

TO: LICENSING & SAFETY COMMITTEE
15 JUNE 2016

PARK HOME FEE POLICY
Chief Officer: Environment & Public Protection

1 PURPOSE OF REPORT

- 1.1 The Park Home Fee Policy was introduced in 2014 as part of the legislative changes within the Mobile Homes Act 2013. This report reviews the implementation of the Act and recommends some changes within the document to add clarity and layout going forward.

2 RECOMMENDATION

2.1 That the Committee agree that:

- i) **The fees are agreed annually by the Council**
- ii) **The Policy is altered to make it clear that the annual fee is payable for all licensed pitches not just units occupied upon the site**
- iii) **That licensed site owners are consulted upon the draft Policy at Annex B, and that the results of that consultation are reported back to the meeting on 6 October, and**
- iv) **That given the change of fee for new applications is a reduction in charge and beneficial to business, that it be agreed as operational from the date of this Committee.**

3 REASONS FOR RECOMMENDATION

- 3.1 It is necessary to keep the Fee Policy under review and it had come to our notice that we need to clarify an aspect with regard to Annual Fees, to review the costs involved relating to the work necessary to approve a licence for a new site and to acknowledge that fees consultation takes place annually by the Council.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None as it is essential that changes be made to the Policy.

5 SUPPORTING INFORMATION

- 5.1 Section 10A(2) of the Caravan Sites Control of Development Act 1960 (CDCDA60) as amended by the Mobile Homes Act 2013 (MHA13) requires a Local Authority to prepare and publish a Park Home Fee Policy when they propose to charge for functions associated with the licensing of licensed sites. The Policy should detail the types of fees the Council will make for different functions and how the fee levels have been calculated. The Policy also must detail those costs that the Council can and cannot take into account when calculating the fees it charges.
- 5.2 The Council received a report on a draft policy on 12 June 2014 which was consulted upon and agreed by the Committee at its meeting on 9 October 2014. Two years on, officers believe that certain areas of the policy need to be revisited and the purpose

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of this report is to highlight those areas and seek approval for consultation upon a revised policy and adoption based upon the results of that consultation.

- 5.3 The Council conducts an annual review of the fees and charges and puts them out for public consultation. Officers propose a change to the current practice so as to attach them as an appendix to the Policy rather than within the Policy document. This enables the fees to be changed more easily but still retains them within the overall framework of the Policy.
- 5.4 In the original Policy the Annual Fee within the description part of Section 6 is said to be calculated “on a price per unit”. The cost for the Annual Fee is stated as “£13.35 per pitch”. The use of two different terms “unit” and “pitch” has led to a challenge upon the right of the Council to charge per licensed pitch, claiming that the correct fee should be per unit stationed upon the site. To resolve this confusion it is suggested that the term “unit” in Section 6 be removed to make it clear that the fee is per licensed pitch rather than units stationed upon the site.
- 5.5 The other proposed change is in relation to the fee for an application for a new licence. When this fee was originally proposed it was costed to include the first year annual charge. However, it is now clear from guidance issued by the Department for Communities and Local Government that these should be treated as two separate fees. Officers are therefore recommending the removal of the £16.00 price per pitch element from the new site licence fee with the retention of a smaller per pitch element of £5.00 per pitch solely for new sites of over 50 pitches to reflect the additional work that is required for new large site applications. The Committee are asked to approve this fee from the date of the Committee so that any applications received for new sites can be appropriately dealt with in line with government guidance.
- 5.6 When revising the Policy officers have also taken the opportunity to change the wording and layout where necessary to add clarity. The original Policy is attached as Annex A and the revised draft Policy to be considered by the Committee as Annex B. The major changes are highlighted and consist of a new section 3 Fee Structure, which encompasses wording previously contained in Appendix A, the replacement of per unit with per licensed pitch in section 7, of Annual fees and the inclusion of a fees table with the modified new licence fee and the other charges approved by Council for 2017/18.
- 5.7 It is a legal requirement that the Council must consult on any changes to the Policy and therefore all site owners will be consulted upon the proposed new Policy and a report upon the results of that consultation will be brought to this Committee at the next meeting in October.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The local authority as licensing authority has the power to alter the fees and charges as proposed.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

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

Strategic Risk Management Issues

- 6.4 The Policy is required to be consulted upon and the report recognises this and makes provision for it.

7 CONSULTATION

Principal Groups Consulted

- 7.1 All site owners will be consulted upon the proposed changes

Method of Consultation

- 7.2 All site owners will be contacted by mail.

Representations Received)

- 7.3 The responses to the consultation will be reported to the Committee at its next meeting.

Background Papers

DCLG - A Guide for Local Authorities on setting of licence fees

Contact for further information

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