



# **Guidance Note For Residential Park Homes Sites Licensing Fees and Fit and Proper Person Tests**

The Mobile Homes Act 2013 (the Act) introduced the ability for the Council 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 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 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 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.

**Fees are only applicable to those sites that fall within the relevant protected sites definition.**

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.

Fees charged by the Council are required to be published and the level of fee is based upon the estimated time and cost involved in undertaking a site inspection and / or the administrative activities involved in a particular process. Publication of the Council's fees will enable fee recovery by the Council in such circumstances where despite the request for a fee to be paid, no money is received.

**Fees associated with the licensing of relevant protected sites and for applications to be included on the Fit and Proper Persons Register**

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

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 brought Section 8 of the Mobile Homes Act 2013 into force from 1<sup>st</sup> July 2021. The Regulations allow the local authority to charge a fee for processing applications to be included on the register that the council is required to produce, make available for public inspection, and publish online. Fees for this process are detailed in Table 1 below.

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

<b>Number of Pitches</b>	1 to 5	6 to 15	16 to 45	46 to 75	76 plus
	£	£	£	£	£
<b>Site licence annual Fee</b>					
Charge to site owner	198.00	227.00	299.00	398.00	494.00
<b>New site licence application – fee charges</b>					
Charge to site owner	450.00	472.00	495.00	516.00	540.00
<b>Application to transfer a site licence – fee charges</b>					
Charge to site owner	152.00	152.00	152.00	152.00	152.00
<b>Application to be included on the Fit and Proper Person Register:</b> Application for existing site licence holder – included in the Site Licence Annual fee detailed above. First application on application for a new site licence – included in the application fee detailed above. Any further application within the period for which the initial application is granted (no more than 5 years) will be charged as follows:					
Charge to site owner	151.00	151.00	151.00	151.00	151.00
<b>Application to vary a site licence – fee charges</b>					
Charge to site owner	152.00	152.00	152.00	152.00	152.00
<b>Deposit and publishing of site rules – fee charge</b>					
Charge to owner	66.00	66.00	66.00	66.00	66.00

Sites that do not fall within the definition of a relevant protected site are still subject to the licensing requirements contained within the Caravan Sites and Control of Development Act 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.

The Mobile Homes (Site Rules) (England) 2014 also introduced changes to the administration of site rules and caused all existing site rules on residential parks in England to cease to be effective on 3rd February 2015. If a park owner wished to continue to have park rules after that date, they had to undertake a formal consultation with all their park residents about any proposed new park rules. This process had to be completed in accordance with the legislation and all new park rules were required to be deposited with the Council, for which a fee could be charged.

### **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'.

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 etc.

### **Review of fees**

Fee levels will be reviewed annually to take into account the effect of inflation.

### **Annual Fees**

Fees for existing sites will be payable annually during May / June.

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

Where a fee is overdue to the Council, it 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.

### **New Site Licence / transfer of site licence**

The appropriate application fee must accompany any application for a new site licence, or the transfer of an existing site licence.

### **Depositing of Site Rules**

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.

### **Department for Communities and Local Government (DCLG) Guidance**

In setting the fees to be charged, the Council 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.