

Notice of Meeting

Licensing Committee

Date: Thursday, 14 January 2016

Time: 17:30

Venue: Conference Room 1, (Beech Hurst), Beech Hurst, Weyhill Road,
Andover, Hampshire, SP10 3AJ

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Legal and Democratic Service

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Licensing Committee

MEMBER

Councillor J Budzynski

Councillor A Johnston

Councillor N Anderdon

Councillor A Beesley

Councillor A Brook

Councillor Z Brooks

Councillor J Cockaday

Councillor D Denny

Councillor D Drew

Councillor P Hurst

Councillor P Lashbrook

Councillor P Mutton

Councillor J Ray

Councillor I Richards

Councillor A Tupper

Chairman

Vice Chairman

WARD

Winton

Romsey Extra

Chilworth, Nursling &
Rownhams

Valley Park

Alamein

Millway

St Mary's

St Mary's

Harewood

Tadburn

Penton Bellinger

Penton Bellinger

Cupernham

Abbey

North Baddesley

Licensing Committee

Thursday, 14 January 2016

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 3 December 2015**
- 6 Mobile Homes Sites - Licensing and Fees 4 - 12**
To adopt the 2008 Model Standards for Caravan Site licences
and to introduce a licensing fee policy from April 2016.

ITEM 6 Mobile Homes Sites – Licensing and Fees

Report of the Head of Housing and Environmental Health (Portfolio: Housing and Environmental Health)

Recommended:

- 1. That the 2008 Model Standards for caravan site licences be adopted.**

Recommended to Cabinet:

- 2. That the proposed schedule of fees in relation to the licensing of caravan sites and enforcement of licensing, to be operational from 1 April 2016 be adopted.**

SUMMARY:

- New legislation and standards have been introduced to cover mobile home parks that are licensed by the Council
- The 2008 Model standards for Caravan Sites needs to be adopted by the Council so they can be applied to Caravan Site licences
- The Mobile Homes Act 2013 introduced the facility for Councils to charge for licences, and the requirement to have a published licence fee policy in place before doing so. This includes charging for administering licence applications when granting or transferring a licence, or amending site licence conditions, and an annual fee to cover the Council's costs in carrying out inspections and dealing with enquiries and complaints.

1 Introduction

- 1.1** The Council licenses sites on which caravans, mobile homes or park homes are sited. The Government publishes model standards for these caravan sites on which the licence conditions are based. The Council is currently using an older edition of the model standards for licence conditions and not the most current version.
- 1.2** The Mobile Homes Act 2013 introduced the facility for Councils to charge for the work they carry out in relation to caravan site licensing. Test Valley Borough Council currently does not charge for the time and resources spent in administering licences and dealing with enquiries from residents. A fee structure is proposed to allow the Council to charge for this work.

2 Background

- 2.1 The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) came into force on 29th August 1960. Part 1 of the Act introduced a licensing system to be operated by Councils in order to regulate the establishment and operation of caravan sites.
- 2.2 The Council has 11 licensed caravan sites where there are multiple caravans. There are other sites which have been issued a licence for a single caravan. The Council does not revisit these sites to check licence conditions as there is low risk with regard to fire separation and facilities provided.
- 2.3 The Mobile Homes Act 2013 amends the CSCDA 1960 in relation to caravan site licensing. These changes include the ability for a Council to charge the site owners a fee for applying for a site licence; for transferring an existing site licence to another person; for varying site licence conditions at the licence holders request; and for depositing site rules; and for enforcement of the site licence conditions. The Council can also charge an annual fee for holding a site licence, although the legislation does allow a site owner to pass on this charge to residents through their annual pitch fee. These fees will apply to relevant protected sites only as defined in the CSCDA 1960.
- 2.4 The Council is required to publish a fees policy in respect of licensing of caravan sites before these charges can be introduced.
- 2.5 The MHA 2013 gives the Council the power to serve compliance notices and to carry out works in default to remedy breaches of site licence conditions. This work can be charged for on the actual cost to the Council and there is not a set fee.
- 2.6 The Mobile Homes (Site Rules) (England) Regulations 2014 introduced changes to how site rules for caravan sites are administered. Site Rules are set by the Site Owner and are separate from the Site Licence conditions set by the Council. There is no requirement for the site to have site rules but where they exist and the site is a “protected site” (as defined in the CSCDA 1960), a copy of the site rules must be deposited with the Council. The Council will need to be satisfied that the replacement or new rules deposited with it have been made in accordance with the statutory procedure. The Council is required to establish, keep up to date, and publish a register of site rules for applicable caravan sites in their district. In doing so, the Council may charge a fee for the depositing of site rules.
- 2.7 The MHA 2013 introduced provisions relating to a register of Fit and Proper persons responsible for the management of relevant protected sites. Regulations pertaining to these have not yet been published.

