

Report to: **Licensing Committee**
Date: **12 November 2015**
Title: **PARK HOMES FEES AND CHARGES POLICY**
Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y / N**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)

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Recommendations:

That the Licensing Committee RECOMMENDS to Council the adoption of the Park Homes Fees Policy and fees (attached at Appendix A).

1. Executive summary

- 1) Under the Mobile Homes Act 2013 a Local Authority may recover the costs of licensing sites by setting a fee. In order to set a fee the Local Authority must adopt and publish a fees policy.
- 2) The fee policy at Appendix A has been devised in accordance with the Department for Communities and Local Government guidance "Guide for Local Authorities on setting site licensing fees"
- 3) The report seeks that the Planning and Licensing Committee approve the adoption of the Fees Policy, and recommend that Fees and Charges be set in accordance with those laid out in the report. The fees will offset the cost of licensing the sites, ensuring that the service is sustainable into the future and safeguarding the wellbeing of residents in line with the Councils Priorities.

- 4) Fees must be set at such a level as to be cost neutral, i.e. there must be no profit made from these fees. The fees set out in the report have been estimated on the basis of time spent in the previous 12 months on licensing sites, and on the likely increased resource required due to the changes to the licensing regime. The fee is not allowed to include the cost of enforcement action, however a separate, suggested recharge rate for enforcement action has been included in the report.

2. Background

South Hams District Council and West Devon Borough Council ('the council/s) have powers under the Caravan Sites and Control of Development Act 1960 (the Act) as amended by the Mobile Homes Act 2013 (The 2013 Act) to issue licences in respect of 'relevant protected sites'. The 2013 Act was introduced in order to provide greater protection to the occupiers of residential caravans and mobile homes, it received royal assent on 26th March 2013.

These changes also include the ability for local authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees.

All of the residential mobile home parks currently licensed by the Councils come under the new licensing regulations; these sites are referred to as 'relevant protected sites'. The following sites are exempted:

- Sites granted for holiday use only (these fall under separate licensing regime)
- Sites which have restrictions at certain times of the year (such as planning conditions)
- Sites owned by Local Authorities in the area they operate

The legislation allows the site owner to pass on each year to residents, through their annual 'pitch fees', the annual licence fee imposed by the Councils in the first year. Therefore as the Councils did not charge a fee in the first year of the legislation there will be no ability for the site owners to pass this charge onto the residents.

Before the Councils can charge a fee they must prepare and publish a fees policy. When fixing a fee the Councils:

- Must act in accordance with their fees policy
- May fix different fees in different cases
- May determine that no fees are required in some circumstances.

Any fees charged must fairly cover the costs (or part of the costs) incurred by the Councils under its functions in Part 1 of the Act, other than the costs of enforcement action. They must be reasonable and transparent and whilst different fees can apply to different types of cases, there must be consistency in the fee structure and its application.

3. Outcomes/outputs

3.1 The Mobile Homes Act 2013 section 1 allows a Local Authority to set a fee for an application for a site licence for a relevant protected site, and also to charge an annual fee to cover the costs of the licensing regime. The adoption of this policy will enable the Councils to charge this fee.

3.2 The legislation also allows the council to exempt certain sites from being charged for a licence. The policy seeks to exempt single unit sites, and also Gypsy and Traveller sites due to the level of involvement we have had with these sites and the strategic housing importance they meet.

4. Options available and consideration of risk

- 1) As we have to licence sites we only have two options:-
 - a) Provide licences free of charge, whilst we would not need to adopt a fees policy the cost burden of licensing would fall on the taxpayers of the Council.
 - b) Introduce a fee for licensing of sites which aims to recover the costs of licensing the site without making a profit/loss.
- 2) At the end of the 2016 financial year a surplus/deficit report will be produced to demonstrate the cost of running the service and whether this has been met or not by licensing fees recovered.
- 3) There is a small risk that by introducing fees we will have an increased workload as a Council to recover the costs of non-payment of fees.
- 4) Also by introducing a fee there will be an expectation from licensees that they will get a better service.

5. Proposed Way Forward

- 1) That the Licensing Committee recommend to Full Council that the proposed fees should be brought into force in time for the 2016 financial year.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	y	Section 1 of the Mobile Homes Act 2013, states that a Local Authority may introduce a charging scheme for the licensing of sites and for charging an annual fee. Before charging a local authority must produce a fees and charging policy in accordance with Section 10A of the Act.
Financial	y	Any fees charged must fairly cover the costs (or part of the costs) incurred by the Councils, therefore there will be no profit made from these fees.
Risk	y	Failure to have a Park Homes Fees Policy in accordance with section 10A will mean that the Council cannot recover the costs of licensing the sites.

Comprehensive Impact Assessment Implications		
Equality and Diversity	y	When writing the policy the Council has considered the impact on any particular communities. Due to the potential impact on the Gypsy and Traveller community the policy seeks to exempt them from charging.
Safeguarding		None known.
Community Safety, Crime and Disorder		<ul style="list-style-type: none"> None known
Health, Safety and Wellbeing		None known
Other implications		N/A

Supporting Information

Appendices:

Appendix A: Park Homes Fees Policy

Background Papers:

Mobile Homes Act 2013

The Mobile Homes Act 2013: A Guide for Local Authorities on setting site licensing fees

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No