

**TO: LICENSING AND SAFETY COMMITTEE
9 OCTOBER 2014**

**PARK HOME SITE LICENCE FEE POLICY
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 This report proposes the approval of fees applicable to the Licensing of Caravan Sites within Bracknell Forest which take due account of the outcome of a consultation as to what was to be proposed.

2 RECOMMENDATIONS

- 2.1 **That the Committee approves the fees, reasoning and methodology as set out in Annex A and that date of implementation of these new fees be from 10th October 2014, with the exception of the Annual Fee which would come in to effect on the 1 April 2015.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Policy (Annex A) has undergone the consultation process required and the comments received have been taken into account. There is now an urgency to conclude and introduce the fees in the current year. We have already been approached regarding the depositing of site rules which must be in place in the coming months.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council must publish a Policy and can only recover its costs in agreement with the legal provisions and guidance.

5 SUPPORTING INFORMATION

- 5.1 The Caravan Sites Control of Development Act 1960 (CSCDA 60) introduced a licensing system to regulate the establishment and operation of caravan sites. The Mobile Homes Act 1983 introduced a framework under which terms and conditions of a contract between a Park Home owner and the Site Owner can be contained within a legal framework. The Mobiles Homes Act 2013 (MHA 13) was introduced following serious concerns over a number of years around the equality of position between site and home owners. The MHA 13 was introduced to give more power to stop those unscrupulous site owners exploiting both financially and emotionally park home residents. Unlike most other licensing functions Councils have not been permitted to charge a fee in order to recover the costs associated with the licensing and monitoring of compliance with licence conditions. Conditions are applied to a license so as to try to ensure the protection of the park home owners who live on these sites. With 14 licensed sites within the Borough and nearly 1000 homes provided to a significant higher proportion of elderly and vulnerable residents than within remaining housing stock this protection role is a significant and important one for the local authority.
- 5.2 The charges introduced by the Mobile Homes Act 2013 (MHA13) only apply to relevant protected sites. A relevant protected site is defined in section 5A (5) and (6) of CSCDA60, further guidance has also been issued by the Department for

Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing, Definition of relevant protected sites' (January 2014), and lists the types of sites which would fall into the definition. In summary any licensable caravan site is a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if:

- it has planning permission or a site licence for exclusive holiday use
- there is a restriction on use as permanent residential.

- 5.3 Section 10A (2) of CSCDA60 (as amended) requires a local authority to prepare and publish a fee Policy where they propose to charge for functions associated with the regulation of relevant protected sites. Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.
- 5.4 The proposed Policy details the level of fees the Council will charge in relation to the different functions covered by the Act. The fee levels have been calculated based on the estimated time and cost involved in undertaking the activities involved. The costs include officer time and overheads. The proposed Policy details those costs that the Council can and cannot take into account when calculating the fees it proposes to charge.
- 5.5 It is intended that all fees with exception of the Annual fee should come into effect on the 10 October 2014 so that applications for such matters as the lodging of site rules, variations of existing licences or applications for new licences can start to be processed immediately and the costs incurred recovered. The most likely time period for the process of pitch rent reviews by site owners will be in the period January to March 2015 with implementation from the 1 April 2015. It is therefore proposed in the recommendation that the Annual fee become payable from the 1 April 2015 which would then be an integral part of the pitch fee review process and not be perceived as a financial burden upon the business. In future years all fees will be reviewed as part of the annual review of fees and charges.

Results of consultation

- 5.6 The meeting of this Committee on the 12 June agreed the draft Policy for the purposes of consultation. All Licensed Site owners within Bracknell Forest were contacted and provided with a copy of the draft Policy. In addition all site owners were requested to place a notice setting out the details of the consultation upon their notice board to bring it to the attention of residents. The consultation was published on the Council website through the Consultations and Engagements portal for the period 17 July until 1 September 2014.
- 5.7 Only two responses were received, one from a site owner asking for clarification as to how the fees had been calculated, and one from a resident who wished to understand how any charges made by the Council to the site owner would impact on them. The site owner was provided with actual and estimated times to conduct the expected work derived from time recording data collected over a period of time. Annex B which details the comments and responses as part of the consultation process.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 6.2 Since these are new fees there is currently no budgetary provision for this income, it is estimated that the annual income could be in the order of £10,000. Once the level of income can be more accurately estimated this can be fed into the Council's budget process.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no strategic risk management implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Park Homes site owners, residents of such sites and the community of Bracknell Forest.

Method of Consultation

- 7.2 Park Home site owners and residents were targeted by means of correspondence and posters. In addition the Council consultation portal was used.

Representations Received

- 7.3 Two representations were received and are detailed within Annex B.

Background Papers

Mobile Homes Act 2013
A Guide for Local Authorities on setting site licence fees.

Contact for further information

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