



## LICENSING COMMITTEE

THURSDAY 6<sup>TH</sup> NOVEMBER 2014 AT 6.00 PM  
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

### Councillors:

Jim Sanson (Chairman)	David Jenkins
Roger Clarke (Vice-Chairman)	Christian Mitchell
Peter Burgess	Josh Murphy
George Cockman	Sue Rogers
David Coldwell	Kate Rowbottom
Roy Cornell	David Skipp
Christine Costin	Diana van der Klugt
Brian Donnelly	

*You are summoned to the meeting to transact the following business*

TOM CROWLEY  
Chief Executive

### AGENDA

**Page  
No.**

1. Apologies for absence
2. To approve as a correct record the minutes of the meeting of the Committee held on 12<sup>th</sup> June 2014 **1**
3. To receive any declarations of interest from Members of the Committee
4. To receive any announcements from the Chairman of the Committee or the Chief Executive
5. To consider the following reports of the Environmental Health & Licensing Manager:
  - (a) Hackney Carriage and Private Hire Licence Fees **3**
  - (b) The Mobile Homes Act 2013 – Licence Fees **9**
  - (c) Environmental Health & Licensing – Licence Fees for 2015/2016 **25**
6. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances



**LICENSING COMMITTEE**  
**12<sup>th</sup> June 2014**

Present: Councillors: Peter Burgess, Roger Clarke, George Cockman, David Coldwell, Brian Donnelly, Christian Mitchell, Sue Rogers, Kate Rowbottom, Jim Sanson, David Skipp, Diana van der Klugt

Apologies: Councillors: Christine Costin, Roy Cornell, David Jenkins, Josh Murphy

Also present: Councillors: John Bailey, Brian O'Connell

LI/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Jim Sanson be elected Chairman of the Committee for the ensuing Council year.

LI/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor Roger Clarke be appointed Vice-Chairman of the Committee for the ensuing Council year.

LI/3 **TIME OF MEETINGS**

RESOLVED

That meetings of the Committee be held at 5.30pm for the ensuing Council year.

LI/4 **MINUTES**

The minutes of the meeting held on 7<sup>th</sup> November 2013 were approved as a correct record and signed by the Chairman.

LI/5 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/6 **ANNOUNCEMENTS**

There were no announcements.

*The meeting ended at 5.45pm having commenced at 5.30pm*

CHAIRMAN



# Report to Licensing Committee

6<sup>th</sup> November 2014

By the Environmental Health & Licensing Manager

**DECISION REQUIRED**

Not exempt



**Horsham  
District  
Council**

## **Hackney Carriage and Private Hire Licence Fees**

### **Executive Summary**

This report sets out the proposed fees for hackney carriage and private hire licences for the three financial years 2015/16 to 2017/18. The legislation requires that Councils consult on the fees and take into account any comments received from the trade before coming to a final decision.

Fees for hackney carriage and private hire licences were last set in 2012. Setting fees for a period of three years at a time allows the trade to be able to plan their business development and be certain of their fees over that period.

Set out in appendix 2 to the report is a draft advert for placement in the West Sussex County Times on Thursday 20<sup>th</sup> November 2014 seeking any comments by Wednesday 17<sup>th</sup> December 2014.

### **Recommendations**

The Committee is recommended:

- i) To agree that the fees set out in appendix 2 to this report proceed for a statutory consultation with the hackney/private hire trade and the public, and
- ii) That, subject to there being no representations, to delegate implementation to the Environmental Health and Licensing Manager in consultation with the Chairman of the Licensing Committee.

### **Reasons for Recommendations**

- i) To ensure compliance with legislative requirements.
- ii) To ensure transparency and openness in decision making.

### **Background Papers**

**Consultation:** To be conducted

**Wards affected:** All

**Contact:** A Skipper x 5471

## **Background Information**

### **1 Introduction**

#### **The purpose of this report**

- 1.1 The purpose of this report is to agree the fees for hackney carriage and private hire licences for consultation with the trade. The proposed fees are set for three years and the first years fees will take effect on 1st April 2015.

#### **Background**

- 1.2 Local Government (Miscellaneous Provisions) Act 1976
- 1.3 The Council is responsible for the licensing of hackney carriage and private hire drivers, vehicles and operators

### **2 Statutory and Policy Background**

#### **Statutory background**

- 2.1 Local Government (Miscellaneous Provisions) Act 1976

#### **Relevant Government policy**

- 2.2 Fees for hackney carriage and private hire licences can only be agreed following consultation with the trade.

#### **Relevant Council policy**

- 2.3 Council policy is that fees set should cover the costs of the licensing regime and not be a burden on the general charge payer. Under the Council's constitution the setting of fees is delegated to the Licensing Committee to determine.

