



CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:	
Responsible Officer: Kelly Ansell, Head of Housing & Community Enforcement	
Subject: Mobile Home Licence Fees Review	
Decision taken: To approve the Park Home Fee's Policy 2017, attached at Appendix A.	
<p>Reasons for the decision: The Council is required to licence all Residential Mobile Homes Parks in the Borough under the Caravan sites and Control of Development Act 1960 (As Amended).</p> <p>The Mobile Homes Act 2013 received royal assent on 26th March 2013. The Act introduced important changes to the Caravan Sites and Control of Development Act 1960 which directly affects the way the Council licenses park home sites. Amongst several changes from the 1st April 2014 fees may be charged to site owners for new site licences, annual fees for existing sites and fees for amendments or transfers of existing licences. The current fees for Bournemouth are as set out below;</p>	
New Park Home Licence	£407
Annual Licence Fee	£4.5 (per pitch on the site)
Transfer or Amendment of a Licence	£45
Deposit of Site Rules	£40 (per set of rules)
<p>In accordance with the policy attached at Appendix A these fees will be reviewed every three years to ensure a cost recovery of all reasonable expenses incurred. A review of the fee structure has been carried out and has taken into account all the operational aspects of delivering the licensing.</p> <p>A new fee structure has been developed which is appropriate and reflects the current costs of delivery representing the true cost of procedures and formalities. Relevant considerations when calculating the fees include; administering applications, issuing licences, officer time, annual inspections, stationery costs, postage, time spent consulting with other organisations, legal advice, licensing software. The proposed fee structure is set out in the Park Home Fee's Policy 2017 at Appendix A and summarised here;</p>	

New Park Home Licence	£510 (per licence) plus £14 per pitch
Annual Licence Fee	£6 (per pitch on the site)
Transfer or Amendment of a Licence	£230
Deposit of Site Rules	£47 (per set of rules)

Call-in and Urgency:

This decision is subject to the Council's call-in procedures.

Options - and reasons for rejection:

Option1: To introduce the proposed fee structure to ensure that the cost of the operation of the scheme is reflected in the fees payable to the Council and all expenses incurred are recovered.

Option 2: To maintain fees at the current level and continue to operate the Licensing and annual inspection of sites at unnecessary cost to the Council.

Consultations undertaken:

Legal Services and Financial Services have been consulted on the proposed policy and fee structure. No public consultation is required.

Finance/Resource Implications:

The proposed fee level ensures that the costs incurred by the council are recovered and mitigates impact upon the Council resources

Name: *SHAUN Darcy*
Date: *04/10/17*

Signature: *Assistant* (of *Chief Finance Officer*)

Legal implications:

The fees should be set at a rate to ensure full cost recovery of the costs to the Council. The proposed fee structure is in accordance with the relevant statutory provisions.

Name: *TANYA COURTNE*
Date: *04/10/17*

Signature: (of *Monitoring Officer*)

Risk assessment:

In summary, the risks associated with this decision relate to;

- site owners passing on increased costs to the residents of mobile home sites
- fee structure not fit for purpose which results in financial implications for the Council and/or legal challenge

As noted in the risk assessment, site owners are not able to review site license fee's after the first 12 months of the license fee being issued and the proposed fee structure is fully compliant with the Mobile Home Act 2013.

Name: *Kenny Kishu* Signature: (of Officer completing assessment)

Date: *2/16/17*

Impact Assessments:

Both an Equality and Diversity Impact Assessment and an Environmental Impact Assessment have been conducted. There is no detrimental impact from this policy proposal. In fact the impact is likely to be positive from an Environmental perspective as the licensing regime for Mobile Home Site Licensing is intended to secure improved conditions for residents.

Information for publication:

There is a requirement that we Publish our fees and structure on the web site and make available on request. This will be completed following the approval of this decision and the passing of the relevant call in period.

Background papers:

Mobile Home Site Act 2013

Appendix A - Park Homes Fees Policy July 2017

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
Yes/No* (*Delete as appropriate)			

Decision taken by:

Councillor Robert Lawton

Cabinet Portfolio

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Signed:

Date of decision:

6.10.17

Date of publication of record of decision: (to be inserted by Democratic Services) 13 October 2017

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:

Date: 23 October 2017



Park Homes Fees Policy **June July 2017**

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1. Executive Summary

1.1 The Mobile Homes Act 2013 (The Act) received royal assent on 26th March 2013. The Act introduced important changes to the Caravan Sites and Control of Development Act 1960 which directly affects the way the Council licenses park home sites (also known as “relevant protected sites”). Amongst a number of changes from the 1st April 2014 fees may be charged on site owners for new site licences, annual fees for existing sites and fees for amendments or transfers of existing licences. The Council is required also to publish a fees policy, Table 1 summarises the fees which are set out in more detail in Section 3 and Appendix 1 of this document.