3 Corporate Objectives and Priorities

- 3.1 The improvement of standards in park homes fits with the Council's "Live" priority to ensure that residents of these home sites live on good quality and well run sites and their rights are protected. The charge of an annual fee makes the Council accountable and committed to annual inspections to ensure standards are maintained.

4 Consultations/Communications

- 4.1 A letter was sent to all existing site licence holders in September 2015 stating our proposal to adopt the 2008 model standards and to introduce a licence fee policy.
- 4.2 One response was received concerning the model standards. The licence holder was concerned that the existing licence conditions would automatically change and wouldn't be applicable to the current site.
- 4.3 No responses were received regarding licensing. It is proposed to write to all site licence holders when a fee policy has been adopted which will detail what fees are applicable to their sites.

5 Options

- 5.1 Options available for Members to consider are:
- 5.1.1 Whether or not to adopt the 2008 Model standards for Caravan site licensing
- 5.1.2 Whether or not to charge for licensing functions relating to Caravan Sites
- 5.1.3 If in agreement to charge for licensing, whether to use or amend bandings proposed in the draft fee policy, which is shown in the Annex to the report.
- 5.1.4 Whether to determine that no fee is payable in some cases
- 5.1.5 To fix different fees (taking into account that the Council cannot make a profit)

6 Option Appraisal

- 6.1 Model Standards
- 6.1.1 If the Council decides not to adopt the 2008 model standards, all existing and future caravan site licences will be issued on the basis of the 1989 model standards.
- 6.1.2 If the 2008 model standards are adopted, it is proposed that as part of the annual inspections from 2016 to review all existing site licences. Where site licences are felt to be outdated or licence conditions inappropriate, new site licence conditions will be proposed based on 2008 model standards.

This will be done in consultation with the site licence holder and specific to each site. This may require site owners to make improvements to the site which may incur costs. The Council will ensure that any improvements requested are reasonable and proportional. NB any variation fee if approved under the Licence fee policy will not apply to this review process.

6.2 Adoption of a Licence fee policy

6.2.1 Introduction of the licence fee will ensure that resources are targeted to maintaining standards on mobile home parks and protecting the health and safety of the occupants.

6.2.2 The Council would generally be carrying out inspections (although not necessarily annually) and responding to complaints and enquiries and charging a fee for this work would ensure that it continues.

6.2.3 The Council would be receiving an income for work that is already being carried out and so produces a saving for Council finances.

6.3 Licence fee bandings

6.3.1 The site licence fees are calculated on bandings of different size pitches. This is one of the suggested methods to calculate licence fees suggested in DCLG guidance on setting site licence fees.

6.3.2 The site licence fee bandings reflect that different size sites take a different amount of time to inspect and deal with.