### **3 Details**

- 3.1 Fees for hackney carriages and private hire licences were last set in 2012. Setting fees for a period of three years at a time allows the trade to be able to plan their business development and be certain of their fees over that period.
- 3.2 Set out at appendix 2 to this report is the proposed fee table for the three financial years 2015/16 to 2016/17. The fees are calculated taking into account officer time, transport and external costs that the Council incurs. The Council has recommended that wherever possible fees and charges should go up by a minimum of 2% for the financial year commencing 1<sup>st</sup> April 2015 to allow for inflation. The proposed fees take this into account and are set to cover the Council's costs in respect of the service.

- 3.3 The legislation requires the Council to consult with the trade and take into account any representations received before finalising the fees. Any fees agreed will take effect on 1st April 2015, 1st April 2016, and 1st April 2017.

## **4 Next Steps**

- 4.1 Subject to agreement by the Licensing Committee the fees advert set out at appendix 2 will be placed in the West Sussex County Times on 20th November 2014 with a reply deadline of 17th December 2014.
- 4.2 If no representations are received from the consultation, to delegate implementation to the Chairman of the Licensing Committee. If any representations are received they will be considered by the Licensing Committee before any final decision is made. It is proposed that subject to the statutory consultation procedure the new fees will take effect on Wednesday 1<sup>st</sup> April 2015.

## **5 Outcome of Consultations**

- 5.1 Should any representations be received they will be considered by the Licensing Committee in January before any final decision is made

## **6 Other Courses of Action Considered but Rejected**

- 6.1 None

## **7 Staffing Consequences**

- 7.1 None

## **8 Financial Consequences**

- 8.1 The financial implications arising from this report have been built into budget assumptions for the financial year 2015/16 and will be included in budgets for future years

## **9 Legal Implications**

- 9.1 The legal implications are contained within the body of this report.

## Appendix 1

### Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached No</p>	<p>Council policy is that fees set should cover the costs of the licensing regime and not be a burden on the general charge payer</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>N/A</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The proposal has no specific implications for human rights.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<p>There would be no negative impacts on those groups with protected characteristics under the Equality Act 2010 if the recommendations in this report are approved.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Setting fees for a period of three years at a time allows the trade to be able to plan their business development and be certain of their fees over that period.</p>



## Appendix 2

### Horsham District Council Local Government (Miscellaneous Provisions) Act 1976 sec 53 and 70 Fees for Hackney Carriage and Private Hire Vehicles, Operators and Drivers

In the exercise of powers given by section 53 and 70 of the Local Government (Miscellaneous provisions) Act 1976, Horsham District Council has determined to vary the fees set out in the said section 70(2) and proposes that the following shall apply:

Licence	Current	Proposed		
		1/4/15	1/4/16	1/4/17
<b>Hackney Carriage Vehicle</b>				
On first application				
Renewal	319.00	325.00	332.00	339.00
Transfer	292.00	298.00	304.00	310.00
	57.00	58.00	59.00	60.00
<b>Hackney Carriage Driver</b>				
Grant				
Renewal	111.00	113.00	115.00	117.00
Conditions / Knowledge Test	79.00	81.00	83.00	85.00
	29.00	30.00	31.00	32.00
<b>Private Hire Operators Annual</b>				
1 Vehicle	177.00	181.00	185.00	189.00
Each Additional Vehicle	51.00	52.00	53.00	54.00
<b>Private Hire Vehicle</b>				
On first Application				
Renewal	292.00	298.00	304.00	310.00
Transfer	263.00	268.00	273.00	278.00
	57.00	58.00	59.00	60.00
<b>Private Hire Driver</b>				
Grant	84.00	86.00	88.00	90.00
Renewal	79.00	81.00	83.00	85.00
Conditions / Knowledge Test	29.00	30.00	31.00	32.00
<b>Hackney Carriage / Private Hire Driver Dual Badge</b>				
Dual Badge (Must run concurrently) New	145.00	148.00	151.00	160.00
Dual Badge (Must run concurrently) Renewal	118.00	120.00	122.00	124.00

Any objections to the proposed fees must be made in writing and addressed to Head of Planning and Environmental Services, Park House, North Street, Horsham, West Sussex RH12 1RL, by no later than Wednesday 17<sup>th</sup> December 2014.

A copy of this notice is available for public inspection at Park North, North Street, Horsham, during normal office hours. If no objection is made or if objections are duly made but withdrawn then the fees proposed will come into force 1<sup>st</sup> April 2015.