Table 1 Park Home Fees (Relevant Protected Sites only)

New Park Home Licence	£510 (per licence) plus £14 per pitch
Annual Licence Fee	£6 (per pitch on the site)
Transfer or Amendment of a Licence	£230
Deposit of Site Rules	£47 (per set of rules)

1.2 Sites that are for holiday use only or are only allowed to have units stationed on them at certain times of the year and are not relevant protected sites are exempt from these licensing fees.

1.3 The Council will charge fees to recover all reasonable costs incurred in carrying out enforcement activities, such as service of an improvement notice (if site conditions are breached) however they will be calculated on a case by case basis and therefore no set fees apply.

1.4 Site owners had 1 calendar year from 4th February 2014 to propose and agree new site rules prior to depositing them with the Council. Bournemouth Borough Council will publish and update a register of new site rules for which a deposit fee will be charged subject to the correct consultation process with residents.

1.5 The Act also makes provision in the future for site owners to meet a “Fit and Proper Persons” test and for Local Authorities to keep a register. Fees and procedures for maintaining a register will be added as an addendum to this policy should regulations appear enacting this part of the legislation.

2. Introduction

- 2.1 The Caravan Sites and Control of Development Act 1960 came into force on 29th August 1960. Part one of the Act introduced a licensing system, to be operated by Local Authorities to regulate the establishment and operation of caravan sites. The Mobile Homes Act 2013 (“The Act”) amends this primary legislation.
- 2.2 The Mobile Homes Act 2013 received royal assent on 26th March 2013. Implementation of the Act was phased and introduces important changes to park home site licensing. These changes include the ability for Local Authorities to charge site owners a fee for applying for a site licence, for transfers of an existing licence, revising site licence conditions and for an annual fee. Site owners may recover the annual fees through an increase in pitch fees if they choose to do so.
- 2.3 There are currently 9 sites within the borough that are defined as park home sites or „relevant protected sites” as they are defined in the Mobile Homes Act 2013. The total number of park homes on these sites is currently approximately 500.
- 2.4 Section 10A (2) of the Caravan Sites and Control of Development Act 1960 as amended by the Act requires a Local Authority to publish a Fees Policy for the licensing of park home sites. This policy has been developed to enable the Council to charge appropriate fees from 2014. All fees are calculated on a cost recovery basis and represent the true cost of procedures and formalities. Relevant considerations when calculating the fees include; administering applications, issuing licences, officer time, annual inspections, stationery costs, postage, time spent consulting with other organisations, legal advice, licensing software.
- 2.7 As this is new legislation, the fees will be reviewed after 12 months and thereafter on a three year basis with the fees being adjusted up or down accordingly.
- 2.8 The Act also introduces the ability for Local Authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1st April 2014. A charge for any enforcement activities will be made on a case by case basis based on full cost recovery.
- 2.9 The Act also introduces changes to how site rules are administered. Site rules are not the same as the site licence conditions but are an agreed set of rules between the site owner and residents. Regulations came into force on 4th February 2014 which set timescales (12 months from that date) within which site owners will need to replace any existing site rules with new ones that should be

deposited with the Council. A fee for depositing and publishing the site rules is also set out in this policy.

2.10 Regulations regarding a register of fit and proper persons for managing relevant protected sites has yet to be published and will therefore be added to this policy as an addendum if and when they are enacted. This will include details of how the Council intends to administer Section 8 of the Mobile Homes Act 2013 (fit and proper person test).

3. Fees Policy

3.1 Fees

3.1.1 New Licence

The Council will charge a fee of £510 plus £14 per pitch in respect to a new application for a relevant protected site licence.

3.1.2 Annual Fee

The Council will charge site owners an annual fee of £6.00 per pitch on the site based area designated on the site Licence in respect of each existing relevant protected site licence. The number of pitches on the site will be that which exist on the site at the time the annual inspection is carried out.

