

(Draft) Wychavon District Council

Park Home Fees Policy

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Contents

1. Introduction, purpose and scope	3
2. Fees schedule	4
3. Application for a new Site Licence	4
4. Transfer/amendment to existing Site Licence	5
5. Site Rules	5
6. Conditions	5
7. Application for Inclusion on Register of Fit and Proper Persons ...	6
8. Enforcement Notices/ Works in Default	6
9. Appendix 1 – Fees and charges schedule	7
10. Appendix 2 - Elements included in fee setting:	8

Introduction

1. The Mobile Homes Act 2013 (MHA 2013) was introduced in order to provide greater protection to occupiers of residential caravans and mobiles homes. The MHA 2013 received Royal Assent on 26th March 2013.
2. MHA 2013 introduced some important changes in relation to park home site licensing. MHA 2013 amends to Caravan Sites and Control of Development Act 1960 (CSCDA60)
3. The changes include the ability for local Authorities to charge site owners a range of fees. The fees that can be levied are fees payable for the grant of a site licence, alterations of conditions, transfer of the licence, annual fees and fees to cover the cost of certain enforcement actions.

Purpose of Policy

4. Section 10A (2) of the CSCDA60 (as amended) requires a Local Authority to prepare and publish a fees policy where it proposes to charge for functions associated with the regulation of relevant protected sites.
5. The purpose of this policy is to set out the fees payable in respect of relevant protected sites.

Scope

6. The fees that can be charged only apply to a “relevant protected site”. A relevant protected site is defined as any land to be used as a caravan site other than one where a licence is:-
 - Granted for holiday use only
 - In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).
7. The Council, in setting the fees payable, has had regard to guidance issued by the Department for Communities and Local Government.
8. It has also had regard to the Local Government Association’s guidance on locally set fees which incorporates guidance in relation to compliance with the European Services Directive.

Fees Schedule:

9. All sites (subject to certain exemptions below) require a site licence to operate.
 - Sites that are not relevant protected sites.
 - Sites for the Site owner and their family (does not include sites that are run for financial gain).
10. Section 3 (2A) of the CSCDA60 (as amended) allows the Local Authority to require a fee to accompany applications for licences.
11. For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/licence holder and invoices will be sent out a month in advance of payment. (Legislation allows the licence holder to pass on the annual fee cost).
12. Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro rata amount.
13. Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated and charged when due in the next financial year.
14. In the event an annual fee is not paid within the terms of the invoice the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

Application for a new Site Licence

15. All sites require a site licence to operate (subject to exemptions in the CSCDA60) and as mentioned above; failure to apply for a licence is an offence under Section 1(2) of CSCDA60. The Council may only issue a licence for a site with a valid and correct planning permission for the use.
16. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision.
17. Sites which already have the planning permission in place must be processed within 2 months of the licence application.

Transfer/amendment to existing Site Licence.

18. Where a licence holder wishes to transfer the licence an application must be made to the Council inclusive of the appropriate fee.

Site Rules

19. Site 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 and will promote and maintain community cohesion on the site.
20. The MHA 2013 changes the way site rules must be agreed between both parties. The Site Licence holder must consult with residents on the proposed site rules and must follow a set consultation process. The licence Operator must lodge the site rules with the Council and the Council must keep an up to date register of site rules and publish the register on-line.
21. Before publishing the site rules the Council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.
22. Any site rules deposited with the Local Authority for the first time or applications to vary or delete must be accompanied by the appropriate fee.

Conditions

23. No fee is payable where the Council deems it necessary to alter site conditions.
24. The conditions on the existing site licence will remain the same until the Council deem they are out-dated or incorrect and then a review will take place or unless an application is made to amend conditions on the licence by the site owner.
25. Where significant amendments to the site licence conditions are requested this is likely to involve a site visit so the fee for this licensing activity will be charged at the hourly rate inclusive of travelling time.

Application for Inclusion on Register of Fit and Proper Persons

26. Regulations under the MHA 2013 are not yet in place. This section will be reviewed in the event that regulations are issued.

Enforcement Notices/ Works in Default

27. Where there has been a breach in a site licence condition which comes to the attention of the Council a compliance notice may be served.
28. Section 9C of the CSCDA60 (as amended) details the elements which a local authority may include when imposing a charge for enforcement action.
29. These include the time involved in deciding to serve and prepare the notice.
30. 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.
31. Any costs associated with this process would be at the discretion of the court. If a prosecution was successfully taken, the Council have the power to carry out the works in default of the licence holder.
32. Charges incurred in enforcement action would be based on the hourly rate of relevant Officers involved in addition to any other costs incurred; such as mileage based on the current rate and any works carried out in default and/or legal fees.
33. Relevant Fees have to be approved by the Council and entered into their fees and charges. These fees will also be published on the Website. The fees detailed in this policy have been based on experience of dealing with site licensing historically with consideration of the changes the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. The fees will be reviewed annually and adjusted accordingly to ensure a cost neutral base.

Mobile Homes Act: Fees and Charges:		
	Number of Pitches / Plots	Fee
New Application	Band A – 1 Caravan\one family sites) Band B – 2 to 20 Caravans Band C – 21 to 50 Caravans Band D – 50 to 75 Caravans Band E – 75+	Exempt £175.00 (4 hrs) £250.00 (5.5 hrs) £325.00 (7 hrs) £375.00 (8.5 hrs)
Transfer of Licence	N/A	£100.00
Variation of Licence	N/A	£200.00
Land Registry Fee	N/A	£4.00
Deposit, variation or deletion of site rules	N/A	£50.00
Annual Fees	Band A – 1 Caravan Band B – 2 to 20 Caravans Band C – 21 to 50 Caravans Band D – 50 to 75 Caravans Band E – 75+	Exempt £175.00 £250.00 £325.00 £375.00
Enforcement charges	Hourly rate of Reviewing Manager/Solicitor Licensing Officer (inclusive travelling time; excludes mileage 45p per mile)	£42.00 £38.00

Elements included in fee setting:

The DCLG guidance sets out the activities that the Council can include when calculating its annual fee, these include:

- Letter writing/telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- Handling enquiries and complaints;
- Updating hard files/computer systems;
- Updating the EU Directive website if appropriate;
- Processing the licensing fee;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports on contraventions;
- Review by manager or lawyers;
- Review any consultation responses from third parties;
- Carrying out any risk assessment process considered necessary;
- A pre-programmed full site inspection;
- A follow-up inspection to check compliance following programmed inspection;