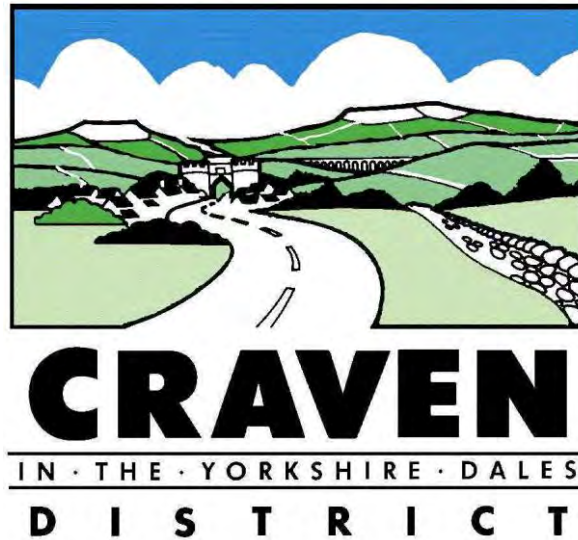


# Craven District Council Mobile Homes Fees Policy



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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)

Regulators Compliance Code

Craven District Council Enforcement Policy

DCLG Guidance on Site Licensing Fee Setting

## **1.0 Introduction**

Craven District Council grants Caravan Site Licenses under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The Mobile Homes Act 2013 amends the 1960 Act and introduced some important changes to the buying, selling or gifting of a park home and the pitch fee review process.

There is an expectation that Councils will inspect sites at regular intervals and use the additional powers to ensure compliance with site licence conditions.

The Council can also now charge a fee for different licensing functions, serve enforcement notices and publishing site rules.

## Fee Schedule

### New Application

Pitches	Fee
1-5	£171.54
6-24	£457.44
25-99	£514.62
100-199	£628.98
200+	£654.57

Further information on how these fees have been calculated can be found in Appendix 1 and Appendix 2.

### Annual Fee

Pitches	Fee
1-5	£0
6-24	£285.90
25-99	£343.08
100-199	£457.44
200+	£483.03

Depositing Site Rules	£50.00
Variation/Transfer	£250.00

Sites that are for **holiday use** only or are only allowed units stationed on them at certain times of the year are **exempt** from licensing fees under the Legislation.

## 2.0 Fees for New Licences, Transfer/Variation and Annual Fees

### 2.1 Overview

The Council has the power to charge fees for their licensing functions in respect of “**relevant protected sites**”.

A **relevant protected site** is defined as any land to be used as a caravan site with planning consent, 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).

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.

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

Under the new Act a fee can be charged for

- applications to grant a new license
- applications to transfer or amend an existing licence
- Annual licence fees for administering and monitoring existing site licences.

This policy details the fees to be charged for all of these licensing functions.

### 2.2. Exemptions from paying fees

Sites that are for **holiday use** only or are only allowed units stationed on them at certain times of the year are exempt from licensing fees under the Legislation. These sites do not fall within the definition of “relevant protected sites”.

### 2.3 Fees for New Licence,

Failure to apply for licence is an offence.

The Council may only issue a licence for a site with a valid planning permission for use as a caravan site. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision being issued. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The calculation and methodology relating to the fees is explained in detail in (**Appendix 1 & Appendix 2**). The Department for Communities and Local Government Guidance “The Mobile Homes Act 2013 - *A Guide for Local Authorities on setting site licensing fees*” has been taken into account in calculating the fees. In summary, the process involved a costing exercise breaking down the amount of time and resources taken for each step.

The Council cannot make a profit. Any fees charged must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites. Any surpluses generated will be carried over to the next financial year and will be taken into consideration in the review of fees on an annual basis. It is intended that licensing will be a self-financing function which local taxpayers will not be required to subsidise.

#### **2.4 Transfer or variation fees and charges**

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

Similarly where a site owner requests an amendment to site licence conditions the council can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage. If the council deem it necessary to alter conditions there will be no fee payable.

Where significant amendments to the site license conditions are requested this is likely to involve a site visit so the fee for this licensing activity will be as stated in the fees in Appendix 2.

#### **2.5 Time when Fees are payable**

For the purpose of this policy the period covered by the annual fee will mirror the financial year (1st April to 31st March) and will be payable in advance. Invoices will be sent out during the month of April requiring payment within 30 days.

Where a new site is licensed part way through the year then an invoice with the same payment terms will be sent once the licence is issued, pro rata to the end of the financial year.

