

# CHESHIRE EAST COUNCIL

## Licensing Committee

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<b>Date of Meeting:</b>	6 <sup>th</sup> March 2017
<b>Report of:</b>	Environmental Protection Senior Enforcement Officer - Regulatory Services and Health
<b>Subject/Title:</b>	Annual Review of the Mobile Homes Act 2013 (Fees and Charges Policy)

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### 1.0 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 fees and charges policy for 2017-18 as set out in Appendix 1.

### 2.0 Recommendation

- 2.1 The Licensing Committee is asked to approve the proposed Regulatory Services and Health Mobile Homes Act 2013, Fees and Charges Policy 2017-18.

### 3.0 Reasons for Recommendations

- 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 for 2017-18 is attached in Appendix 1.

### 4.0 Wards Affected

- 4.1 All

### 5.0 Local Ward Members

- 5.1 All

### 6.0 Policy Implications

- 6.1 Contained within the report.

## **7.0 Financial Implications**

- 7.1 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 2017-18 fees (see table in para 10.3) is due to improved cost accounting and reflects the site size and resulting officer input it also reflects any changes to staffing and other associated costs.
- 7.2 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 i.e. the more administrative functions of the regime.

## **8.0 Legal Implications**

- 8.1 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 policy for fees and charges; the proposed policy for 2017-18 is attached as Appendix 1.
- 8.3 There are currently 33 residential caravan sites, of various sizes, within the Borough which are included in the fees and charges regime. It is useful to note that sites cannot be licensed without first being granted planning and other relevant permissions. Thus this number of sites is subject to change throughout the year, as and when applicable sites gain planning permission.

## **9.0 Risk Management**

- 9.1 The MHA13 specifically empowers local authorities to set a local scheme of fees and charges on a cost recovery only basis.
- 9.2 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.

## **10.0 Background**

- 10.1 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.
- 10.2 The Council is only able to set fees on a “cost recovery” only basis and 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 that the setting of fees is as accurate as possible.

- 10.3 The following is a summary of the proposed fees and charges as set out in the Regulatory Services and Health, Fees and Charges Policy 2017-18. 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	2016-17 Application fee	2016-17 Annual fee	2017-18 Application Fee	2017-18 Annual Fee
< 10	£226.00	£226.00	£154.00	£154.00
< 20	£267.00	£267.00	£207.00	£207.00
< 30	£308.00	£308.00	£261.00	£261.00
< 40	£349.00	£349.00	£315.00	£315.00
< 50	£390.00	£390.00	£369.00	£369.00
> 50	£430.00	£430.00	£494.00	£494.00

Additional fees that can be levied on sites are proposed as follows and remain unchanged;

- Site Licence Transfer Fee - £72.00;
- Licence amendment (simple) - £72.00 (there is no fee if the change is imposed by the local authority);
- Application by the licensee to amendment of conditions - £264; and
- The deposit of site rules - £20.00

- 10.4 It is proposed that the fees and charges above will not be refundable in the event of any licence being withdrawn, refused or transferred.

## **11.0 Definitions under the Act**

- 11.1 A mobile home residential caravan site is classed as a relevant protected site when designated by planning permission (or by historic caravan site licenses) for residential use only.

*N.B. Purely holiday/recreational parks (even if staff live there full time) and local authority owned parks are excluded from this new enforcement and fees/charging regime. However, holiday parks will still need to be licensed in accordance with existing legislation.*

## **12.0 Access to Information**

The background papers relating to this report are included.

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>

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