Dated: 17<sup>th</sup> November 2014

J. Batchelor

**Environmental Health & Licensing Manager**



# Report to Licensing Committee

6<sup>th</sup> November 2014

By the Environmental Health & Licensing Manager

**DECISION REQUIRED**

Not exempt



**Horsham  
District  
Council**

## **The Mobile Homes Act 2013 – Licence Fees**

### **Executive Summary**

This report details the changes in legislation governing residential mobile home sites following the passing of The Mobile Homes Act 2013. Caravan Site licences are granted under the Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The Caravan Sites and Control of Development Act 1960 has been amended by the Mobile Homes Act 2013 which was introduced in order to provide greater protection to occupiers of residential park homes and caravans. This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process. For site licensing functions, the 2013 Act introduces additional powers for local authorities to ensure compliance with site licence conditions. The Council can also charge a fee for these licensing functions, serving enforcement notices and overseeing and publishing any site rules relating to a site. The 2013 Act requires that should a local authority intend to charge fees, it must prepare and publish a fee policy.

### **Recommendations**

The Committee is recommended:

- i) To note the new statutory powers local authorities have under the Mobile Homes Act 2013.
- ii) To approve the proposed Mobile Homes Act Fees Policy set out in Appendix 2 to this report.

### **Reasons for Recommendations**

- i) To ensure compliance with legislative requirements, and.
- ii) To ensure transparency and openness in decision making.

**Background Papers:** Mobile Homes Act 2013 – A guide to local authorities on setting licensing fees

**Consultation:** other Sussex local authorities

**Wards affected:** All

**Contact:** John Batchelor x 5417

## **Background Information**

### **1 Introduction**

#### **The purpose of this report**

- 1.1 The purpose of this report is to inform the Committee of the changes to the regulatory regime for permanent residential caravan sites under the Mobile Homes Act 2013 and to approve the proposed fee structure.

#### **Background/Actions taken to date**

- 1.2 The Caravan Sites and Control of Development Act 1960 has been amended by the Mobile Homes Act 2013 which was introduced in order to provide greater protection to occupiers of residential park homes and caravans. This Act introduces some important changes to the buying, selling or gifting of a park home, the pitch fee review process and enforcement. The Act also introduces the power for local authorities to charge a fee for undertaking their licensing functions, enforcement and the overseeing and publishing of any site rules relating to a site. The 2013 Act requires that should a local authority intend to charge fees, it must prepare and publish a fee policy. A proposed fee policy has been drafted by officers and is set out in Appendix 2 to this report

### **2 Statutory and Policy Background**

#### **Statutory background**

- 2.1 The Mobile Homes Act 2013

#### **Relevant Government policy**

- 2.2 A Guide for Local Authorities on setting site licensing fees – Department for Communities and Local Government.

#### **Relevant Council policy**

- 2.3 A proposed Mobile Homes Act 2013 Fee Policy is set out in Appendix 2 to this report. The Council's existing policies are generally towards charging where appropriate to cover costs so as not to be a burden on the general charge payer. Under the Council's constitution the setting of fees for Licensing activities are delegated to the Licensing Committee.

### **3 Details**

- 3.1 The Caravan Sites and Control and Development Act 1960 introduced a licensing system, to be administered by local authorities, to regulate the operation of caravan sites. Conditions are attached to a site licence in order to protect the health and safety of residents, with model standards being applied in most instances. A pre-

requisite of approving a site licence is the existence of an appropriate planning consent. Residential park homes which are licensed as caravan sites present very different considerations from holiday sites, prompting the government to produce new legislation providing more rights and greater protection to occupiers of residential park homes

- 3.2 The Mobile Homes Act 2013 received Royal Assent on 26<sup>th</sup> March 2013 and is being enacted in stages.
- 3.3 Some parts of the Mobile Homes Act were implemented straight away, such as the selling and gifting of park homes, pitch fee reviews and greater protection against eviction and harassment. At the same time the requirement for site rule changes came into force, and site owners have 1 calendar year from 4<sup>th</sup> February 2014 to propose and agree new site rules prior to depositing them with the Council.
- 3.4 The changes contained by the Act for site licensing and enforcement came into force on 1<sup>st</sup> April 2014. These included powers for local authorities to charge fees for their licensing functions in respect of certain permanent residential caravan sites. It also brought in powers allowing local authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions together with the power to recover expenses and costs for taking enforcement action.
- 3.5 The Mobile Homes Act 2013 also makes provision for regulations to be made requiring site owners to be “Fit and Proper Persons” and for local authorities to keep a register. These provisions will be further reviewed by the Government in 2017 when a decision will be made on their introduction.

