

## Report Template

Report to: **Planning and Licensing Committee**  
Date: **10 November 2015**  
Title: **Approval of the Park Homes Fees and Charges Policy**  
Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

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

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### Recommendations:

1. That the Planning and 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 reclaim the costs of licensing sites by setting a charge for licensing sites. In order to set charges the Local Authority must have published 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"

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- 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 funding raised will offset the cost of licensing the sites, ensuring that the service is sustainable into the future and safeguarding the quality of properties in line with the Council's Housing 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 enforcing poorly performing sites, however a suggested recharge rate for enforcement 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 26<sup>th</sup> 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 in line with this policy the maximum that a site owner should be passing onto the site residents is £? /pitch.

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.

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### 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.

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 charge 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 charges we will have an increased workload as a Council to recover the costs of non-payment of fees.
- 4) Also by introducing a charge there will be an expectation from licensees that they will get a better service.

### 5. Proposed Way Forward

- 1) That the Planning and 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.

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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		None known
Health, Safety and Wellbeing		None known
Other implications		None known

### **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**

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

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