

Licensing Committee

Date of Meeting: 01 March 2021

Report Title: Annual review of the Mobile Homes Act 2013 - Fees and Charges Policy 2021-2022

Senior Officer: Frank Jordan – Executive Director of Place and 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 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 2021-2022.

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 2021-2022 as set out in Appendix 1.

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.

4. Other Options Considered

- 4.1. 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.

4.2. 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.

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 or 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. This ensures the fees set are as accurately 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 2021-2022. The fees have been calculated for caravan sites as both an initial application fee and an annual fee. 2020-2021 fees are provided for reference purposes.

| Number of Pitches | 2020-2021 Application Fee | 2020-2021 Annual Fee | 2021-2022 Application Fee | 2021-2022 Annual Fee |
|-------------------|---------------------------|----------------------|---------------------------|----------------------|
| < =10 | £198.00 | £198.00 | £202.00 | £202.00 |
| < =20 | £241.00 | £241.00 | £245.00 | £245.00 |
| < =30 | £283.00 | £283.00 | £294.00 | £294.00 |
| < =40 | £353.00 | £353.00 | £371.00 | £371.00 |
| < =50 | £389.00 | £389.00 | £416.00 | £416.00 |
| > 50 | £463.00 | £463.00 | £495.00 | £495.00 |

Additional fees that can be levied on sites are proposed below. 2020-2021 fees are again provided for reference purposes.

- Site Licence Transfer Fee - £116.00 (2020-2021 - £116.00);
- Licence amendment (simple) - £116.00 (2020-2021 - £116.00);
- Application by the licensee for amendment of conditions - £348.00 (2020-2021 - £348.00); and
- The deposit of site rules - £38.00 (2020-2021 £38.00)

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 a Mobile Homes Act 2013 Fees and Charges Policy.

6.1.2. A review of fees and charges has been undertaken and this has been used to produce a proposed charging policy for 2021-2022 (Appendix 1).

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 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.

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. The proposed new fees (see paragraph 5.3) are based upon officer time and associated costs.

6.3. Policy Implications

6.3.1. The purpose of this report is to approve the Mobile Homes Act 2013 – Fees and Charges Policy 2021-2022.

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

6.6.2. 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.

6.6.3. 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.

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.

6.10. Climate Change Implications

6.10.1. The Mobile Homes Fees and Charges Policy has no implications for climate change.

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:

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Appendix 1

Mobile Homes Act 2013 Fees and Charges Policy 2021-2022