### **Park Home Fees**

- 3.6 Local authorities now have the power to charge fees for their licensing functions in respect of “relevant protected sites”. A relevant protected site is land used as a caravan site other than where a site licence is either granted for holiday use or has conditions restricting the use of the site at certain times of the year. There are currently 8 medium sized caravan sites within Horsham District that are park home sites or ‘relevant protected sites’ as defined in the Mobile Homes Act 2013. There are a further 20 single or small owner occupied licensed sites. The total number of park homes on these sites is currently 297. Sites that are not relevant protected sites are still subject to licensing requirements but the provisions relating to fees do not apply.
- 3.7 A fee can now be charged for applications to grant a new licence, applications to transfer or vary an existing licence and annual licence fees for administering and monitoring existing licences.
- 3.8 Local authorities are required to oversee and validate any park home site rules, which when agreed, must be deposited with the local authority. A local authority may levy a fee for this service.
- 3.9 The Council is able to charge a fee to recover all reasonable costs incurred in carrying out enforcement activities, such as service of compliance notices. These

costs would be calculated on a case by case basis and therefore no set fees would apply.

- 3.10 Before a local authority can charge a fee, it must prepare and publish a fee policy.

### **Proposed Fee Structure**

- 3.11 A Pan Sussex group has been established with most local authorities across the county participating at an officer level in order to agree a general policy framework. It is believed that by adhering to a similar fee structure this will ensure the fee policy will be fair, transparent and consistent. It is also hoped that this will guard against any major disparity between the fees implemented by neighbouring authorities, as many site owners operate cross-border. The proposed fee policy has also been developed after having regard to the Department for Communities and Local Government (DCLG) guidance document on setting fees published in February 2014.
- 3.12 It is for the discretion of the local authority whether they charge for all or any aspects of site licensing. Whilst adopting a fee policy a local authority can decide to exempt certain categories of sites from payment. The Council's existing policies are generally towards charging where appropriate to cover costs so as not to be a burden on the general charge payer.
- 3.13 The DCLG Guidance document outlines three possible fee structures for setting annual fees but considers that no one option is better than another and other approaches may be equally acceptable:

**Option 1** – a fee per pitch. Perceived as being too complex and cumbersome a method, as sites would be attracting different fees and when they alter the number of units on site then the annual fee would need to be adjusted. In addition, the time taken to conduct an inspection does not depend purely on the number of units per site.

**Option 2** – a fee based on site size bandings. This is the preferred option as it is considered to be the fairest and most transparent method available. It means that fees would differentiate between smaller and larger sites, as generally speaking more time is spent by officers with regards to inspecting larger sites. It means that if the number of units alters the annual fee is not likely to change unless this results in the site falling into a different band. It allows applicants and licence holders to determine fees without having to rely on complicated equations or risk ratings.

**Option 3** – a fee based on risk rating. Perceived as being too complex and cumbersome a method. Not all authorities within the group used risk rating or the same risk rating to determine frequency of inspections and unless there was a consistent and effective risk rating scheme in place across the county then the ratings could be susceptible to regular challenges by site operators who wished to reduce the site's annual fee. In addition a site owner may be inclined to put pressure on residents not to complain to the local authority in order to avoid an increase in licence fee.

- 3.14 The Act allows the Council to exempt certain sites from charging for all or part of the licensing functions. In line with emerging good practice it is proposed that single unit

sites and small sites with 5 or less units that are occupied by the site owner and their family (i.e. not including sites that are run for financial gain) are exempted from the annual licensing fee. Single unit sites will also be exempt from the new application fee. The rationale for exempting such sites being that they are low risk, not run as a business, are rarely, if ever, the subject of complainants and are not inspected on an annual basis.

- 3.15 In respect of transfer applications, variation applications and depositing of park rules it is considered that a flat rate is the most appropriate, except for a lower rate for the smallest sites as shown below.
- 3.16 A detailed copy of the estimated costs associated with each application type as well as the annual fees is contained within the proposed fees policy set out in Appendix 2 to this report.
- 3.17 The table below summarises the proposed fee structure.

	<b>Band</b>			
<b>Number of units on site</b>	<b>A</b> (1 – 5)	<b>B</b> (6 - 24)	<b>C</b> (25 - 99)	<b>D</b> (100+)
<b>Number of sites licensed by HDC</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>0</b>
<b>New Application for Site Licence</b>	£264 (Single sites exempt)	£386	£435	£494
<b>Transfer of Site Licence</b>	£58	£137	£137	£137
<b>Variation of Site Licence</b>	£58	£137	£137	£137
<b>Annual Fee</b>	£115 (Single and Family sites exempt)	£145	£165	£253
<b>Depositing of park rules with Local Authority</b>	£67	£67	£67	£67

- 3.18 A local authority is not permitted to make a profit from the fees and therefore the proposed fees are based on the cost of administering the regime having regard to a well-run site. This ensures that the owners of well-run sites are not subsidising poorly run sites where costs can be recovered through enforcement charges if necessary. The proposed fees will be assessed each year to determine their accuracy as part of the Council's annual fees and charges setting process.