6.3.3 The current relevant protected sites in Test Valley are shown in the table below and the corresponding banding.

Site	Number of permitted homes	Banding
Land at Leckford Hutt, Chilbolton	5	2-5
Drayton Caravan Park, Barton Stacey	7	6-15
Wheelhouse Park, North Baddesley	20	16-30
Kindersley Park, Andover	22	16-30
Kingston Park, West Wellow	26	16-30
Mullenscote, Weyhill	30	16-30
Harewood Park, Andover Down	34	31-45
Elmstead Park, Cholderton	41	31-45
King Edward Park, North Baddesley	41	31-45
Rownhams Park, Toothill, Romsey	53	46+
St James Park, North Baddesley	60	46+

6.3.4 Single sites will normally not fall under the definition of a relevant protected site and will therefore not be covered under the site licence fees regime. They are also not subject to annual inspections and very few enquiries or complaints are received about existing licensed sites. For this reason they have not been included in the bandings above.

6.3.5 Alternative methods to calculate the site licence fee include the total cost to the Council divided by the total number of pitches to produce a per unit cost which is then multiplied by the number of units per site. This was not used as the information needed on time recording is not held.

6.4 Determine No Fee is Payable

6.4.1 The Council has the discretion to determine that no fee is payable for all sites or for sites meeting certain criteria. The Council will incur the costs specified whether or not a fee is charged so it is recommended that the fee is introduced.

6.4.2 The Council also has the discretion to only charge fees to sites of a certain size. Single sites are unlikely to fall under the definition of a relevant protected site and therefore are not covered by the fee structure. Smaller sites will not necessarily require the same level of interaction from Council officers, however they will have involved some processes and interaction when first applying for a licence (covered in granting or transferring licences) so they are still covered in the bandings.

6.5 Fix fees

6.5.1 Proposed fees are calculated based on estimated time taken to complete the necessary tasks. The Council is not permitted to charge more than the cost incurred in carrying out the task but may decide to charge less. This has not been proposed as if the Council is charging it is more transparent to calculate the actual cost and monitor expenditure.

7 Resource Implications

7.1 Based on the proposed charges and the existing numbers on sites, an additional income of £3697.75 would be produced. There would be no additional resources needed as the work is currently carried out by existing staff.

8 Legal Implications

8.1 Adoption of the 2008 Model Standards and the Mobile Homes Act 2013 fee policy would ensure compliance with the latest published standards and allow the Council to carry out efficient enforcement.

9 Equality Issues

- 9.1 Many of the mobile home sites are semi-retirement and potentially occupied by vulnerable elderly persons. Ensuring that the sites are efficiently run and in compliance with site licence conditions will ensure that we safeguard the health and wellbeing of the occupants.

10 Other Issues

- 10.1 Community Safety – none
- 10.2 Environmental Health/Sustainability Issues – Ensuring compliance with effective site licence conditions should reduce the complaints and enquiries from residents and neighbours of sites.
- 10.3 Property Issues – none
- 10.4 Wards/Communities Affected – All The policy is Borough wide.

11 Conclusion

- 11.1 Adoption of the 2008 Model Standards would ensure that the Licences issued under the Caravan Sites Control of Development Act 1960 are relevant, proportional and current.
- 11.2 Adoption of a Licensing fees policy would ensure that the Council is committed to working with and improving living conditions for residents of park homes by ensuring that the resources and funding for inspections is provided. As the fee structure is open and transparent the actual cost to the Council will be monitored and the fees will be adjusted accordingly.

Background Papers (Local Government Act 1972 Section 100D)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	1		
Author:	Deborah Vincent	Ext:	8211
File Ref:			
Report to:	Licensing Committee	Date:	14 th January 2016

Test Valley Borough Council Mobile Homes Sites Licensing Fee Policy

Introduction

The Caravan Sites and Control of Development Act 1960 (“the Act”) requires certain caravan sites (also referred to as Mobile Home Parks or Park Homes) to be licensed by Councils. The Mobile Homes Act 2013 amends this legislation and allows the Council to charge site owners a fee in specified cases. This Act came into effect on 26 May 2013.

Section 10A (2) of Act requires a Council to publish a Fees Policy before charging a fee. This fee policy details when a fee is payable, what fee is payable and how these fees have been calculated. In setting this policy, Test Valley Borough Council has had regard to the DCLG document “The Mobile Homes Act 2013 – A Guide for Local Authorities on setting site licensing fees”.

