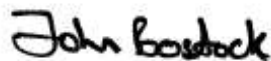


CARAVAN SITE FEE POLICY AND LICENSING FEES

- 1.1 Pursuant to Overview and Scrutiny Procedure Rule 15(C)(1), three members of the Review Committee have requested that the decision made by the Portfolio Holder for Community on 10 February 2017 be called in for scrutiny:-
- ‘That the Council adopts the Fee Policy for Site Licensing and Registering of Site Rules, in accordance with the provisions set out in the Mobile Homes Act 2013.’
- 1.2 To assist Members, copies of the original report of the Assistant Director, Community and Housing Services and the decision by the Portfolio Holder for Community are appended.



John Bostock

Assistant Director, Democratic Services

Background Papers:-

None.

For further information please contact Paul Gowers (Overview and Scrutiny Officer) on:-

Phone: 01702 318178

Email: paul.gowers@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.

EXECUTIVE DECISION BY PORTFOLIO HOLDER FOR COMMUNITY

SUBJECT: CARAVAN SITE FEE POLICY AND LICENSING FEES

1 DECISION MADE

- 1.1 That the Council adopts the Fee Policy for Site Licensing and Registering of Site Rules, in accordance with the provisions set out in the Mobile Homes Act 2013.

2 KEY DECISIONS DOCUMENT REFERENCE No: 10/16

3 REASON FOR DECISION

- 3.1 The Council has a statutory requirement under the Caravan Sites and Control of Development Act 1960 to issue licences on all their mobile home sites and to decide what, if any, conditions to attach. On April 2014, this Act was amended by the Mobile Homes Act 2013 and the changes introduced included:

- Powers for Local Authorities to charge fees for their licensing functions

- 3.2 The Council, to date, has not used these powers and no fees have been charged for the range of functions carried out by its officers.

- 3.3 The Council is to now use its discretion and introduce a transparent and reasonable Fee Policy, as it proposes to charge for the following functions:

- Administration and monitoring of site licences, levied as an annual fee
- Considering applications for the issue of transfer of a site licence
- Considering applications for altering conditions in a site licence

4 NAME OF PORTFOLIO HOLDER

- 4.1 Cllr Mrs J R Lumley.

5 DECLARATIONS OF INTEREST

- 5.1 None.

6 LEAD OFFICER

- 6.1 Louisa Moss (Assistant Director, Community & Housing Services).

I confirm that the above decision does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.

Portfolio Holder Signature: _____



Date of Decision: _____ 10 February 2017

Note: Please ensure that Member Services are provided with the original of the decision on the day it is taken (or by 10.00 am the following morning at the latest) to enable publication.

REPORT TO PORTFOLIO HOLDER FOR COMMUNITY

**REPORT FROM ASSISTANT DIRECTOR, COMMUNITY AND
HOUSING SERVICES**

SUBJECT: CARAVAN SITE FEE POLICY AND LICENSING FEES

1 DECISION BEING RECOMMENDED

- 1.1 That the Council adopt the Fee Policy for Site Licensing and Registering of Site Rules, in accordance with the provisions set out in the Mobile Homes Act 2013.

2 KEY DECISIONS DOCUMENT REFERENCE No: 10/16

3 REASON/S FOR RECOMMENDATION

- 3.1 The Council has a statutory requirement under the Caravan Sites and Control of Development Act 1960 to issue licences on all their mobile home sites and to decide what, if any, conditions to attach. On April 2014, this Act was amended by the Mobile Homes Act 2013 and the changes introduced included:

- Powers for Local Authorities to charge fees for their licensing functions

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- 3.3 The Council is to now use its discretion and introduce a transparent and reasonable Fee Policy, as it proposes to charge for the following functions:

- Administration and monitoring of site licences, levied as an annual fee
- Considering applications for the issue of transfer of a site licence
- Considering applications for altering conditions in a site licence

4 SALIENT INFORMATION

- 4.1 The policy rationale behind the Mobile Homes Act 2013 was that the existing law relating to mobile homes was ineffective and outdated, and provided insufficient powers to local authorities to monitor or improve conditions for residents of mobile home sites.

- 4.2 The Mobile Homes Act 2013 gave the Council powers in connection with those licensed caravan sites that have been given planning consent for permanent residential use. Note that the Act does not apply to sites licensed for holiday use only. Within Rochford, there are 6 licensable residential use, caravan sites.

- 4.3 The licence holders of all 6 residential use sites have been consulted on the Council's intention to set a Fee Policy and on the matters to which it has had regard in fixing the fees and of the amounts. Site inspections have been carried out on all sites, to review the existing caravan site licences and check compliance. The Council Planning Enforcement service and Essex Fire and Rescue Service have also been consulted.
- 4.4 Following the site inspections, no site licences have had to be amended and there was found to be general compliance with the model standards. Monitoring of standards remains ongoing with certain sites. All site rules have been deposited.
- 4.5 The general principle is that the Council should not make a profit from fee charging, but can justifiably recover reasonable costs for licensing and monitoring functions that they undertake. The Government has provided guidance on setting licensing fees.
- 4.6 Whilst fees charged in the first year will be at a particular value for each site, Councils are required to review the fees set annually to assess them for accuracy. Surpluses or deficits are deducted or added to the next annual fee for each site accordingly.
- 4.7 The Act requires the Council to prepare and publish a fees policy before charging a fee. A copy of the draft Fee Policy and its calculation is attached.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The Council could choose not to charge a fee for applications for licences, transfers, variations of conditions, or an annual fee. This would mean, however, that the cost of processing applications and monitoring compliance with licence conditions would not be met by the licence holders, but would continue to fall to the Council Tax payer, which is not considered appropriate.

6 RISK IMPLICATIONS

- 6.1 The Council has a duty to improve conditions and standards in the private housing sector and fee charges recognise the continuing need for officers to monitor and review conditions. The risk of not doing this will impact on the Council's preventative approach to improve the health and safety of residents, and environmental sustainability of these properties.

7 RESOURCE IMPLICATIONS

- 7.1 The revenue implications arising from the proposals are set out in the draft Fee Policy and have been included in the proposed 2017/18 budget plan. The anticipated total income from annual licence fees for the 6 residential sites totals £2,933.00.

8 LEGAL IMPLICATIONS

- 8.1 The Mobile Homes Act 2013 amends the law relating to mobile homes (the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968 and the Mobile Homes Act 1983) and Section 1 provides for fees to be charged for an application for a site licence, for transfers of licences or variation of conditions, as well as an annual fee for sites.
- 8.2 Before fees may be charged, the Council is required to prepare and publish a fees policy, and must fix the fee in accordance with the policy. The fee may not take into account the costs of exercising any functions under sections 9A to 9I, 23 or 24 of the Caravan Sites and Control of Development Act 1960, i.e., enforcement activities such as compliance notices, works in default, emergency action or appeals.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.



LT Lead Officer Signature: _____

Date: 24 January 2017

Background Papers:

None.

For further information please contact Louisa Moss (Assistant Director, Community and Housing Services) on:-

Phone: 01702 318095

Email: louisa.moss@rochford.gov.uk