- 3.19 The proposed implementation date of the new fees structure is 1<sup>st</sup> December 2014
- 3.20. The annual fee will be due on the 31<sup>st</sup> January 2015 for any existing sites. Any sites licensed for the first time after the implementation date will attract an annual fee on the anniversary of grant.

## **4 Next Steps**

- 4.1 The Committee are recommended to approve the proposed Mobile Homes Act 2013 Fees Policy set out at Appendix 2 to this report to take effect on 1<sup>st</sup> December 2014.

## **5 Outcome of Consultations**

- 5.1 The local authority cannot make a profit from the fees it charges and is only permitted to recover its cost. Therefore the proposed fees are based on the cost of administering the regime having regard to a well-run site. In addition it is proposed not to charge an annual fee for family run sites. For these reasons it was the view of the officer working group that there would be no benefit in consulting park home owners.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 It is at the discretion of the local authority whether they charge for all or any aspects of site licensing. Therefore the Council could decide not to charge any fees. However as the Council's existing policies are generally towards charging where appropriate to cover costs so as not to be a burden on the general charge payer, not to charge a fee was rejected.
- 6.2 As detailed in this report other fee structures were considered but a fee based on site size bandings was considered to be the fairest and most transparent method available.

## **7 Staffing Consequences**

- 7.1 There are no staffing consequences arising should the recommendations in this report be approved.

## **8 Financial Consequences**

- 8.1 Should the fee policy be approved the fee income will be incorporated into the budget for 2015/2016

## **9 Legal Implications**

- 9.1 The legal implications are contained within the body of this report.



## Appendix 1

### Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached Yes/No</p>	<p>Not to charge fees to cover the cost of administering the licensing regime and ensuring compliance would mean the costs being met by the general charge payer</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>The fees set out in Appendix 2 seek to recover the Council's legitimate costs in ensuring compliance with the licence conditions.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The proposal has no specific implications for human rights.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Not relevant</p>	<p>There would be no negative impacts on those groups with protected characteristics under the Equality Act 2010 if the recommendations in this report are approved.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>The fees set out in Appendix 2 seek to recover the Council's legitimate costs in providing these services.</p>



## Appendix 2



Horsham  
District  
Council

### **Fees Policy for Relevant Protected Sites under the Mobile Homes Act 2013**

#### **1. Introduction**

- 1.1 The Mobile Homes Act 2013 (MHA 2013) altered legislation that governs permanent residential caravan sites. The Act refers to these sites as 'Relevant Protected Sites'. Local Authorities are now able to reclaim costs for administering and monitoring site licences for these sites. Fees may be levied for a new application for a Site Licence; transfer or variation of a Site Licence; Annual Licence Fee and for the Deposit of Site Rules with the Local Authority.
- 1.2 Section 10A (2) of the Caravan Sites and Control of Development Act 1960 as amended by the 2013 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.
- 1.3 The policy has been developed with reference to the following documents:
  - Department for Communities and Local Government (DCLG) guidance document on setting fees published in February 2014.
  - LGA Open for business - LGA guidance on locally set fees.
  - DCLG Park Homes: Site Licensing - Definition of relevant protected sites.
- 1.4 The policy has been framed in conjunction with the Sussex Mobile Homes Group which was formed from relevant representatives of most Sussex Local Authorities who have Relevant Protected Sites in their Districts.

#### **2. Definition of Relevant Protected Site**

- 2.1 Any licensable caravan site will be deemed to be a Relevant Protected Site unless exempted. The aim of the new licensing provisions is to enable Local Authorities to better protect sites in residential use.
- 2.2 A site is exempted if it has planning permission or a site licence for exclusive holiday use or if it cannot be used all year round as a permanent residential site. In

addition, a site which has consent for holiday use with ancillary residential use, where that use is only by the owner or his employees working on the site, then their permanent occupation does not make the site a Relevant Protected Site.

2.3 If any doubt arises as to whether a site falls under the definition of a Relevant Protected Site, then the guidance issued by the Department for Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing - Definition of relevant protected sites' will be referred to by officers in order to clarify the status of the site.

### 3. Breakdown of Costs

3.1 The MHA 2013 enables a Local Authority to reclaim costs for administering and monitoring site licences, but prevents a local authority from

- making a profit
- recovering enforcement costs for a breach of condition etc, as this is separately provided for under the MHA 2013
- or recovering costs associated with unlicensed sites.