All other fees are payable when the application is submitted. An application will not be valid until the fee is received. If the Council does not approve the application the applicant is not entitled to a refund of the fee paid.

#### **2.5 Site Rules**

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 or will promote and maintain community cohesion on the site.

The Council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the Council must ensure the rules deposited have been made in accordance with the statutory procedure – a fee is charged for this function.

Any site rules deposited with the Council 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.

### **3.0 Compliance Notices and Works in Default**

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.

The compliance notice will set out what the site owner needs to do to correct the breaches and the timescales.

The Council is entitled to recover its (as called in the Act) “expenses” in deciding to and in the service of a compliance notice. This includes costs incurred in inspections, preparing the notice and obtaining expert advice on it (including legal costs) and any interest the authority intends to charge. The demand for recovery is served with the compliance notice

The Legislation details the elements the Council may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice.

A detailed breakdown of the relevant expenses will be provided with the compliance notice. Charges are based on an hourly rate in addition to any other costs incurred for example legal costs.

The current hourly rate for an [authorised Environmental Health Officer](#) undertaking this enforcement work is **£57.17**. This hourly rate takes into account the full officer costs that will include establishment costs, cost spent on investigation recording and travel, [drafting of legal documents/notices](#) etc.

A demand for expenses which is served in conjunction with a compliance notice may be registered as a local land charge, which should be removed once the full amount has been recovered. 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 is successfully taken, the Council may carry out the works in default of the licence holder. The costs of the works and the Office time in securing compliance are payable by the site owners.

## 4.0 Fees for Depositing Site Rules

### 4.1 Overview

Site owners will need to replace existing site rules with new ones that should be deposited with the Local Authority.

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 or will promote and maintain community cohesion on the site.

The Mobile Homes Act changes the way site rules must be agreed between both parties.

The Council will keep an up to date register of site rules for relevant protected sites and will publish the register on-line.

Before publishing the site rules the Council will check the rules deposited have been made in accordance with the statutory procedure – a fee is charged for this function.

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.

The fee is currently **£50.00** and reflects the fixed costs for this function.

The relevant calculations can be viewed in Appendix 2-**Calculation of Fees**.

## 5.0 Publishing and revising the fee policy

This fees policy will be published on the Craven District Council website at [www.cravencd.gov.uk](http://www.cravencd.gov.uk) . The fees detailed in this policy have been determined 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.

## **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



**Fees & Charges Breakdown****New Application**

Band	No of Pitches	New park Homes Licence Fee (£)	Transfer of site Standard amendment fee (£)	Site Variation/ Expansion amendment Fee (£)	Annual licence fee (£)	Deposit of site rule fee (£)
1	1-5	171.54	250	270	0	50
2	6-24	457.44	250	275	285.90	50
3	25-99	514.62	250	285	343.08	50
4	100-199	628.98	250	290	457.44	50
5	200+	654.57	250	310	483.03	50

New premises licence fee will be charged at A1 + B1 below @ hourly rate of 57.18 total with an additional 3 hours of time spend reviewing planning and site visit, including consultation

**Annual Fee**

Band	No of Pitches	A1 Admin Time (min)	B1 Inspection time (min)	C /60	Hourly Rate £	Licence Fee £
1	1 – 5	0	0	0	57.18	0 (Exempt)
2	6 – 24	120	180	5	57.18	285.90
3	25 – 99	180	180	6	57.18	343.08
4	100 – 199	240	240	8	57.18	457.44
5	200+	270	240	8.5	57.18	486.03

**A1=** Inspection forms updating onto Flare systems, Telephone calls, Letters and planning discussions to confirm planning, web site maintenance, scanning of documentation, web up-dating, Licence production/amendments and sending, travel costs, office costs, admin time.

**B1=** Travel to and from site, walk around site, meetings on site, inspection notes, photographs, arranging site visits, checking supporting documentation (electrical maintenance, gas safety)etc.

**Additional fees and charges**

**Deposit of site rule fee** – placing on council web site the mobile home rules for site residents and maintaining site single initial fee, scanning onto web site, Copying documentation, checking documentation.

**Site Variation/Expansion amendment Fee** – additional site visits, consultation on environmental concerns, meetings. Checking planning permission, processing of new licence, discussions with applicant, scanning documents for web site, checking supporting documentation, site licence checking by management, an additional site visit may also be required

**Transfer of Standard amendment fee** – Local authorities may also charge a fee for alterations to licence Conditions where these are requested by the site owner or where an application to transfer the licence to another person/organisation is received. A standards single fee for checks and changes is required. (See above)