



Winchester
City Council

Fees Policy for Licensing Residential Park Homes Sites

1.0 **Executive Summary**

1.1 The Mobile Homes Act 2013 (The Act) was introduced in order to provide greater protection to the occupiers of residential caravans and mobile homes. It received Royal Assent on 26th March 2013 with some parts implemented on 26th May 2013. Since the 1st April 2014 the Act has created some important changes to park home licensing due to its amendments to the Caravan Sites and Control of Development Act 1960 (CSCDA 1960). These changes include the ability for the Council to charge fees for their licensing functions in respect of 'relevant protected sites'. A 'relevant protected site' is defined in the Act 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 year (such as planning conditions).

Relevant protected sites are generally known as residential parks, mobile home parks, Gypsy Roma and Traveller sites etc. and the Act now enables the Council to charge site owners on a cost recovery basis a fee for applying for a new site licence and amendments or transfers of existing licences. The Council can also charge a fee for holding a site licence or the depositing of site rules. Fees are only applicable to those sites that fall within the relevant protected sites definition.

1.2 In order to be able to charge fees the Council is required to publish a fees policy and the level of fee is based upon the estimated time and cost involved in undertaking a site inspection and the administrative activities involved. Publication of this Fees Policy will enable fee recovery by the Council in such circumstances where despite the request for a fee to be paid, no money is received.

The fees associated with applying for a new site licence, for transfers / variations of existing licences and for annual fees are detailed in Table 1 below.

Table 1 Park Homes Annual Fees (Relevant Protected Sites only)

	Band 1	Band 2	Band 3	Band 4	Band 5
Number of Pitches	1 to 5	6 to 15	16 to 45	46 to 75	76 plus
	£	£	£	£	£
Site licence annual Fee					
Charge to site owner	Nil	160.00	210.00	278.00	345.00
New site licence application – fee charges					
Charge to site owner	315.00	330.00	346.00	362.00	378.00
Application to transfer a site licence – fee charges					
Charge to site owner	105.00	105.00	105.00	105.00	105.00
Application to vary a site licence – fee charges					

Charge to site owner	105.00	105.00	105.00	105.00	105.00
Deposit and publishing of site rules – fee charge					
Charge to owner	45.00	45.00	45.00	45.00	45.00

- 1.3 Sites that do not fall within the definition of a relevant protected site are still subject to the licensing requirements contained within the CSCDA 1960, but the provisions relating to the payment of fees do not apply. This exemption applies to sites that are for holiday use only and those that are only allowed to have units stationed on them at certain times of year.
- 1.4 The Act also introduced the ability for the Council to serve enforcement notices and charge for fees incurred for undertaking works in default to remedy breaches of site licence conditions. In such instances the recovery of costs would be calculated on a case by case basis and do not therefore fall under the scope of this Fees Policy.
- 1.5 The Mobile Homes (Site Rules) (England) 2014 has also introduced changes to the administration of site rules and came into force on the 4th February 2014. It stipulates that all existing site rules on residential parks in England will cease to be effective on 3rd February 2015. If a park owner wishes to continue to have park rules after that date, they will need to have undertaken a formal consultation with all their park residents about any proposed new park rules. This process must be completed in accordance with the legislation and all new park rules must be deposited with the Council, for which a fee can be charged.
- 1.6 The Act also makes future provision for site owners to have to meet the requirements of a “Fit and Proper Persons” test and for the Council to keep a register of all such individuals. However, currently the Government has not published any Regulations or guidance on this matter. If such a register is required in the future, fees for maintaining it will be added as an addendum to this policy.

2.0 Introduction

- 2.1 The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) came into force on 29th August 1960. Part 1 of the Act introduced a licensing system to be operated by Councils in order to regulate the establishment and operation of caravan sites. The Mobile Homes Act 2013 (The Act) amends this primary legislation.
- 2.2 The Act received royal assent on 26 March 2013 and phased implementation of the Act commenced from 26 May 2013. The Act introduced important changes to park home site licensing and amendments to the CSCDA 1960. These changes include the ability for a Council to charge site owners a fee for applying for a site licence; for transfers of an existing licence; for varying site licence conditions and for depositing site rules. The Council can additionally charge an annual fee for holding a site licence although the legislation does allow the site owner to pass on each year to residents through their annual ‘pitch fees’ the amount of the charge imposed on the site owner by the Council in the first year and subsequent years.

- 2.3. Section 10A (2) of the CSCDA 1960 as amended by the Mobile Homes Act 2103 requires a Council to publish a Fees Policy in respect of the licensing of park home sites. This policy has been developed to enable the Council to charge appropriate fees from 2015. All fees are charged on a cost recovery basis and represent the costs incurred by the Council in undertaking its licensing functions. As this legislation is new, the Council will review the fees on an annual basis and make adjustments as appropriate
- 2.4. The Act also gives authorities the power to serve compliance notices and to carry out works in default to remedy breaches of site licence conditions. A charge will be made on a case by case basis and as a consequence, the fees for enforcement activity are not covered in this fees policy.
- 2.5. The Mobile Homes (Site Rules) (England) Regulations 2014 came into force on the 4th February 2014 and introduced changes to how site rules are administered. The Regulations set a 12 month timescale within which site owners will need to replace any existing site rules with new ones after having consulted with tenants on any new site rule proposals. Site rules are not the same as the site licence conditions but are an agreed set of rules between the site owner and the residents. In February 2015, any site rule made before the Regulations came into force will cease to have effect. There is no requirement for any site to have site rules, but where they do exist and the site is a 'protected site', a copy of the rules must be deposited with the Council by 3rd February 2015. Councils will need to satisfy themselves that replacement or new rules deposited with them have been made in accordance with the statutory procedure. They are also required to establish, keep up to date, and publish a register of site rules for applicable caravan sites in their district. In doing so, the Council may levy a fee for the depositing of site rules.
- 2.6. Regulations regarding a register of 'Fit and proper' persons responsible for the management of relevant protected sites have, as yet, not been published and will therefore be added in due course to this policy as an addendum if and when they are enacted.