3.2 Each application type and annual inspection has been broken down into its constituent parts in order to identify clearly each task involved in the process; the average amount of time taken to complete each task; and the job role of the officer completing the task.

3.3 The 'on-costs' (salary of post holder + any additional costs incurred by the employer as a result of employing a person in that position) for each job role have then been applied to each template to determine the overall fee associated with each application type and for the annual fee.

For a copy of these calculations please see **Appendix A**.

### 4. Fees payable

The fees are based on the number of units on each site, which are split into four bandings.

Below is a table stating the exact cost associated with each application type within each banding.

Sites which consist of a single unit or are occupied by a single family (up to and including 5 mobile homes) are exempted from payment of fees in relation to annual fees. All single sites are exempt from New Application fees.

Sites which are **mixed use**, i.e. partly holiday with some residential, will be deemed to fall within the definition of a 'Relevant Protected Site' and so fees can be charged in relation to the residential units, unless it is exempted under the 2013 Act.

	<b>Band</b>			
<b>Number of units on site</b>	<b>A</b> (1 – 5)	<b>B</b> (6 - 24)	<b>C</b> (25 - 99)	<b>D</b> (100+)
<b>New Application</b> for Site Licence	£264 (single sites exempt)	£386	£435	£494
<b>Transfer</b> of Site Licence	£58	£137	£137	£137
<b>Variation</b> of Site Licence	£58	£137	£137	£137
<b>Annual Fee</b>	£115 (single sites and family sites exempt)	£145	£165	£253
Deposit of <b>Park Rules</b> with Local Authority	£67	£67	£67	£67

According to the Act the fees may include an element of the costs involved in pursuing improvements in the sites which fall below the required standards. In order to keep the fees low and reduce the burden on business, fees are based on the assumption that the sites in our district are maintained and run to a good standard.

## 5. Single unit sites and family sites

The following sites are exempt from having to pay an annual fee:

- Site consisting of 1 unit; and
- Site occupied solely by the owner and their family in not more than 5 units and not run for financial gain.

The above sites have been exempted because these sites are inspected every 3 to 5 years, not annually, so the small size of the fee once split by the frequency of inspection would make the collection untenable. One fundamental aim of the Act is to minimise unfair practices of site owners who have control of the permanent homes of residents. This is not a problem on single and small family run sites, though any complaints received will be responded to in accordance with our complaints procedure.

If the applicant claims to qualify for exemption from the annual fee due to being a family site, then additional information may be requested by officers in order to verify this claim. If there is any doubt as to the legitimacy of the claim then the matter will be referred to the Environmental Health and Licensing Manager to determine the appropriate fee that needs to accompany the application.

## **6. Fees for Deposit of Park Rules**

Park Rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The MHA 2013 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

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.

Before publishing the site rules the council must ensure that the rules deposited with them have been made in accordance with the statutory procedure. A fee can be charged for this function, which is shown in the table in Part 4.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

## **7. Enforcement costs**

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. Charges for enforcement costs cannot be passed onto the residents pitch fee.

If any works in the compliance notice are not carried out, the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court. If a prosecution was successfully taken, the council would have the power to carry out the works in default of the licence holder.

## **8. Implementation date**

The Fees Policy will come into force on the 1<sup>st</sup> December 2014.

## **9. Charging arrangements for annual fee**

The annual fee will be due on the 31<sup>st</sup> January 2015 for any existing sites and annually thereafter. Any sites licensed for the first time after the implementation date will attract an annual fee on the anniversary of grant.

## **10. Publishing and reviewing the fees policy**

This fees policy will be published on Horsham District Council's website at [www.horsham.gov.uk](http://www.horsham.gov.uk).

A local authority is not permitted to make a profit from the fees and therefore the proposed fees are based on the cost of administering the regime having regard to a well-run site. This ensures that the owners of well-run sites are not subsidising poorly run sites where costs can be recovered through enforcement charges if necessary. The proposed fees will be assessed each year to determine their accuracy as part of the Council's annual fees and charges setting process. Any change to the fees policy itself must be approved by the Licensing Committee.

## **11. Other matters**

Please note that a Local Authority is not required to consider any application made in relation to a Relevant Protected Site unless that application is accompanied by the correct fee. This also applies to fees due when park rules are being deposited with the Local Authority.

If the application is not approved then the applicant is **NOT** entitled to a refund, as the application has been processed.

