



Caravan Sites and Control of Development Act 1960

as amended by

Mobile Homes Act 2013

Fees Policy for Licensing of Residential Park Home Sites

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Fees Policy for Licensing of Residential Park Home Sites

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Appendix I - Fees for licensing residential park home sites

I. Introduction

- I.1 Hart District Council grants Caravan site licences under The Caravan Sites and Control of Development Act 1960 (CDCDA60) for those sites with the relevant planning permission. The Mobile Homes Act 2013 amends the CDCDA60 and was introduced to provide greater protection to occupiers of residential caravans and mobile homes. The Act introduces some important changes:-

Changes to the legislation from 1st April 2014:-

Licensing

- Section 1 Local authorities can introduce license fees (on application and an annual fee).
- Section 2 Local authorities have discretion on application to issue and/or transfer licences.
- Section 3 Appeals to site licence conditions will go to the Property Chamber (Residential Property) of the First Tier Tribunal.
- Section 4 Local authorities can serve a compliance notice where there are breaches of site licence conditions.
- Section 5 Local authorities can carry out works where the licence holder has failed to do so. This includes the recovery of costs.
- Sections 6&7 Amends process for appeals, operative periods, recovery of expenses and residential property tribunal.

Management of sites

- Section 8 Requires a site manager to be a 'fit and proper person' (Not enacted yet).

From 26 May 2013:-

Pitch agreements

- Section 9 Site rules become express terms of agreement between the site owner and mobile home occupier.
- Section 10 Site owners no longer required to consent to the sale or gift of a mobile home.
- Section 11 Site owners are able to change pitch fees.

Offences

Section 12 Amends protection for occupiers against eviction, harassment and false information et cetera.

2.0 Objectives and scope of policy

2.1 This document outlines the policy adopted by Hart District Council to address relevant protected sites to be licensed. The main objective of the policy is to provide a consistent and transparent service to licence relevant protected sites in accordance with the Mobile Homes Act 2013 and the Caravan Sites and Control of Development Act 1960.

2.2 The Council will endeavour to inspect, when it is considered necessary, all relevant protected sites that are subject to a licence application before the licence is granted.

2.3 The service shall include assistance, advice and education, in addition to statutory action where appropriate.

3.0 Licensing and fees

3.1 The Mobile Homes Act 2013, authorises local authorities to issue licences in respect of 'relevant protected sites' and to charge a fee fixed by the authority. Fees can also be charged for applications to transfer existing site licences or to change site licence conditions. Local authorities may also charge an annual fee for the administration and monitoring of site licences. This policy details the fees to be charged for all of these licensing functions.

3.2 Hart District Council is the local authority for the purposes of the Act and has agreed to charges for the licensing of relevant protected sites in accordance with the powers granted under the Act.

3.3 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 (for example, planning conditions).

3.4 A relevant protected site does not however include sites that are owned by the local authority.

3.5 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

3.6 Any fees charged must fairly cover the costs incurred by the local authority in performing its functions under Part I 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.

- 3.7 In setting its fees policy and the fees to be charged the Council has had regard to the DCLG guidance, “*Mobile Homes Act 2013- A Guide for Local Authorities on setting licence fees*”.

4. The Licence Fee Structure

- 4.1 In calculating its fee structure, the Council has calculated its fees in accordance with the provisions of the Act and Guidance; the fees are set out in Appendix I.
- 4.2 In determining those fees, the Council has taken into account all administrative costs incurred in the licensing process, including officer visits to sites, travel costs, consultations, meetings, monitoring of sites/investigation of complaints and the giving of informal advice.
- 4.3 The Council has decided to exempt the following from the requirement to pay a fee – *Single home owner occupied sites and small not for profit sites*. It has exempted small not for profit sites (for example, small family traveller sites) because they are considered low risk and the cost of inspection is outweighed by the cost of administering any charges.
- 4.4 The fee structure adopted by the Council is based upon a price per pitch based on the total cost to the Council of carrying out its licensing function for the sites, divided by the total number of all pitches over all the sites.

5. Review of the licence fee structure

- 5.1 Reviews 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.
- 5.2 Any surpluses or deficits for the previous year will be taken into account when fixing the fees for the following year.
- 5.3 In setting fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year and will confirm to the site owner the inspection fee for the forthcoming year.

6. Publishing the fee policy

- 6.1 The fees policy for licensing of residential park home sites will be published on the Council’s website:

www.hart.gov.uk

- 6.2 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:

Housing Services, Hart District Council, Civic Offices, Harlington Way, Fleet, Hampshire. GU51 4AE.

7. Payment of fees

7.1 New site licences, amending or transferring existing licenses

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 in terms of inspecting the site and processing the paperwork until such time as the fee is received.

7.2 Application fees are not refundable if the application is not approved for any reason. It is expected that before making an application for a grant or transfer of a licence the applicant will make contact with the local authority to ascertain the likelihood of the success of that application. The authority is expected to give such informal advice, including on likely undertakings that may need to be given, so the applicant can make an informed judgement as to whether to proceed with the application.

7.3 Annual fees

The fees policy will take effect from 1st April 2014 and fees will be due annually thereafter. The request for payment will include information on what matters the Council took into account in fixing the annual fee and the extent to which it had regard to deficits and surpluses from the previous year.

7.4 Where a fee becomes overdue for payment, the Council may apply to the Property Chamber (Residential Property) of 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. If the licence holder has still not paid the fee within three months from the date specified in the Order, the Council may apply to the tribunal for an Order revoking the site licence.

7.5 If a site owner continues to run a site without a licence the necessary enforcement action will be taken by the Planning Department and Private Sector Housing Service.

8. Other charges

8.1 Enforcement Expenses

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.

8.2 Interest may be charged on any sums to be recovered as a result of enforcement action.

8.3 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.

8.4 Deposit of Site Rules

The local authority is required to keep and maintain a register of the site rules for all caravan sites licensed in the district. The site rules need to be deposited by site owners by February 2015.

Fees payable by site owners for the deposit of site rules are:-

£40.00

The information regarding 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.

APPENDIX I

FEEs FOR LICENSING RESIDENTIAL PARK HOME SITES

Description	Calculation	Cost
Initial site licence application	Officer hourly rate of £44.40* based on 5 hours (including all recharges). Administration and paperwork	£222.00
Annual Inspection	Single pitch fee £3.74 (including all recharges). Administration, inspection and paperwork.	£3.74 per pitch
Transfer of licence	Officer hourly rate of £44.40 based on 2.5 hours (including all recharges). Administration and paperwork	£111
Deposit of site rules	Administration and paperwork	£40
Enforcement action	Calculated on a case by case basis	No set charge

The fees have been calculated in accordance with the DCLG guidance, “*Mobile Homes Act 2013- A Guide for Local Authorities on setting licence fees*”.

*Based on 2 officers at an individual officer hourly rate of £22.20