



Herefordshire Council Park Homes Fees Policy

Ver8-Reviewed 26th February 2024

Fee Policy for Protected Sites

Caravan Sites and Control of Development Act 1960 & Mobile Homes Act 2013

Contents

- 1) Introduction
- 2) Fee Structure
- 3) Application for a new licence
- 4) Transfer of an existing licence
- 5) Alteration of Conditions on an existing licence
- 6) Annual fees
- 7) Exemption from fees
- 8) Charging arrangements
- 9) Enforcement action
- 10) Depositing site rules
- 11) Publishing and revising the fee

Annex A - Elements included in fee setting

Annex B - Current Fees

Annex C – Surplus and Deficit information

1. Introduction

This Policy sets out the fees for the licensing process under the Caravan Sites and Control of Development Act 1960. These fees have been arrived at in accordance with guidance issued under the Mobile Homes Act 2013 and will be reviewed regularly as part of the Council's annual review of its fees and charges.

The Caravan Sites and Control of Development Act 1960 (CSCDA60) introduced a licensing system to regulate the establishment and operation of caravan sites.

The Mobile Homes Act 2013 (MHA13) was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the enforcement provisions had received no significant update since the original legislation. This Act also introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process which enhances the civil law provisions pertaining to the contract between the site owner and home owner.

There is an expectation that councils will inspect sites regularly in line with a risk based assessment and use the additional powers to ensure compliance with site licence conditions. The council can also now charge a fee for different licensing functions. The legislation also allows the council to serve compliance notices upon the site owner, take on works in default and requires the council to satisfy itself on the legitimacy of and publish any site rules relating to a site.

The charges introduced by the MHA13 only apply to relevant protected sites. A relevant protected site is defined in section 5A (5) and (6) of CSCDA60 (as amended), and further guidance has also been issued by the Department for Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing, Definition of relevant protected sites' (January 2014), and lists the types of sites which would fall within the definition. In summary:

'any licensable caravan site is a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if:

- it has planning permission or a site licence for exclusive holiday use
- there is a restriction on use as permanent residential

Section 10A (2) of CSCDA60 (as amended) requires a local authority to prepare and publish a Fee Policy where they propose to charge for functions associated with the regulation of relevant protected sites. This relevant Policy will be published on the Council's Licensing pages.

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained with the CSCDA60, but the provisions relating to payment of fees do not apply.

2. Fee Structure

The Council has calculated fees in accordance with the provisions of MHA13 which allows a local authority to include all reasonable costs and this includes administrative costs, officer visits to the site, travel costs, consultations, meetings, undertakings and informal advice.

All tasks detailed in Appendix A were considered together with historic information collected which relates to the relevant work carried out as part of the licensing process. Each task was apportioned a time based on those records and a rate based upon the cost of the person carrying out that action.

The fees will be considered annually and will be published along with all other fees and charges that the Council's makes on the web-site.

3. Application for a new licence

All sites (subject to exemptions contained within the Act) require a site licence to operate; failure to apply for licence is an offence under Section 1(2) of CSCDA60. Section 3(2A) of the amended Act allows the local authority to require a fee to accompany applications for licences, and this must accompany any new application. The council may only issue a licence for a site with a valid and correct planning permission for the use.

The fee reflects the costs which would apply to any new licence application plus an amount to reflect the variation in the cost for the application according to the number of pitches permitted on the site. The number of pitches permitted on site can be less than the Planning Permission but not more than.

4. Transfer of an existing licence

Where a licence holder wishes to transfer the licence, an application form and consent form (available on the website) must be fully completed and submitted. The relevant fee must also accompany the completed application form.

5. Variation of an existing licence

Where a licence holder requests a variation to the site licence the council will charge a fee.

Applications can be made by licence holders to vary or cancel conditions. The application must be made using the appropriate application form (available on the website). The relevant fee must also accompany the completed application form.

If the Council deem it necessary to alter conditions there will be no fee payable.

6. Annual fees

All relevant protected sites must pay an annual fee to the Council (subject to any exemptions stated in this Policy).

The annual fee is due on the 1st April each year.

In previous years the annual fee had been payable in January for the period January – December. With effect from January 2023 the annual fee was payable in April for the period April – March bringing it into line with the Council financial year.

Where a new site licence is granted for a relevant protected site, payment of the annual fee will be charged the following financial year and will be payable annually on the anniversary of the grant of the licence.

Charges are based on estimates from experience associated with the administration responding to enquiries and conducting inspections of sites varying in type and size. The Council is not permitted to make a surplus from this function.

The annual fee covers the costs associated with site inspections to ensure compliance with the site licence conditions and any follow up visit to ensure compliance with any informal schedule of works identified. If there is still a breach of site licence conditions at the point of the follow up visit, further charges may be payable to cover the cost of any enforcement action which may be taken. Further details can be found in section 9 Enforcement Action.

DCLG guidance offers a variety of suggested options for local authorities in calculating the annual fee and this approach has been adopted across the council as it is considered to offer transparency and fairness to both residents and site owners.

The fee is calculated to reflect the variation in cost due to the number of permitted pitches and is in line with other agreed fees and charges set out by each councils' area. The number of pitches is either stated within the site licence or in circumstances where this is not the case, the annual site licence fee will be based upon the number of pitches identified during the most recent site inspection carried out by an appropriate Local Authority officer.