## Appendix A: Breakdown of fees

ANNUAL LICENCE MONITORING			
Item	Action	Time (mins)	Costs
1	Check site inspection register to determine next routine inspection, update computer systems etc	15	4.12
2	Contact site owner to agree appointment for next inspection and update records	15	9.87
3	Review file, prepare documents	15	9.87
4	Travel time	60	39.49
5	Visit site and carry out routine inspection. Note compliance and non-compliance with site licence conditions	1-5 = 30	19.75
		6-24 = 60	39.49
		25-99 = 90	59.24
		100+ = 180	118.47
6	Site record keeping	45	12.37
7	Communication with site owner (to include correspondence) and filing	1-5 = 30	19.75
		6-24 = 45	29.62
		25-99 = 45	29.62
		100+ = 90	59.24
	<b>Total Fee Band A</b>		<b>115.22</b>
	<b>Total Fee Band B</b>		<b>144.83</b>
	<b>Total Fee Band C</b>		<b>164.59</b>
	<b>Total Fee Band D</b>		<b>253.43</b>



INITIAL LICENSING			
Item	Action	Time (mins)	Costs
1	Initial enquiry, planning checks, setting up case	60	16.49
2	Send out site application form and arrange appointment for site visit	30	8.25
3	Initial site inspection, advice and recording including travel time	90	59.24
4	Check application, correct fee and LRS	60 + LRS fee	16.49
5	Examine certification (electrical etc)	20	13.03
6	Background Checks on Applicant (THIS IS NOT BEING CHARGED FOR THOSE THAT FALL INTO BAND A)	120	52.62
7	Preparation of draft site licence and consultations (applicant, fire service, planners etc), feedback. (BAND B, C and D ONLY)	120	78.98
7b	Preparation of draft site licence and consultations (applicant, fire service, planners etc), feedback. (BAND A ONLY)	60	39.49
8	Issue site licence (including any amendments following consultation)	30	8.25
9	Update public register	15	4.12
10	Carry out full site inspection	1-5 = 30	19.75
		6-24 = 60	39.49
		25-99 = 120	78.98
		100+ = 180	118.47
11	Travel Time	60	39.49
12	Risk assessment (determine intervals for routine inspections). Records & admin.	30	19.75
13	Communication with site owner re outcome of visit	1-5 = 30	19.75
		6-24 = 45	29.62
		25-99 = 60	39.49
		100+ = 90	59.24
	<b>Total Fee - Band A</b>		<b>264.07</b>
	<b>Total Fee - Band B</b>		<b>385.80</b>
	<b>Total Fee - Band C</b>		<b>435.16</b>
	<b>Total Fee - Band D</b>		<b>494.40</b>

LICENCE TRANSFER /VARIATION			
Action	Time (mins)	Time (mins)	Costs
Initial enquiry, setting up case, send out application form & fee request	30	30	8.25
Receipt & validation of application incl. LRS	60 + LRS fee	60	16.49
Background checks on applicant (THIS IS NOT BEING CHARGED FOR THOSE THAT FALL INTO BAND A)	120		78.98
Check historic breaches, outstanding notices etc	15	15	4.12
Alteration of site licence & administration	45	45	12.37
Send amended site licence to owner with all written notifications re o/s matters	30	30	8.25
Record all actions and copies	15	15	4.12
Amend public register	15	15	4.12
<b>Transfer Fee for Band A</b>			<b>57.72</b>
<b>Transfer Fee For Band B, C and D</b>			<b>136.70</b>
Additional time for licence <b>variations</b> re consultation, telephone calls and correspondence		120	78.98
<b>Amendment/Variation Fee</b> (MINUS BACKGROUND CHECKS ON SITE OWNER)			<b>136.70</b>

DEPOSIT OF SITE RULES			
Item	Action	Time (mins)	Costs
1	Check for prohibited rules and proof of consultation/compliance	30	19.75
2	Scan and place .pdf of rules on website	30	8.25
3	Communicate/consult with residents affected by site rules	30	19.75
4	Review any feedback	15	9.87
5	Finalise deposit of site rules	15	9.87
	<b>Fee for deposit of site rules</b>		<b>67.49</b>

# **Report to Licensing Committee**

6<sup>th</sup> November 2014

By the Environmental Health and Licensing Manager

**DECISION REQUIRED**

Not exempt



## **ENVIRONMENTAL HEALTH AND LICENSING – LICENCE FEES FOR 2015/2016**

### **Executive Summary**

Set out at Appendix 2 to this report are the proposed fees for 2015/2016 for the various licences issued by the Environmental Health and Licensing Department. The agreed fees will take effect on 1<sup>st</sup> April 2015.

### **Recommendations**

The Committee is recommended:

- i) To approve the fees set out at Appendix 2 to this report to take effect from 1<sup>st</sup> April 2015

### **Reasons for Recommendations**

- i) The setting of fees for licences is the responsibility of the Licensing Committee, and
- ii) To ensure openness and transparency in decision making.

