



South Hams  
District Council



West Devon  
Borough  
Council

# Park Homes Fees Policy

1<sup>st</sup> April 2016

# **Mobile Homes Act 2013**

## JOINT FEES POLICY – APRIL 2016

### INTRODUCTION

South Hams District Council and West Devon Borough Council ('the council/s) have powers under the Caravan Sites and Control of Development Act 1960 (the Act) as amended by the Mobile Homes Act 2013 (The 2013 Act) to issue licences in respect of 'relevant protected sites'. The 2013 Act was introduced in order to provide greater protection to the occupiers of residential caravans and mobile homes, it received royal assent on 26<sup>th</sup> March 2013.

These changes also include the ability of for local authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees.

All of the residential mobile home parks currently licensed by the Councils come under the new licensing regulations; these sites are referred to as 'relevant protected sites'. The following sites are exempted:

- Sites granted for holiday use only (these fall under separate licensing regime)
- Sites which have restrictions at certain times of the year (such as planning conditions)
- Sites owned by Local Authorities in the area they operate

The legislation allows the site owner to pass on each year to residents, through their annual 'pitch fees', the annual licence fee imposed by the Councils in the first year. Therefore as the Councils did not charge a fee in the first year of the legislation there will be no ability for the site owners to pass this charge onto the residents.

Before the Councils can charge a fee they must prepare and publish a fees policy. When fixing a fee the Councils:

- Must act in accordance with their fees policy
- May fix different fees in different cases
- May determine that no fees are required in some circumstances.

Any fees charged must fairly cover the costs (or part of the costs) incurred by the Councils under its functions in Part 1 of the Act, other than the costs of enforcement action. They must be reasonable and transparent and whilst different fees can apply to different types of cases, there must be consistency in the fee structure and its application.

## PROPOSED FEES

When setting the fee the Councils has adhered to the DCLG “Guide for Local Authorities on setting site licensing fees” published in March 2014 in determining the fees structure to calculate the fees. The document can be viewed by following the link below: -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/285926/140227\\_A\\_guide\\_for\\_Local\\_Authorities\\_on\\_setting\\_site\\_licensing\\_fees.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285926/140227_A_guide_for_Local_Authorities_on_setting_site_licensing_fees.pdf)

In setting the level of application fee in this fees policy the Council has taken into account the following matters on which costs are incurred (by whichever department, including costs incurred by contracting out):

- Sending out and processing the application (including dealing with the initial inquiry)
- Site inspections
- Third party consultation
- Consultation with the site owner
- Preparing draft licences (with altered conditions);
- Review by manager or lawyers;
- Review any consultation responses from third parties;
- Notification of decision (including where appropriate the update final licence) and
- Where appropriate up-date of register

When setting the fees there are certain aspects that cannot be included in the charge, and a Council cannot make a profit from the licensing function.

The fees associated with applying initially for a new site licence, for transfers/standard amendments of existing licences, site expansion amendments, for annual fees and for providing replacement licences are to be set initially as follows:

- Annual Fee = £13 per pitch with a minimum of 5 pitches i.e. £65
- Transfer of Licence Fee = £100
- Standard Amendment Fee = £200
- Site Expansion Amendment Fee = Standard Amendment Fee + £10 per pitch.
- Initial Licence Fee = £200 for a 5 pitch site + £10 per pitch thereafter
- Replacement of lost copy of a licence = £10.50

The 2013 Act introduced the ability of the Councils to charge for the service of enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1<sup>st</sup> April 2014. The fee for Housing Act 2004 enforcement notices is based on the hourly rate plus on-costs of the relevant enforcing office, due to the similarity of the two pieces of legislation the two fees will be comparable, as such the fee is £38.50/hour.

The Councils have already set a fee for depositing site rules with the local authorities, this was set in 2014 and will remain the same at £75.

## EXEMPTION FROM CHARGES

It was important to recognise that certain licensable sites play an important part in aiding to meet our Locally Assessed Housing Need, especially in relation to our provision for Gypsy and Traveller sites, as such discretion has been granted to the Community of Practice Lead for Environmental Health to waive fees where they feel there is sufficient evidence that the site is being run as a Gypsy Roma and Traveller Site.

Also it was felt that single pitch site should be exempt from annual fees (but not other licensing fees) as these lower risk sites are less onerous to inspect and collecting annual fees from them would not be cost effective.

## FEE PAYMENT

The Councils are not required to consider an application for the grant of licence, a transfer of a licence or an application to alter conditions unless that application is accompanied by the correct fee.

If the Council decide not to approve the application the applicant is not entitled to a refund of the fee paid.

When demanding the annual fee the Council will:

- Give reasonable time in which the fee is to be paid (which will be 21 days);
- State the date by which the fee will be due (which will be 1<sup>st</sup> June each year) and;

The Council will not increase the fee payable to take account of any arrear in payment and instead will follow the procedure set out below to recover arrears;

- (i) Where a fee is overdue the Council may apply to a tribunal for an order requiring its payment. The order must specify when the fee must be paid by.
- (ii) If the fee is not paid by that date the Council may enforce the order in the County Court in the same way as judgment of that court can be enforced.
- (iii) If after a period of three months following the date specified in the order the arrears have still not been paid the Council may apply to a tribunal for an order revoking the site licence.

## REVIEW OF FEES

When determining future fees the Council will be minded of any surpluses or deficits from licensing the sites in the previous year. If it is found that the licence fee is unfairly benefitting or harming types of sites then the policy will be reviewed and consideration will be given to developing a risk based approach to fee setting and an accreditation scheme to decrease fees chargeable in line with current government guidance.

The policy will also be amended if additional costs are required by the Councils in delivering the service when determining the fitness and appropriateness of the site owner (national policy yet to be devised.)