7. Exemptions from fees

- Sites that are not relevant protected sites
- Sites for the Site owner and/or their family (does not include sites that are run for financial gain)

This category of site is exempt from the licensing fee as the council do not intend to carry out annual inspections of these sites, however, any complaints or enquiries would be dealt with as appropriate.

8. Charging arrangements

The annual fee for existing sites will be charged to the site owner/licence holder and invoices will be sent, with payment due within 30 days.

Following the granting of a new licence the annual fee will be payable annually on the anniversary of the grant of the licence.

Where an amended licence is issued part way through the financial year (which included either additional units or pitches permitted, the change in annual fee will be calculated on a pro-rata basis for the remainder of the financial year

In the event an annual fee is not paid as required the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

9. Enforcement Action

Section 9A of the Act allows Local Authorities 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.

Where there has been a breach in a site licence condition the Council may serve a compliance notice. Section 9C of the CSCDA60 (as amended) details the elements which a local authority may include when imposing a charge for enforcement action. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on the hourly rate for the relevant officers.

If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings and can carry out any works in default of the licence holder. Any costs associated with this process would be at the discretion of the court.

Charges for enforcement costs cannot be passed onto the residents pitch fee.

10. Fees for depositing, varying or deleting sites rules

Site rules are put in place by the owner of a site to ensure acceptable standards which benefit occupiers and promote and maintain community cohesion on the site. The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register online.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure.

The Council can charge a fee for depositing, varying or deleting site rules.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion as the process is very similar for all three types of deposits.

11. Publishing and Revising the Fee

The fees detailed in this Policy have been determined based on full recovery of costs. The costs have been assessed according to past experience of dealing with site licensing with consideration of the likely impact of the changes the MHA13 has introduced.

The fees will be reviewed as part of the annual review of Council fees and charges.

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically and in consideration of the additional administration required as a result of the changes to the legislation.

Fees may then be increased/decreased on an annual basis, taking into account the Council's policy to achieve full cost recovery, and in accordance with increased costs of undertaking the licensing regime. Herefordshire Council recognises that no profit can be made from revenue raised by carrying out this function. Annual reviews will take place to consider any deficit or surpluses identified and fees adjusted accordingly.

Annex A - Elements included in fee setting

The DCLG guidance sets out the activities that the council can and cannot include when calculating its annual fee. A Local Authority **can** include:

- letter writing/calls etc. to make appointments and request documents or other information from the site owner or any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- land registry searches
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- preparing draft and final licences
- review by manager or lawyers
- review any consultation responses from third parties;
- updating public register
- carrying out any risk assessment process considered necessary
- reviews of decisions or in defending appeals
- A pre-programmed full site inspection;
- A follow-up inspection to check compliance following programmed inspection

A local authority **cannot** take into account when setting fees costs incurred in exercising their functions under

- Section 9A-9I Caravan Sites and Control of Development Act 1960 (the Act) (relating to enforcement due to breach of licence conditions);
- Section 23 of the Act (prohibiting the siting of caravans on common land); or
- Section 24 of the Act (the provision of caravan sites by local authorities).

In addition, section 10A (4) (b) of the Act prohibits a local authority from taking into account when setting fees costs it incurs under the Act, other than those relating to a relevant protected site.

No fees can be charged for holiday or other non-permanent residential sites. Sites which are in mixed use i.e. partly holiday with some permanent residential homes which fall within the definition of relevant protected site fees can therefore be charged.

A local authority cannot make a profit. Any charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

Annex B
Fees & Charges relating to caravan site licensing

CARAVAN & CAMPING SITES			Nil
RESIDENTIAL MOBILE HOME SITES			
Commercial site			£701.00 plus £23.00 per pitch
Variation of licence			£417.00 plus £23 per pitch
Transfer of licence			£364.00
Annual fee for commercial sites			£552.00 plus £23.00 per pitch (see section 6 of fee policy)
Deposit or vary site rules			£253.00
Enforcement cost per hour			£72.00 per hour
Copy of replacement licence			£28.00
Fit & Proper Person Register Application			£221.00

Annex C

Annual Surplus and Deficit information			
January 2021 – December 2021 Inspection & Licensing Costs			
Licence fee income	Actual Cost	Surplus/ Deficit	Total Surplus/Deficit carried over
24,158.00	27,122.00	2964.00	2964.00

Annual Surplus and Deficit information			
January 2022 – December 2022 Inspection & Licensing Costs			
Licence fee income	Actual Cost	Surplus/ Deficit	Total Surplus/Deficit carried over
26,183.00	35,132.00	8949.00	11,913.00

Annual Surplus and Deficit information			
January 2023 – March 2023			
Inspection & Licensing Costs			
Licence fee income	Actual Cost	Surplus/ Deficit	Total Surplus/Deficit carried over
2,419.00	6875.00	4456.00	16,369.00

Annual Surplus and Deficit information			
April 2023 – March 2024			
Inspection & Licensing Costs			
Licence fee income	Actual Cost	Surplus/ Deficit	Total Surplus/Deficit carried over
26,075.00	27,713.00	1638.00	18007.00