**Background Papers:** Budget Working Papers

**Consultation:** Finance Department

**Wards affected:** All

**Contact:** John Batchelor Ext 5417

## **Background Information**

### **1 Introduction**

#### **The purpose of this report**

- 1.1 Set out at Appendix 2 to this report, for the Committee's consideration, are the proposed fees for 2015/2016 for Licences issued by the Environmental Health and Licensing Department. The new fees once approved will take effect from 1<sup>st</sup> April 2015. The individual licence fees are calculated to recover the cost of issuing the licence and ensuring compliance with the requirements of the legislation. Taxi and Private Hire fees are the subject of another Report. There are other Licenses issued by the Environmental Health and Licensing Department where the fees are set by statute and these cannot be changed.

### **2 Statutory and Policy Background**

#### **Statutory background**

- 2.1 This is set out in the various Acts under which licences are issued.

#### **Relevant Government policy**

- 2.2 This is set out in the various Acts under which licences are issued.

#### **Relevant Council policy**

- 2.3 The Council's policy is to set fees to recover the costs of services provided, where appropriate. As such the Environmental Health and Licensing Department seeks to recover from applicants the cost of issuing the licence and ensuring compliance with the licence conditions so that these costs do not fall on the general charge payer.

### **3 Details**

- 3.1 The fees are calculated taking into account officer time, transport and any external costs that the Council incurs. The Council has recommended that wherever possible fees and charges should go up by a minimum of 2% for the financial year commencing 1<sup>st</sup> April 2014 to allow for inflation.
- 3.2 In setting licence fees local authorities must have regard to any guidance issued by the government and with all licence fees the European Court Directive is clear they must be based on cost recovery of the process and cannot be set to make surplus for the authority. An important point arising out of the recent *Hemming v Westminster* case is that licence fees received by a local authority must only be used to administer the licensing process and to monitor compliance by licensed operatives. It cannot be used to pay for enforcement against unlicensed premises or operatives.

## **4 Next Steps**

- 4.1 The Committee are recommended to agree the various licence fees set out at Appendix 2 to this report to take effect on 1<sup>st</sup> April 2015.

## **5 Outcome of Consultations**

- 5.1 None

## **6 Other Courses of Action Considered but Rejected**

- 6.1 None

## **7 Staffing Consequences**

- 7.1 There are no staffing consequences arising from this report.

## **8 Financial Consequences**

- 8.1 The financial consequences of the review of fees and charges have been incorporated into the budgets for 2015 / 2016.

## **9 Legal Implications**

- 9.1 The legal implications are contained within the body of the report.

## Appendix 1

### Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached No</p>	<p>Not to increase the fees to cover the cost of administering the licensing regimes and ensuring compliance would mean the extra costs being met by the general charge payer.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>The fees and charges set out in Appendix 2 seek to recover the Council's legitimate costs in ensuring compliance with the licence conditions.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The proposal has no specific implications for human rights.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Not relevant</p>	<p>There would be no negative impacts on those groups with protected characteristics under the Equality Act 2010 if the recommendations in this report are approved.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>The fees and charges set out in Appendix 2 seek to recover the Council's legitimate costs in providing these services.</p>

## Appendix 2

### Proposed Fees and charges 2015/16

	2014/2015 Fee	2015/2016 Proposed Fee
<b>Riding Establishments Act 1964</b>		
Less than 5 horses	£250.00	£255.00
5 – 15 horses	£299.00	£305.00
More than 15 horses	£385.00	£393.00
<b>Animal Boarding Establishments Act 1963</b>	£110.00	£112.00
<b>Pet Animals Act 1950</b>	£110.00 + Vet if necessary	£112.00 + Vet if necessary
<b>Dangerous Wild Animals Act 1976</b>	£461.00	£461.00
<b>Breeding of Dogs Act 1973</b>		
New license	£268.00	£273.00
Renewal	£110.00 + Vet if necessary	£112.00 + Vet if necessary
<b>Street Trading</b>		
Annual Consent	£745.00	£745.00
Consent for special occasions	£46.00	£46.00
<b>Sex Establishments</b>		
Application fee	£3563.00	£3563.00
Renewal	£3563.00	£3563.00
Transfer	£3563.00	£3563.00
<b>Acupuncture, Tattooing, Ear Piercing and Electrolysis</b>		
Premise plus Operatives	£110.00	£112.00
New/Additional Operatives	£30.00	£31.00
<b>Scrap Metal Dealers</b>		
Site licence application	£345.00	£352.00
Site licence renewal	£345.00	£352.00
Site licence variation	£75.00	£77.00
Collector's licence application	£245.00	£250.00
Collector's licence renewal	£245.00	£250.00
Collector's licence variation	£75.00	£77.00
29		