Scope of the Licensing fees

Fees will apply to relevant protected sites who require a site licence under the Act.

A relevant protected site is defined in the Act as any land to be used as a caravan site other than one detailed in the exemptions.

The licence fee will not apply to the following sites

- i. Sites for holiday use only
- ii. Sites where conditions require that there are times of year when no caravan may be stationed on the land for human habitation
- iii. Sites that are occupied only by the site owner and his/her family or by a person employed by the site owner except where under an agreement to which the Mobile Homes Act 1983 applies.

Fees will be charged for:

- i. applications to grant a new site licence,
- ii. applications to transfer a site licence;
- iii. applications to vary site licence conditions;
- iv. depositing of site rules with the Council;
- v. an Annual fee for administering and monitoring licences

In addition the Council is able to charge for enforcement activity and works in default which are not included in the licence fee.

Calculation of the licence fee

Licence fees have been calculated on the cost to the Council for carrying out the specified activity.

The Annual fee includes the cost to the Council for carrying out an annual site survey, and associated correspondence, and dealing with enquiries and complaints from residents (not including the taking of formal enforcement action).

The Council cannot make a profit on licensing fees. Charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

Licence Fees

Applications for Granting a Site Licence

Fees are payable on application. Applications will not be processed until the correct fee is received.

Number of units proposed	1-5	6-15	16-30	31-45	46 and above
Charge	£288	£340.50	£375.50	£419.25	£463

Applications for Transferring a Site Licence

Fees are payable on application. Applications will not be processed until the correct fee is received.

£110.25 regardless of site size

Applications for varying a Site licence conditions

Fees are payable on application from a licence holder to vary the site licence conditions. Applications will not be processed until the correct fee is received. No fee is payable if Test Valley Borough Council decides on its own initiative to vary the licence conditions.

Please note that an application to vary site licence conditions and payment of a fee does not mean that Test Valley Borough Council will agree to this variation.

£253.75 regardless of site size

Applications for depositing Site Rules

The Mobile Homes Act 1983 (as amended) requires a site owner to deposit the site rules with the local authority and for the local authority to publish them on its website. The cost for this takes into account the officer time required to do this. The fee is payable at the time of depositing site rules.

£46.75 regardless of site size

Annual Fee

The Annual Fee will apply from 1 April each year. Requests for payment will be sent out in April and are expected to be paid within 28 days of the date of the invoice.

Site licences which are issued part way through the year will not be required to pay an annual fee until the following April.

If a fee is not paid within the 28 days, the Council will apply to a tribunal for an order requiring its payment by a date specified. If the fee is not paid as directed by that order the Council may enforce the order in the county court, and after a period of 3 months of the date specified in that order if it still remains unpaid, apply to the First Tier Tribunal for an Order revoking the site licence.

Number of units on site	2-5	6-15	16-30	31-45	46 and above
Charge	£232.75	£250.25	£337.75	£372.75	£372.75

Enforcement Fees

Any enforcement action cannot be included in licensing fees. The Mobile Homes Act 2013 amends the Act to include provision for charging for enforcement. The Council is entitled to recover its costs in deciding to and in the service of a compliance notice. This includes costs incurred in inspections, preparing the notice and obtaining expert advice on it (including legal costs) and any interest the authority intends to charge. This will be calculated on an individual case basis and the demand for recovery will be sent with the compliance notice.

The Council can and will recover the costs involved in respect of work in default and emergency works including the cost of serving notices.

Review of Fee policy

As this is a new provision the policy for fee calculation will be reviewed 2 years from implementation to assess any changes that need to be made. However the fee levels will be reviewed each year as part of the Council's Fees and Charges report to take into account the effect of inflation and any surpluses or deficits incurred on the predicted level of expenditure in the previous year.

In setting annual fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year and will confirm to the site owner the annual fee for the forthcoming year.

January 2016