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| **REPORT TO** | **ON** |
| **Licensing and Public Safety Committee** | **10 September 2019** |
|  |
| **TITLE** | **REPORT OF** |
| **Mobile Home Fees Policy** | **Interim Monitoring Officer/ Legal Services Manager** |

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| Is this report confidential? | **No**  |

**PURPOSE OF THE REPORT**

1. To review the existing fees policy and extend the current structure relating to fees for a further 3 years.

**RECOMMENDATIONS**

1. To note the contents of the report and to consider any responses to the consultation.
2. To agree to extend the current fee structure for a further 3 years.

**CORPORATE PRIORITIES**

1. The report relates to the following corporate priorities:(tick all those applicable):

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| Excellence and Financial Sustainability | X |
| Health and Wellbeing | X |
| Place | X |

Projects relating to People in the Corporate Plan:

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| People  |  |

**BACKGROUND TO THE REPORT**

1. In February 2018 member’s received an extensive report regarding the adoption of the Model Standards 2008 along with a proposed fees policy. The fees policy was due for revision annually and expired on the 31st March 2019.
2. It is right that fees and charges are kept under regular review to ensure fairness for the fee payer and to ensure the Local Authority are as much as possible covering their costs in relation to performing that function.
3. The current Fees Policy is attached as Appendix 1 with some minor amendments added for approval.
4. No amendments to the fee structure are proposed but the period of time the fees policy covers should be extended from 12 months to 3 years.

**RATIIONALE**

1. Reviewing fees is an essential function and drastic variances should be remedied as soon as possible. The fee structure was implemented in March 2018 and estimated to cover the costs of performing the function over the financial year of 2018/2019.
2. There are 3 mobile home sites Licensed with the Council, each have received at least 2 visits in 2018/2019. However complaints or enquires that come in over the term of 1 year are more difficult to predict in terms of numbers and complexity. The Council dealt with some concerns from the residents from one site in 2018/2019 which involved numerous reassurance visits and follow up discussions with the site owners. Matters were resolved with no need for enforcement action but realistically took between 12-15 hours to resolve.
3. The approach to regulation from most if not all forms of guidance is for regulators to approach matters of compliance in an informal way seeking agreement where possible through negotiation and co-operation, jumping directly into enforcement action should only be done in the most serious of cases or where other more informal methods have failed.
4. The fees policy allows a Local Authority to charge enforcement costs, but enforcement begins when formal action is being considered, ie legal action or Enforcement Notices. Dealing with every day matters of such as complaints or compliance checks is funded from the Licensing fees.
5. If effective negotiation between the parties is achieved then complaints can be resolved, this should result in less time being spent at the site the following year therefore less cost being incurred to deliver the function.
6. Whilst the administration function of issuing the licence year on year is predictable the compliance matters outlined above are not. For this reason a year on year fees policy could swing one way or the other quite dramatically depending on the levels of activity.
7. A 3 year fees policy would allow the Council to aggregate the costs over a longer period to give a fairer and more stable structure. In addition to a fairer assessment the issue of renewing policy year on year comes with its own set of costs, such as report writing, attending hearings and consultation with effected parties. As this cost can be passed on to the Licence Holder it would mean fees potentially becoming more expensive especially if substantial resource has been directed in that financial year to dealing with the function.
8. Year on year fluctuation may also provide uncertainty for residents of the sites as the Licence Holders are permitted in law to recover the costs of the Licensing fee through the site fee that each resident has to pay annually.

**OUTCOME OF CONSULTATION**

1. An advisory letter was sent to each of the 3 currently – licensed site operators on the 8th August 2019 asking for comments by no later than the 9th September 2019.
2. The Proposed revised fees policy has also been published on the Council web site.

**Financial implications**

1. There are no direct financial implications because the fees are remaining the same.

**LEGAL IMPLICATIONS**

1. Fees must be set in accordance with the Act and should fairly cover the costs (or part of the costs) incurred by the Council under its functions in Part 1 of the Act, other than the costs of enforcement action.

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

1. Please see financial implications above.

**COMMENTS OF THE MONITORING OFFICER**

1. There is no legal requirement to consult with mobile home owners. However, a consultation has been carried out to seek the views of those affected by the policy.

**OTHER IMPLICATIONS:**

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| * **HR & Organisational Development**
* **ICT / Technology**
* **Property & Asset Management**
* **Risk**
* **Equality & Diversity**
 | None identifiedNone identifiedNone identifiedNone identifiedNone identified |

**There are no background papers to this report**

**APPENDICES**

**Appendix A** – Proposed fees policy

David Whelan

Interim Monitoring Officer/ Legal Services Manager

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| Report Author: | Telephone: | Date: |
| Mark Marshall – Head of Licensing | 01772 62(5401) | 30 August 2019 |