

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2024/25

This report updates members of the existing fees charged to licence a house in multiple occupation (HMO) or caravan site for permanent residential use and the recommended fee charge for 2024/25 to process the respective applications.

1.1 Review of HMO licensing fees

- 1.1.1 Under the Housing Act 2004 Part 2 houses in multiple occupation (HMOs) occupied by five or more persons living in two or more households are required to be licensed. HMOs in self-contained flats in purpose built blocks where the block comprises three or more self-contained flats are excluded from this licensing requirement.
- 1.1.2 There are currently 25 licensed HMOs in the Tonbridge & Malling area.
- 1.1.3 The aim of licensing is to improve the controls on HMOs and to raise the standard of some of the highest risk properties that are often occupied by some of the most vulnerable people, whilst maintaining an adequate supply of rented accommodation.
- 1.1.4 The licence is for a maximum of five years and cannot be transferred. The licence can end as a result of the passage of time, the death of the licence holder, the sale of the property or the revocation of the licence by the Council. The licence is held on a public register maintained by the Council.
- 1.1.5 Following a review of administrative costs and using the same HMO licence fee cost calculator developed by the Kent and Medway local authorities that has previously been used, the proposed revised charges are detailed in the table below:

| Service | Current Charge | Recommended Charge | Predicted Income Full Year 2024/25 | Predicted increase on 2023/24 income |
|--------------------------------------|-----------------------|---------------------------|--|---|
| New HMO licence application fee | £627 | £753 | £2,259 for three new HMO licence applications. | £378 |
| Renewal of a HMO licence application | £572 | £675 | £4,050 for six licence renewals due in this period | £2,906 |

1.1.6 The charge for a new HMO licence application (in 2023/24) in Tunbridge Wells is £735 (for 5 to 7 occupants) and £825 (for 8 or more occupants) and £720 in Maidstone.

1.1.7 The charge for the renewal of an HMO licence application (in 2023/24) in Tunbridge Wells is £635 (for 5 to 7 occupants) and £680 (for 8 or more occupants) and £670 for Maidstone. The lower cost for a renewal is attributed to the reduced inspection time.

1.2 Caravan Site Licensing

1.2.1 The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to allow local authorities from the 1 April 2014 to charge a fee for the licensing of residential mobile (park) home sites (“relevant protected sites”) and recover their costs in undertaking this function.

1.2.2 A caravan site must have planning consent for use as a caravan site before it can be licensed and once licensed it remains in perpetuity until a change of use or planning consent has expired.

1.2.3 Following a review of administrative costs associated with charging for caravan site licences based on our experience over the last twelve months the proposed revised charges based on an increase of 5.25% are shown in the table below:

| Service | Current Charge | Recommended Charge | Predicted Income Full Year 2024/25 | Predicted increase on 2023/24 income |
|--|-----------------------|---------------------------|---|---|
| New caravan site licence application fee | £451 | £475 | £475 for one new licence | -£427 |

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|------------------------------------|------|------|---|-----|
| Transfer of a caravan site licence | £220 | £232 | £464 based on the transfer of two caravan site licences | £24 |
|------------------------------------|------|------|---|-----|

- 1.2.4 The charge to process a licence application for a new caravan site and transfer of the licence (in 2023/24) in Tunbridge Wells is £315 and £175 respectively. The charge in Sevenoaks is an incremental cost from £542 dependent on the number of pitches above one for a new caravan site, free if a single pitch site, and to transfer an existing licence is £84.
- 1.2.5 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduced a fit and proper person test for site owners/caravan site licence holders or for their person appointed to manage the mobile home/caravan/park home site. This only applies to relevant protected sites other than non-commercial family occupied sites.
- 1.2.6 The Regulations require site owners/caravan site licence holders to apply to be included or their appointed manager to be included on a register of fit and proper persons. Inclusion on the register is for five years.
- 1.2.7 The Council adopted a fee policy for processing fit and proper person test applications and the fee charge in 2023/24 was £259. It is proposed to increase this fee for the 2024/25 period to £273. The predicted income from this in 2024/25 is £273 which will be a £14 increase on income for 2023/24. The fee charged by our neighbouring boroughs of Tunbridge Wells and Sevenoaks (in 2023/24) is £132 and £88.45 respectively.
- 1.2.8 The total increase in income for 2024/25 compared to 2023/24 is predicted to be £2,895. This is based on the increased fee charges plus awareness of when new licence applications are expected to be submitted.

1.3 Legal Implications

- 1.3.1 The Council is legally required to licence certain HMOs and caravan sites under the Housing Act 2004 Part 2 and the Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) respectively. For this licensing function they may charge a fee to fund the costs to process an application.

1.4 Financial and Value for Money Considerations

- 1.4.1 The cost to process the HMO and caravan site licence related applications is reflected in the fee charged to the applicant. Therefore, there should be no additional financial and value for money considerations.

1.5 Risk Assessment

1.5.1 There are no risks associated with this report.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

1.7.1 Members are **RECOMMENDED** to **AGREE** charges from the 1 April 2024 for the following:

- £753 for processing a new mandatory HMO licence application;
- £675 for the processing of a renewal application for a mandatory HMO licence;
- £475 for processing a new caravan site licence application where the use of the site is for permanent residential use;
- £232 for the transfer of a caravan site licence for a permanent residential use site; and
- £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites.

Background papers:

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Nil

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