3.1.3 Transfer or Amendment of a licence

The Council will charge a fee of £230 for alterations to licence conditions where these are requested by a site owner or where an application to transfer the licence to another person/organisation is received.

3.1.4 Site rules

The Council will charge a £47 fee to deposit site rules and to publish them on the Council's website.

3.2. Exemptions from paying fees

3.2.1 Holiday / Touring Caravan sites

Sites that are for holiday use only or are only allowed to have units stationed on them at certain times of the year are exempt from licensing fees.

3.3 Fees: General

3.3.1 Cost Recovery

Fees are calculated on the basis that they will recover the costs incurred by the Council in administering licences which includes both the fixed costs and officer time spent inspecting the sites. Costs taken into account include IT, staff and management costs (including administration, site visit / inspection, report writing and correspondence, liaison with site owners) and travel to sites. Details of how fees have been calculated are set out below in Appendix 1.

3.3.2 Review of Fees

Site fees will be reviewed on a three year basis which will take into account any surplus or deficit in costs that may have built up.

3.3.3 When Fees are payable

□ Annual Fees

For existing sites fees are payable on the 1st September 2014 and then on each anniversary. Reminders will be sent out during the month of August to site owners.

□ New Site Licences

Where a new site licence application is received payment of the New Site Licence fee will be required as part of the application. If granted the annual fee will be payable on 1st September the following year.

3.3.4 Enforcement costs are not included in annual fees

Annual site licence fees do not include any costs incurred in relation to enforcement activities, such as serving compliance notices, emergency action, and works in default as these costs will be recovered on a case by case basis. Costs incurred in enforcement activities will be calculated on a full cost recovery basis.

4. Depositing of Site Rules

4.1 Site rules will be accepted and published on the Bournemouth web site and available to view or download if the correct fee is paid and the site owner can provide evidence that the rules have been correctly consulted and agreed and that there are no outstanding appeals.

Appendix 1 Fee Calculations

New Park Home Licence

Action	Time (Mins) Licensing	Officer	Cost Per Activity
Enquiry received and service request entered on computer system.	30	Admin	£ 13.04
Obtain planning documents. Record type of development permitted and restrictions etc on computer worksheet. Print hard copies of planning documents.	30	Tech Officer	£ 17.03
Make up new caravan site/Park home site file and attach above documentation	20	Tech Officer	£ 11.35
Send out site application form with covering letter and enter action on computer worksheet.	15	Admin	£ 6.52
Contact applicant and make appt to carry out initial site inspection enter action of computer worksheet	10	Admin	£ 4.35
Carry out initial site inspection. Advise applicant as necessary on layout , spacing and other site licence conditions. Help applicant complete application form, if required. Enter record of inspection on computer worksheet. Approx inspection time per unit.	30	Tech Officer	£ 17.03
Travel Time	60	Tech Officer	£ 34.06
Enter particulars on application form on to premises record on computer system. Scan and save application form to computer EDRMS system and link to worksheet.	30	Tech Officer	£ 17.03
Check application valid e.g. all compulsory questions completed and correct fee included	40	Tech Officer	£ 22.71
Carry out LRS to verify applicant is owner of land	30	Tech Officer	£ 17.03
Examine electrical certificate and any other documentation submitted with licence for validity. Enter action on computer worksheet.	20	Tech Officer	£ 11.35
Carry out fit and proper person checks with other council services e.g. council tax, housing benefit, and external agencies e.g. other local authorities. Record Action of computer work sheet.	120	Tech Officer	£ 68.12
Obtain next consecutive site licence number on park home licence spreadsheet and enter details of site against that number.	10	Tech Officer	£ 5.68
Prepare draft site licence and send to applicant with covering letter. Include any recommendations and works required resulting from initial site inspection. Save draft licence and letter to EDRMS and link to computer worksheet.	60	Tech Officer	£ 34.06
Discuss any feedback with applicant on proposed site licence conditions with applicant. If amendments requested seek authority with line manager to amend conditions.	60	Team Manager	£ 45.86
Upon expiry of consultation period amend site licence if required . Print out two copies of site licence and proof read.	60	Tech Officer	£ 34.06
Site licence to be checked and signed by line manager	30	Team Manager	£ 22.93

