

Licensing Committee

Date of Meeting: 04 March 2019

Report Title: Annual review of the Mobile Homes Act 2013 - Fees and Charges Policy 2019-2020

Portfolio Holder: Councillor Ainsley Arnold – Portfolio Holder for Housing, Planning and Regeneration

Senior Officer: Frank Jordan – Executive Director Place and Acting Deputy Chief Executive

1. Report Summary

- 1.1. 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. As part of setting the fees 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. The purpose of this report is to request that the Licensing Committee approve the proposed Mobile Homes Act 2013 Fees and Charges Policy 2019-2020, as set out in Appendix 1.

2. Recommendation

- 2.1 The Licensing Committee is asked to approve the proposed Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy 2019-2020.

3. Reasons for Recommendation/s

- 3.1. 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. A copy of the proposed Fees and Charges Policy 2019-2020, is attached in Appendix 1.

4. Other Options Considered

4.1. There are no alternatives as the setting of fees is in accordance with the Mobile Homes Act 2013.

5. Background

5.1. 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 and amending licences.

5.2. 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 to ensure the setting of fees is as accurate as possible.

5.3. The following is a summary of the proposed fees and charges as set out in the Mobile Homes Act 2013 Fees and Charges Policy 2019-2020. The fees have been calculated for caravan sites as both an initial application fee and an annual fee together with last years fees and charges for reference;

Number of Pitches	2018-2019 Application fee	2018-2019 Annual fee	2019-2020 Application Fee	2019-2020 Annual Fee
< =10	£188.00	£188.00	£192.00	£192.00
< =20	£232.00	£232.00	£234.00	£234.00
< =30	£272.00	£272.00	£274.00	£274.00
< =40	£341.00	£341.00	£342.00	£342.00
< =50	£384.00	£384.00	£376.00	£376.00
> 50	£514.00	£514.00	£447.00	£447.00

Additional fees that can be levied on sites are proposed as follows together with the fees for 2018-2019;

- Site Licence Transfer Fee - £112.00 (2018-2019 fee was £99.00);
- Licence amendment (simple) - £112.00 (2018-2019 fee was £99.00);
- Application by the licensee to amendment of conditions - £336 (2018-2019 fee was £279.00); and
- The deposit of site rules - £38.00 (2018-2019 fee was £33.00)

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. 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 Mobile Homes Act 2013 Fees and Charges Policy 2019-2020, which is attached as Appendix 1.

6.1.2. It is useful to note that sites cannot be licensed without first being granted planning and other relevant permissions.

6.2. Finance Implications

6.2.1. 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 changes in the 2019-2020 fees (see table in paragraph 5.3) are due to improved cost accounting and reflect the site size and resulting officer input as well as any changes to staffing and other associated costs. The reason for the proposed site fees either increasing by only a small amount or with the larger sites decreasing, is due to a change in officers undertaking inspections, which are now only carried out by a grade 7 officer. Previous this was undertaken by a combination of grade 7 and 9 officers.

6.2.2. 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.

6.3. Policy Implications

6.3.1. The purpose of this report is to approve the Mobile Homes Act 2013 – Fees and Charges Policy 2019-2020.

6.4. Equality Implications

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

6.5. Human Resources Implications

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

6.6. Risk Management Implications

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

6.6.2. 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.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. Borough wide.

8. Consultation & Engagement

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

9. Access to Information

9.1. The background papers relating to this report are available from the following sources.

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>

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Nick Kelly
Job Title: Environmental Protection Team Leader
Email: nick.kelly@cheshireeast.gov.uk

Appendix 1

Mobile Homes Act 2013 Fees and Charges Policy 2019-2020