

Licensing Committee

| | |
|-----------------------------|---|
| Date of Meeting: | 6 th March 2023 |
| Report Title: | Annual review of the Mobile Homes - Fees and Charges Policy 2023-2024 |
| Report of: | Jayne Traverse – Executive Director Place |
| Report Reference No: | To be provided by Democratic Services |
| Ward(s) Affected: | All Wards |

1. Purpose of Report

- 1.1. In accordance with the Mobile Homes Act 2013 (MHA13), which amended The Caravan Sites and Control of Development Act 1960, the Council is permitted to charge a fee for administering the statutory licensing function for residential caravan sites. As part of fee setting the Council is required to have a Fees and Charges Policy in place for mobile home sites, which must be reviewed annually to reflect the cost of administering the licensing function. This report provides the background to the development of an updated charging policy for 2023-2024.
- 1.2. This report seeks to support two Corporate Plan strategic aims and objectives.
 - **Open**
Ensure there is transparency in all aspects of council decision making.
Look at opportunities to bring more income into the Borough.
 - **Fair**
Protect and support our communities and safeguard children, adults at risk and families from abuse, neglect and exploitation

2. Executive Summary

- 2.1. In accordance with the Mobile Homes Act 2013 (MHA13) the Council is permitted to charge a fee for administering the statutory licensing function for residential caravan sites. Appendix 1 provides the proposed Fee & Charging Policy for 2023-2024.

3. Recommendation

- 3.1. The Licensing Committee is asked to approve the proposed Regulatory Services and Health Mobile Homes Fees and Charges Policy 2023-2024 as set out in Appendix 1.

4. Reasons for Recommendations

- 4.1. In accordance with the Mobile Homes Act 2013, the Council must produce a Fees and Charges Policy for the licensing of residential caravan sites where it intends to recover the costs of the service that it provides. These fees and charges shall be reviewed annually to reflect the costs of administering the licences.

5. Other Options Considered

- 5.1. Cheshire East Council has implemented a charging scheme for mobile home licensing functions for several years and in accordance with the Mobile Homes Act 2013. In taking this approach it has committed to the production of a charging policy each year which provides a ‘cost recovery’ charging structure in accordance with guidance from the Secretary of State.
- 5.2. The Council could decide not to charge for this function and consequently would not need to produce and publish a charging strategy. This would however be contrary to the Council’s Charging and Trading Strategy.

| Option | Impact | Risk |
|--|--|--|
| Do nothing – Carry out the Mobile Homes licensing function without a published fees policy. | The Council would not receive eligible income for the work required to administer the Mobile Homes licensing function. | Medium Risk – impacts to service budgets through reduced income. |

6. Background

- 6.1. In accordance with the MHA13, the Council may charge a fee for issuing and administering licences for residential caravan sites. In addition to the licensing of sites the Council may also set a fee for other functions such as maintaining a register of site rules and transferring or amending licences.

- 6.2. The Council must set fees on a “cost recovery” only basis. Therefore, the fees have been set using a time monitoring approach together with officer knowledge of the times involved for carrying out the various functions. This ensures the fees set are as accurately as possible.

- 6.3. The following is a summary of the proposed fees and charges as set out in the Mobile Homes Fees and Charges Policy 2023-2024. The fees have been

calculated for caravan sites as both an initial application fee and an annual fee, and are the same as the charges that were approved for 2022-2023.

| Number of Pitches | 2023-2024 Fee |
|-------------------|---------------|
| < =10 | £211.00 |
| < =20 | £262.00 |
| < =30 | £328.00 |
| < =40 | £394.00 |
| < =50 | £440.00 |
| > 50 | £499.00 |

Additional fees that can be levied on sites are proposed below, again these remain static from the previous year.

- Site Licence Transfer Fee - £116
- Licence amendment (simple) - £116
- Application by the licensee for amendment of conditions - £348 and
- The deposit of site rules - £38

6.4. There has been no alteration to the proposed fees and charges for 2023-2024 compared to those that were approved in 2022-2023 as the caravan site licensing function is being updated to streamline the service with development of updated standard site licence conditions, review of policies and procedures and integration of an updated software system. It is anticipated that this work will have had time to establish over the coming year and that the service will be in a position to carry out an updated cost recovery exercise that is fair and accurate, for 2024-2025. Existing charges are considered suitable to cover current service provision.

7. Consultation and Engagement

7.1. There are no requirements in legislation for any prior consultation or engagement.

8. Implications

8.1. Legal

8.1.1. Sections 3(2A) and 5A of the Caravan Sites and Control of Development Act 1960 provide local authorities with the power to charge a fee for

administering licences for “relevant protected sites.” In addition, section 1(3) sets out that where ‘a local authority sets a fee it must inform the licence holder of the matters to which they have had regard in fixing the fee for the year in question...’. Guidance from the Secretary of State recommends that this should be undertaken by adopting a Mobile Homes Fees and Charges Policy.

8.1.2. A review of fees and charges has been undertaken and this has been used to produce a proposed charging policy for 2023-2024 (Appendix 1).

8.2. Finance

8.2.1. With respect to residential caravan sites, local authorities are able to set a range of fees and charges on a “cost recovery” only basis, as set out in guidance issued by the Secretary of State to local authorities. The proposed new fees (see table in paragraph 5.3) are based on a cost accounting process that reflects site size, officer input and other associated costs.

8.2.2. In addition to the licensing function, the guidance also proposes additional fees and charges which can be set by local authorities, such as the depositing of site rules and the issuing, transferring, or amending of site licences, which are the more administrative functions of the regime. The proposed new fees (see paragraph 5.3) are based upon officer time and associated costs.

8.3. Policy

8.3.1. The Council’s Corporate Plan 2021-2025 sets out our vision for a more open, fairer, greener Cheshire East. This policy will therefore ensure that there is transparency in our approach to the Mobile Homes requirements and our fee setting processes.

8.4. Equality

8.4.1. There are no direct equality implications arising from this report.

8.5. Human Resources

8.5.1. There are no direct resource implications arising from this report.

8.6. Risk Management

8.6.1. The MHA13 specifically allows local authorities to set a local scheme of fees and charges on a cost recovery only basis.

8.6.2. Where a local authority does choose to implement a charging regime this must be supported by a charging policy. This report addresses that need by providing a policy and seeking relevant approval for its implementation.

8.6.3. As with all locally set fees and charges, there is a risk of challenge by those to whom the fee relates. However, it is hoped that the transparent approach to fee setting and the consideration of national guidance on this matter will minimise this risk.

8.7. Rural Communities

8.7.1. There are no direct implications for rural communities.

8.8. Children & Young People / Cared for Children

8.8.1. There are no direct implications for children and young people / cared for children.

8.9. Public Health

8.9.1. There are no direct implications for public health.

8.10. Climate Change

8.10.1. There are no implications for climate change.

| Access to Information | |
|------------------------------|---|
| Contact Officer: | Name: Sarah Sutton Job Title: Commercial Services Team Leader Email: sarah.sutton@cheshireeast.gov.uk |
| Appendices: | Mobile Homes Fees and Charges Policy 2023-2024 |
| Background Papers: | The Mobile Homes Act 2013 is available here http://www.legislation.gov.uk/ukpga/2013/14/contents/enacted The Mobile Homes (Site Rules) (England) Regulation 2014 is available here http://www.legislation.gov.uk/cy/uksi/2014/5/made Mobile Homes Act 2013: a guide for local authorities on setting licence fees https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees#section-a-costs-that-can-be-included-in-licensing-fees |