Joint Licensing Team is now formalised the associated costs are known and therefore the Council is now in a position to to set fees.
- 4.7 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
- 4.8 Following adoption of the policy the authority must publish the policy before charging any fees. Any revision of the fees must be in accordance with the policy. The authority must also publish the revised policy following any revision of the policy.
- 5. Proposed fees**
- 5.1 The draft policy includes all of the proposed fees for the chargeable functions that the Council will undertake
- 5.2 The proposed 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.
- 5.3 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.
- 5.4 Due to the legislation being recently introduced it has been difficult to obtain comparative fees from other local authorities. The same fees as proposed within this policy have been proposed for Chiltern District Council as the cost of carrying out the licensing functions will be the same as a result of the joint Licensing Service. Wycombe District Council and Aylesbury Vale District Council are yet to set any fees.
- 5.5 Draft fees have been obtained from 2 Berkshire authorities and are shown in table 2 of Appendix 1 for comparison, these highlight the level of variance that exists in each authority; the important consideration is that the fees allow the authority to recover its cost without making a profit.

5.6 The breakdown of the chargeable functions included in the fees is shown in Table 1 in Appendix 1.

6. Resource, Risks and Other Implications

6.1 Financial Implications - The Government's intention is that the cost of administering the licensing regime will be met from fee income. However, as the number of sites in south bucks is small, any income from fees is also likely to be minimal and any additional workload is likely to be absorbed within existing resources.

6.2 Legal Implications - The 2013 Act imposes new legal duties and grants new powers to local authorities in respect of residential caravan site licensing. Failure to adequately discharge these duties and powers may result in a legal challenge from mobile home site licence holders, residents or other aggrieved parties. Any fees policy should be carefully developed having regard to guidance and the actual cost of administering licencing to reduce the risk of challenge or non-payment.

6.3 Guidance has identified that unless the Council sets a fee within the first year of the relevant provisions in the 2013 Act coming into force the Site Owner will be unable to pass on the annual fee to the Caravan Site or Park Home residents.

6.4 Equalities Impact - The recommendations in this report do not impact on equalities

7. Recommendations

7.1 It is recommended to the Licensing Consultative that the proposed fees for 2014/2015 as set out in the Table and the draft Fees Policy attached to this report at Appendix 1 be the subject of a consultation exercise.

7.2 The Licensing Consultative Body is requested to recommend to Full Council:

- i. That a Fee Policy is, adopted and published to take effect from 2014 and that fees now be charged from 2014.
- ii. That the delegation to the Head of Health and Housing in consultation with the Chair of Licensing Committee and the Portfolio Holder for Resources be amended to include consultation and once published subsequent reviews of the Fees Policy as follows - The Head of Health and Housing in consultation with the Chair of Licensing Committee and the Portfolio Holder for Resources prepare, adopt and publish a Fees Policy having taken into consideration responses received from the consultation when undertaken in accordance with the Mobile Homes Act 2013 and undertake subsequent reviews of the published Fees Policy.

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Background papers:	Licensing Committee report on The Mobile Homes Act, 29th January 2014

The following is an indication as to what fees are based on, but is not limited to:

Application for New Licence

General administration	£198
Site inspection	£141
System development, maintenance and upgrades	£95
Total	£434

Annual Fee

General administration	£38
Complaints and enquiries	£115
3 yearly site inspection (pro-rata)	£49
Committee time including preparation of reports	£54
System development, maintenance and upgrades	£95
Total	£351

Deposit/variation/deletion of Site Rules

General administration	£47
Total	£47

Transfer/amendment of a Site Licence

General administration	£47
Informal advice to applicant	£70
Total	£117

Table 1

	Reading	Bracknell Forest
Fee		
New Site Licence Application Fee	£718	£402.00 + extra for site visit
Annual Fee	£175-£250	£13 per pitch (sites vary in size significantly with the largest being 470 units)
Deposit/Change of Site Rules	No fee proposed	£107
Transfer/amendment of a Site Licence	£468	£170

Table 2