Send out site licence to applicant with covering letter.	10	Tech Officer	£ 5.68
Scan and save signed copy of site licence to EDRMS system and link to computer worksheet. Insert hard copy of licence to paper file.	20	Tech Officer	£ 11.35
Update public register of licensed sites.	15	Tech Officer	£ 8.51
Upon occupation of site contact site owner to make appointment for licensing inspection	10	Tech Officer	£ 5.68
Carry out full site inspection. Make note of any breaches of site licence conditions/ works required	60	Tech Officer	£ 34.06
Travel time	60	Tech Officer	£ 34.06
Record visit and details on computer worksheet	20	Tech Officer	£ 11.35
Complete risk assessment spreadsheet to determine next routine visit.	10	Tech Officer	£ 5.68
Enter date of inspection and next routine inspection on park homes inspection worksheet. Next routine inspection as scheduled inspection on premises worksheet.	10	Tech Officer	£ 5.68
Send letter to applicant notifying them of outcome of licensing visit.	10	Tech Officer	£ 5.68
TOTAL HOURS PER LICENCE			£ 510

NEW SITE LICENCE PER UNIT

Action	Time (Mins) Licensing	Officer	Cost Per Activity
Carry out initial site inspection. Advise applicant as necessary on layout , spacing and other site licence conditions. Help applicant complete application form, if required. Enter record of inspection on computer worksheet. Approx inspection time per unit.	Time per additional unit		
	10	Tech Officer	£ 5.68
Carry out full site inspection. Make note of any breaches of site licence conditions/ works required	Time per additional unit		
	10	Tech Officer	£ 5.68
Send letter to applicant notifying them of outcome of licensing visit.	Additional time per unit		
	5	Tech Officer	£ 2.84
TOTAL HOURS PER LICENCE			£ 14

ANNUAL LICENCE FEE

Action	Time (Mins) Licensing	Officer	Cost Per Activity
Write to site owner detailing results of inspection and works required to remedy breaches and any certificates required	Per additional unit		
	5	Tech Officer	£ 0.57
Carry out inspection to ensure works requested have been carried out. Approx time per unit	Per additional unit		
	10	Tech Officer	£ 5.68
TOTAL HOURS PER LICENCE			£ 6

TRANSFER OF LICENCES

Action	Time (Mins) Licensing	Officer	Cost Per Activity
Enquiry received and service request entered on computer system.	20	Admin	£ 8.70
Send out application form and covering letter detailing fee required	15	Admin	£ 6.52
Upon receipt of application form scan and attach form to computer worksheet. Attach hard copy to paper file.	30	Admin	£ 13.04
Enter particulars on application form on to premises record on computer system	15	Admin	£ 6.52
Check application valid e.g. all compulsory questions completed and correct fee included	30	Tech Officer	£ 17.03
Carry out fit and proper person checks with other council services e.g. council tax, housing benefit, and external agencies e.g. other local authorities	30	Admin	£ 13.04
Carry out LRS to confirm applicant is new owner of the site	30	Admin	£ 13.04
Amend site licence print out and proof read	60	Tech Officer	£ 34.06
Amended site licence to be checked signed by line manager	30	Team Manager	£ 22.93
Look up records of outstanding historic breaches, outstanding notices etc.	15	Tech Officer	£ 8.51
Send amended site licence to site owner with covering letter. Send written notification of outstanding historic breaches and outstanding notices to new site owner. Add to actions to electronic worksheet.	20	Tech Officer	£ 11.35

Scan and attached signed copy of site licence to electronic worksheet and attached signed hard copy to paper file.	20	Admin	£ 8.70
Attach hard copy of covering letter and notification of outstanding historic breaches and outstanding notices etc to electronic and paper file	15	Admin	£ 6.52
Amend park home site licence spreadsheet and public register of park home site licences.	20	Admin	£ 8.70
General additions time taken with telephone conversations and correspondence with applicant on typical variation enquiry	90	Tech Officer	£ 51.09
TOTAL HOURS PER LICENCE	06:50		£ 230

Deposit of Site Rules

	BBC officer hours	cost p/h	Officer	Total cost
Administration	0.5	£35.00	Tech Officer	£17.50
Administration	0.5	£25.00	Admin Officer	£12.50
Processing payment				£10.00
		Total		£40.00

Action	Time (Mins) Licensing	Officer	Cost Per Activity
Enquiry received to change or lodge site rules	20	Admin	£ 8.70
Verify Consultation with residents	60	Tech Officer	£ 34.00
Update Web page			
	10	Tech Officer	£ 4.30
TOTAL HOURS PER LICENCE			£ 47.00