

West Lindsey District Council-

Caravan Sites and Control of Development Act 1960 (as amended) Mobile Homes Act 2013

Fees Policy for Licensing of Residential Park Homes Sites

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Related documents

The following documents have been consulted when drafting this policy

The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)

Mobile Homes Act 2013 (MHA 2013)

Mobile Homes Act 1983

Regulators Compliance Code

The Mobile Homes (sites rule) (England) Regulations 2014

West Lindsey District Council Enforcement Policy

DCLG Guidance on Site Licensing Fee Setting – February 2014

1.0 Introduction

The Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013 (MHA 2013) authorises local authorities to issue licences in respect of 'relevant protected sites' and to require applications for such licences to be accompanied by a fee fixed by the authority.

The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years. This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process. The council can also now charge a fee for different licensing functions, applications to transfer site licences or to change conditions in site licences, serve enforcement notices and publishing of any site rules relating to a site. Furthermore local authorities may charge for the administration and monitoring of site licences by the levy of an annual fee.

West Lindsey District Council is the local authority for purposes of the act with responsibility for park home licensing for the whole of West Lindsey, and has agreed to make charges for the licensing of relevant protected sites in accordance with the powers granted 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 where the application for a licence is:

- For holiday use only, or
- Subject to restrictions or conditions which limit the times of the year when the site may be used for stationing caravans for human habitation (e.g. planning conditions)

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks and Gypsy Roma and Traveller sites and so on. This policy will not apply to the following:

- Sites that are owned by the local authority.
- Use incidental to a dwelling house within the same curtilage
- Individual permanent residential mobile homes (see below)
- Touring sites
- Holiday sites
- Caravans occupied by seasonal workers

- Sites where caravans are stationed solely for workers employed in building or engineering operations on that or adjacent land
- Sites used by travelling showmen who are members of a relevant organisation.
- Sites occupied by organisations holding a certification of exemption

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

2.0 Fees and Charges

Before a local authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee the local authority:

- Must act in accordance with its fees policy
- May fix different fees in different cases
- May determine that no fee is required in some cases

Any fees charged must fairly cover the costs (or part of the costs) incurred by the local authority in performing its functions under Part 1 of the act, (excluding the costs of enforcement action or any functions relating to prohibiting caravans on commons or provision of sites by the local authority itself).

In setting its fees policy and the fees to be charged the council has had regard to the Guide for Local Authorities on Setting Site Licensing Fees issued by the Department for Communities and Local Government.

WLDC will charge for:

- The issuing of the first site licence (appendix 1)
- The depositing of site rules (appendix 2)
- The transfer of a licence (appendix 3)
- The alteration of a licence (initiated by the site owner) (appendix 3)
- Taking enforcement action (which will be charged additionally and separately from licence fees) (appendix 54)
- In future WLDC may be able to charge for Fit and Proper Person Checks (appendix 5)

These fees and charges will be set / reviewed annually as part of the council's normal fee setting process.

In determining those fees, the council has taken into account all administrative costs incurred in the licensing process, officer visits to sites, travel costs, consultations, meetings, investigation of complaints and the giving of informal advice.

In calculating its fee structure, the council has calculated its fees in accordance with the provisions of the act, and the fees determined are set out in the appendices to this policy.

Fees

Document	Fee
Annual Fee for existing sites	£0
Generic fee for issuing new licence	£300
Deposit of site rules	£30
Transfer and alteration of a licence	£100

3.0 The licence fee structure

The fee structure adopted by the council is based upon a price per unit based on the total cost to the council of carrying out its licensing function for all sites, divided by the total number of all units over all the sites.

4.0 Review of the licence fee structure

A review of the fee structure will be carried out annually and it will be revised if necessary. Any adjustments will take into account variations in officer and administration time to those used in calculating the fees set out in this policy document, along with any changes to other costs incurred in providing the licensing function.

Any surpluses/deficits for the previous year will be taken into account when fixing the fees for the following year.

5.0 Publishing the fee policy

The fees policy for licensing of residential park home sites will be published on the council's website

www.west-lindsey.gov.uk

If the council revises its fees policy, it will replace the published policy with the revised policy. The policy will also be available to view during normal office hours at:

West Lindsey District Council

The Guildhall

Marshalls Yard

Gainsborough

Lincolnshire

DN21 2NA

Appendix 1

Fees

Payment of Fees.