3.0 Fees Policy

- 3.1 The Council will charge a fee as shown in Table 2 below in respect of any new application for a site licence relating to a relevant protected site. The Council may only issue a licence for a site which has been granted valid planning permission for the use.

Table 2 Park Home Fees – New Licence (Relevant Protected Sites only)

	Number of Pitches				
	1 to 5	6 to 15	16 to 45	46 to 75	76 plus
New Park Home Licence	£315.00	£330.00	£346.00	£362.00	£378.00

3.2 **Annual Fee**

The Council will charge site owners an annual fee as shown in Table 3 below in respect of each existing relevant protected site licence. It is not considered cost effective to charge an annual fee for sites where there are five or less pitches; as such sites would be lower risk and require infrequent inspections although other licensing fees will still apply.

Table 3 Park Home Fees – Annual Fee (Relevant Protected Sites only)

	Number of Pitches				
	1 to 5	6 to 15	16 to 45	46 to 75	76 plus
Annual Licence Fee	Nil	£160.00	£210.00	£278.00	£345.00

3.3 **Transfer or Varying of licence**

The Council will charge a fee of **£105** where an application to transfer the licence to another person / company or organisation is received and **£105** for amendments to licence conditions where requested by the site owner. If the Council deems it necessary to vary site conditions, there will be no fee payable.

3.4 **Site Rules**

The Council will charge a fee of **£45** to deposit site rules and to publish them on each occasion on the Council's website.

3.5 **Exempting certain sites from paying fees**

Fees will only apply to relevant protected sites, therefore no fees shall be payable in relation to other sites such as those solely providing holiday or recreational accommodation, or sites that are only allowed to have units located on them at certain times of the year. Sites for the sole use of the owner and their families (does not include sites that are run for financial gain) are also exempt from the annual licensing fee.

3.6 **Cost Recovery**

Fees are calculated by the Council on the basis that it will recover the costs incurred in administering licences, including both fixed costs and officer time spent inspecting sites. The fees were calculated with reference to 'The Mobile Homes Act 2013 – a Guide for Local Authorities on setting site licence fees'.

3.6.1 The appropriate fee will require to be included with any application for a new site licence, for amending a site licence or for transferring a site licence.

3.7 **Review of fees**

As this is a new provision, the policy for fee calculation will be reviewed periodically from implementation to determine any changes that need to be made. Fee levels however can be reviewed annually to take into account the effect of inflation and any surpluses and deficits that might have impacted on the predicted level of expenditure in the previous year.

3.7.1 **Annual Fees**

Section 10A(5) of The Mobile Homes Act 2013 states that the Fees Policy must include provision regarding the time at which the annual fee is payable. For the purposes of this policy the fees for existing sites will be payable during May / June 2015 and then on each anniversary.

3.7.2 Where an annual site licence is payable, the request for payment will be made in May each year and must be paid to the Council within 28 days of the dated request.

3.7.3 Where a fee is overdue to the Council, the Council may apply to the First Tier Tribunal for an order requiring the licence holder to pay the Council the amount due by the date specified in the Order. Should a licence holder fail to comply with such an Order within a period of three months from the date of the order, the Council may apply to the First Tier Tribunal for an Order revoking the site licence.

3.7.4 **New Site Licences**

The appropriate application fee should accompany any application for a new site licence. Where a new site licence is granted part way through the year, the fee will be calculated up to the following 1st June date on a pro rata basis.

4.0 **Enforcement Notices and Works in default**

4.1 Since 1st April 2014 section 9 of The Mobile Homes Act 2013 has enabled a Local Authority to serve a compliance notice on a site owner where site licence conditions have been breached. Such a notice sets out what the site owner is required to do in order to remedy the breaches and details a time frame within which works must be carried out. Failure to comply with the notice would be a criminal offence and the Council may prosecute in court. The Act differs from the majority of other housing legislation in that the court can impose an unlimited fine.

4.2 Following a successful prosecution for breaching a compliance notice Local Authorities are able to serve notice to enter the site to carry out the necessary works (Works in Default).

4.3 In addition to this, Section 9E of the Act allows for the service of a notice on site owners enabling the Local Authority to enter the site and take emergency action where there is an imminent risk of serious harm.

- 4.4 The cost of deciding whether to and / or what action to take, preparing and serving enforcement notices and the cost of any actual works (plus the cost of officer time) can be recovered by the Local Authority through recharging for works in default. Unpaid expenses can also be placed as a charge against the site owner's land.
- 4.5 Should the need for works in default arise, the full costs incurred by the Council in undertaking its enforcement activities (including officer time) will be calculated and charged on a case-by-case basis? As such costs can not be predicted, they are not detailed in this policy.

5.0 Depositing of Site Rules

- 5.1 Site Rules that have been duly deposited with the Council will be accepted if their contents are believed to be consistent with legislation and created having been correctly consulted upon and that there are no outstanding appeals.

Site rules that have been duly deposited with the Council will be published on the Council's web site and available to view or download.

6.0 Department for Communities and Local Government (DCLG) Guidance

- 6.1 In setting its fees policy and the fees to be charged, the Council has had regard to The Mobile Homes Act 2013 – a Guide for Local Authorities on setting site licence fees' issued by the Department for Communities and Local Government. The Council is not permitted to make a profit and can only pass on to the site owner the costs incurred in carrying out the licensing function. The Council however is also not expected to make a loss in undertaking its licensing functions which should be a self financing function which local taxpayers are not required to subsidise.