

Park Homes Fees Policy

2015 - 2018

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1. Executive Summary

1.1 The Mobile Homes Act 2013 (The Act) received royal assent on 26th March 2013

The Act introduced important changes to the Caravan Sites and Control of Development Act 1960 which directly affected the way the Council licenses park home sites. Amongst a number of changes, effective from the 1st April 2014, was the introduction of fees payable by site owners for new site licences, annual fees and for amendments or transfers of existing licenses through an adopted fees policy. W&PBC adopted a fees policy for 2014 based on the need to recover actual costs incurred with undertaking actions associated with the licensing function.

1.2 The fees policy was reviewed as required by the act after the first year of operation. The review indicated that while there were variations in the cost incurred between the different sites, most of the variations were attributed to the inspection times found necessary. With all sites inspected in year one it was considered that inspection times would become more uniform as the level of knowledge of each site was improved. Consequently the original fees structure has been retained with minor 'rounding up' to allow for increased staff costs in 2015 onwards. The fees have been set for a three year period at which stage a review will be conducted to assess any deficits or surpluses associated with the process.

Table 1 Fees for 2015 -18:

New Park Home Licence (per licence)	Sites of 35 units or less = £330 Sites of 36 – 70 units = £370 Sites of 71- 105 units = £410 (Thereafter additional £40 per multiple of 35 units)
Annual Licence Fee (per site)	1 - 10 units = £ 38 11 – 35 units = £140 36 – 70 units = £175 71-105 units = £210 (Thereafter additional £35 per multiple of 35 units)
Transfer of a Licence	= £30
Amendments to site licence conditions (Owners request only)	= £160

Deposit of Site Rules of rules)	(per set	= £40
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All fees are calculated on a cost recovery basis.

- 1.2 Sites that are for holiday use only or are only allowed to have units stationed on them at certain times of the year are exempt from licensing fees.
- 1.3 The Council is able to charge fees in relation to the costs incurred in carrying out enforcement activities however they are calculated on a case by case basis (in a similar way to Housing Act 2004 enforcement activities) and do not fall under the scope of this policy.
- 1.4 From the 4th February 2014 existing site rules on park home sites had to be deposited or replaced with new ones which could then be deposited with the Local Authority. The Council will publish and update a register of site rules for which a fee will be charged. (Shown above).
- 1.5 The Act also makes provision in the future for site owners to meet a “Fit and Proper Persons” test and for Local Authorities to keep an up to date register. At this time no Regulations have been published by Government on this matter and therefore will be added as an addendum upon publication of the Regulations.

2. Introduction

- 2.1 The Caravan Sites and Control of Development Act 1960 came into force on 29th August 1960. Part one of the Act introduced a licensing system, to be operated by Local Authorities to regulate the establishment and operation of caravan sites.
- 2.3 There are currently just three sites within the borough that are defined as park home sites and referred to as ‘relevant protected sites’ in the Mobile Homes Act 2013. The total number of park homes in the borough is currently 42
- 2.4 The Mobile Homes Act 2013 (The Act) received royal assent on 26th March 2013. Implementation of the Act was phased starting on 26th May 2013. The Act introduced important changes to park home site licensing and amendments to the Caravan Sites and Control of Development Act 1960. The changes included the ability for Local Authorities to charge site owners a fee for applying for a site licence; for transfers of an existing licence; revising site licence conditions; depositing sit rules, and an annual fee. Site owners may recover the annual fees through an increase in pitch fees if they choose to do so.

- 2.5 Section 10A (2) of the Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013 requires a Local Authority to publish a Fees Policy for the licensing of park home sites. A policy was adopted to enable the Council to charge appropriate fees from 2014. All fees were calculated on a cost recovery basis and represented the true cost of procedures and formalities. Relevant considerations when calculating the fees included; administering applications, issuing licences, officer time, annual inspections, stationery costs, postage, time spent consulting with other organisations, legal advice, and licensing software.
- 2.6 As this was new legislation, the fees were to be reviewed after 12 months and thereafter on a three year rolling basis with the fees being adjusted accordingly. This policy details the fees for the three year period 2015-18.
- 2.7 The Act also introduced the ability for Local Authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1st April 2014. A charge may be made on a case by case basis, which will be on a cost recovery basis. Charging for enforcement activities is not specifically covered by this policy but costs if levied will be detailed when invoiced.
- 2.8 The Act also introduces changes to how 'site rules' are administered. Site rules are not the same as the site licence conditions but are an agreed set of rules between the site owner and residents. Regulations come into force on 4th February 2014 which set timescales (12 months from that date) within which site owners needed to replace any existing site rules with new ones that should be deposited with the Council. A fee for depositing and publishing the site rules is also set out in this policy.
- 2.9 Regulations regarding a register of fit and proper persons for managing relevant protected sites have yet to be published and will therefore be added to this policy as an addendum if and when they are enacted.

3. Fees Policy

3.1 Fees:

The following schedule of fees will be applied by the Council for the period 2015-18.

New Licence Application:

The Council will charge a site licence application fee in respect of new relevant protected sites. The fee payable by the applicant will be:

£ 330 for sites of 35 units or less.

The fee will increase by £40 for every additional 35 units.

Annual Fee:

The Council will charge an annual fee in respect of relevant protected sites. The fee payable by the site owner will be:

£ 38 for sites of 1 -10 units

£ 140 for sites of 10 - 35 units

The annual fee will increase by £35 for every additional 35 units.

Transfer or Amendment of a licence:

The Council will charge a fee for the transfer of site licences to another person/organisation.

The fee payable by the new licence holder will be: £30

The Council will charge a fee should the site owner request that the Council considers revisions to the site licence conditions.

The charge payable by the site owner will be: £160

(Note site licence conditions are not the same as site rules. See below).

Site rules:

The Council will charge a fee for the depositing and publishing of site rules. The fee payable by the site owner will be: £40

3.2. Exemptions

Sites that are for holiday use only or are only allowed to have units stationed on them at certain times of the year are exempt from licensing fees. Similarly sites that contain homes which are occupied by employees are exempt unless the home is occupied under an agreement to which the Mobile Homes Act 1983 applies.

3.3. Cost Recovery:

Fees are calculated on the basis that they will recover the costs incurred by the Council in administering licences which includes both the fixed costs and inspection of the site.

3.4 Review of Fees:

Site fees have been reviewed after 12 months of introduction and will be reviewed further on a three year rolling basis to take into account any surplus/deficit in costs that may have built up over the three year period.

3.5 When Fees are payable

For existing sites fees were payable on the 1st September 2014 and on each anniversary of that date. Reminders will be sent out during the month of August to site owners.

Where a new site licence is issued then payment of the New Site Licence fee will be required as part of the application. The annual fee will be charged the following financial year from then on.

4. Charges for Enforcement Notices and Works in Default

4.1 Section 9A of the Act allows Local Authorities from 1st April 2014 to serve compliance notices on site owners where site licence conditions are breached. These notices will set out what the site owner needs to do to correct the breaches and the timescales, and the notice will attract a charge. Annual site licence fees do not include any costs incurred in relation to enforcement activities, such as serving compliance notices, emergency action, and works in default. These costs will be recovered on a case by case basis calculated on a full cost recovery basis.

5. Depositing of Site Rules

5.1 Site rules will be accepted and published by the Council if the correct fee is paid and the site owner can provide evidence that the rules have been correctly consulted and agreed and that there are no outstanding appeals.