The council requires application fees for a new site licence, for amending a site licence or for transferring a site licence to accompany the application. The council will not commence the application process until such time as the fee is received.

Application fees are not refundable if the application is not approved.

Fees for a new site licence

The council may only issue a licence for a site with a valid and correct planning permission for the use.

The fee for a new relevant protected site licence is based upon a standard fee of £300. This is broken down as per the table below:

<u>Action</u>	Officer time	Senior officer time
Initial enquiry, sending out application	15	0
Processing fee and application	15	5
Updating records, creation of new site, checking planning	60	0
Land registry check completed	15	0
Officer to check through application	30	15
Initial site visit, at immediate planning approval / pre advise to discuss requirements with site owner	60	0
Average travel time 75 minutes return trip	75	0

Prepare draft licence	15	0
Officer to review licence and issue conditions with licence	30	15
Send licence out	5	0
Second site visit – to follow issue of licence to check conditions and occupation of site		

Total time taken in minutes	320	35
Staffing costs	£265	£35
Total		£300

Fees for existing site licence

A decision has been made by West Lindsey District Council to no longer charge an annual inspection fee or carry out annual inspections.

West Lindsey District Council will continue to investigate complaints received from residents regarding site conditions and fees for enforcement action required as a result of that as set out in appendix 4.

Appendix 2

Deposit of Site Rules

Site rules are different to site licence conditions in that they are neither created nor enforced by Local Authorities. They are a set of rules created by the site owner which residents have to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing. The Mobile Homes Act 2013 makes amendments to the Mobile Homes Act 1983 in relation to site rules. New regulations require existing site rules to be replaced with new site rules to be deposited with the Local Authority within a specified timescale.

Local Authorities will need to satisfy themselves that replacement or new rules deposited with them have been made in accordance with the statutory procedure. They will also be required to establish, keep up to date, and publish a register of site rules, or the variation or deletion of site rules.

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 first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

This statement about enforcement costs and deposit of site rules is not required by the act to be included in the council's fees policy but is set out in this document in the interests of completeness and transparency.

Fees payable for the deposit of site rules is: **£30**

This cost is payable on top of the licence fee and should be paid on each occasion that site rules are updated.

Appendix 3

The transfer and alteration of a licence

Where a licence holder wishes to transfer the licence an application must be made to the Local Authority, for which a fee is payable. The fee must accompany the application to transfer the licence.

The Local Authority will also charge a fee where a site owner requests to make an amendment to the site licence. This could include a name change or change of address.

Applications can also be made to vary or cancel conditions by licence holders. The fee for this function is payable at the application stage. If the Local Authority deems it necessary to alter conditions themselves there will be no fee payable.

The fee for an application to transfer or amend a licence is **£100**

Appendix 4

Enforcement Expenses

The Mobile Homes Act 2013 has introduced the ability for Local Authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions.

The council is entitled, and will seek, to recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice. These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.

Where appropriate, the council will also seek to recover expenses incurred:

- In taking action following conviction of the site owner for failure to carry out actions required by a compliance notice; or
- In taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions

The council will also be able to register any of the debts to be recovered for enforcement actions as a local land charge against the site.

The Councils Housing Enforcement Policy which outlines current fees for other enforcement action can be found on the website using the following link:

<https://www.west-lindsey.gov.uk/my-services/housing-and-home-choices/housing-strategies-and-policies/housing-enforcement-policy/>

Appendix 5

Fit and Proper Person Checks

Section 8 of the Mobile Homes Act 2013 relates to “fit and proper persons” in respect to relevant protected sites, however, it does not come in to force until the Secretary of State (SoS) issues the necessary statutory instrument.

Should this come into force then it would enable the SoS to issue regulations making it an offence for a site owner to manage a site if the Local Authority does not consider them to be a fit and proper person. It would also enable the SoS to issue regulations requiring the Local Authority to establish, publish and keep up to date a register of persons they are satisfied are fit and proper persons to manage protected sites in their area, and enable them to charge a fee for applications for inclusion on the register.

At this time the LA has no plans to charge a fee for this but it may be included in a future update of this policy. Future fees may be adapted to take this cost into account.