

Mobile Homes

Licensing Fees Policy



Version: 002
Dated: May 2022

OVERVIEW

The Caravan Sites and Control of Development Act 1960 (the 1960 Act) was amended by the Mobile Homes Act 2013 (the 2013 Act)¹ enabling local authorities to reclaim costs for administering and monitoring site licences for relevant protected sites².

This policy has been developed in conjunction with the above acts and with reference to specific government guidance³. In addition, this policy has been framed in conjunction with the Pan-Sussex Group which comprises most local authorities across East and West Sussex. The Group is attended by local authority officers who regularly deal with caravan site licencing matters.

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¹Department for Communities and Local Government: Mobile Homes Act 2013: a guide for local authorities on setting licence fees (March 2014).

²As per the definition in Appendix A of Department for Communities and Local Government Guidance: advice to local authorities on the new regime for applications for the grant or transfer of a site licence (March 2015).

³Open for Business – LGA guidance on locally set licence fees (June 2017).

2. BACKGROUND

2.1 Local authorities can reclaim costs for administering and monitoring site licences for relevant protected sites¹. This allows for a fee to be levied in relation to the following:

- a new site licence
- transfer of a site licence
- variation (amendment) of a site licence
- an annual fee
- deposition of site rules

2.2 this policy relates to the following:

- the fee payable in each circumstance
- the method of apportionment of those costs in setting the fee
- if an annual fee is payable, when it is to be paid
- determining an implementation date
- how surpluses and deficits will be managed
- other matters that are deemed to be relevant.

3. REVIEW AND PUBLICATION

3.1 This policy is a working document that may be subject to change from time to time, for example, due to changes in legislation or national guidance. The fees policy first came into force in 2015, was revised in 2016 and again in 2022, and will be reviewed every five years. Minor changes and corrections can be made by the Group Head of Technical Services and will be recorded in Appendix A – History of Policy Revisions.

3.2 This policy will be published on Arun District Council's website at:
www.arun.gov.uk.

4. DEFINITION OF A RELEVANT PROTECTED SITE

4.1 Any licensable caravan site will be deemed to be a relevant protected site unless it is exempt. A site is exempt if it has planning permission or a site licence for exclusive holiday use or if there is a restriction on its use as a permanent residential site.

4.2 If a site has consent for holiday use with ancillary residential use (and the residential use is only by the owner or his employees working on the site), then the permanent occupation does not make the site a relevant protected site.

4.3 If any doubt arises as to whether a site falls under the definition of a relevant protected site, the guidance issued by the Department for Communities and Local

Government (DCLG) entitled '*Park Homes: Site Licensing - Definition of relevant protected sites*' will be referred to by officers to clarify the status of the site.

5. BREAKDOWN OF COSTS

5.1 The Mobile Homes Act 2013 enables a local authority to reclaim costs for administering and monitoring site licences but prevents the authority from:

- making a profit
- recovering enforcement costs for a breach of condition etc. (separate provisions are provided for under the Mobile Homes Act 2013)
- recovering costs associated with unlicensed sites.

5.2 Each application type and annual inspection has been broken down into its constituent parts in order to clearly identify:

- each task involved in the process
- the average amount of time taken to complete each task
- the job role of the officer completing the task.

5.3 The 'on-costs' (salary of post holder plus any additional costs incurred by the employer as a result of employing a person in that position) for each job role have also been applied to determine the overall fee associated with each application type and in order to calculate the annual fees.

6. FEES PAYABLE

6.1 The fees are based on the number of units located on each site and are split into individual bandings.

6.2 Below is a table stating the fee associated with each application type within each banding for **2022/23**.

Number of caravans on the site	2-5 (Band A)	6-24 (Band B)	25-99 (Band C)	100+ (Band D)	Single caravan sites and single-family sites (Band E)
New licence*	£554*	£680*	£775*	£886*	£140
Transfer of licence*	£501*	£596*	£659*	£723*	£140
Variation of licence	£400	£400	£400	£400	£100
Annual Fee	£310	£322	£345	£359	Exempt
Deposition of site rules	£210	£210	£210	£210	N/A

*If the number of land registry titles for the site exceeds one, an additional fee of £100 per additional title will be added to the new and transfer application fees stated in the table above.

6.3 The fees stated above are subject to change for the reason outlined in the paragraph below with revised fees published on the Council's website.

6.4 A local authority cannot make a profit from the proceeds raised from the licensing fees associated with relevant protected sites. To ensure that any surplus or deficit can be responded to quickly, officers, in consultation with the Group Head of Technical Services and the S151 Officer, are authorised to amend and update the fees calculations as the need arises.

6.5 Single unit sites and single family sites

6.5.1 The following sites are, as a policy decision, exempt from having to pay an annual fee:

- site consisting of one unit
- sites occupied solely by the owner and their family and not run for financial gain (this would include typical small Gypsy Roma and Traveller sites).

6.5.2 The above sites have been exempted to not unduly burden individual households.

6.5.3 Any complaints received will be responded to in accordance with our complaints procedure.

6.5.4 A nominal fee for the other application types will be charged in respect of single unit site occupiers and family sites to reduce the financial burden upon individual park home-owning households.

6.5.5 If the applicant claims to qualify for Band E due to being a single family site, additional information may be requested by officers in order to verify this claim. If there is any doubt as to the legitimacy of the claim, the matter will be referred to the Environmental Health Team Manager or another manager in the Environmental Health service to determine what banding the site falls into, therefore the appropriate fee that needs to accompany any application.

6.6 Depositing Site Rules

6.6.1 Site rules are different to the site licence conditions. Site rules are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The council must keep an up-to-date register of site rules on relevant protected sites and publish the register online.

6.6.2 Before publishing the site rules, the council must ensure that the rules deposited with them have been made in accordance with the statutory procedure. A fee can be charged for this function, and this is shown in the table at section 6.2.

- 6.6.3 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 amendment or deletion. This is because the process is very similar for all three types of deposits.

7. ENFORCEMENT

- 7.1 Where a breach in a site licence condition comes to the attention of the council, we may serve a compliance notice. The 2013 Act has amended the 1960 Act so that it details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice.
- 7.2 A detailed breakdown of the relevant expenses will be provided with the compliance notice. Charges will be based on an hourly rate in addition to any other costs incurred (for example legal costs).
- 7.3 Charges for enforcement costs cannot be passed on to the resident's pitch fee.
- 7.4 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. Any costs associated with this process would be awarded at the discretion of the court. If a prosecution was successfully taken, the council would have the power to carry out the works in default of the licence holder.

8. IMPLEMENTATION DATE

The Fees Policy first came into force on 25 February 2015. This policy has been reviewed and revised in 2016 and 2022. Appendix A contains a history of revisions.

9. ANNUAL FEE CHARGING ARRANGEMENTS

The annual fee will be due on the 15 January 2017 for any existing sites and annually thereafter. Any sites licensed for the first time after the implementation date will attract an annual fee on the anniversary of the granting of the site licence.

10. MANAGEMENT OF SURPLUSES AND DEFICITS

- 10.1 A local authority can only charge in order to recover costs. Therefore, the fees will need to be reviewed annually and adjusted accordingly if a surplus or deficit has inadvertently been made.
- 10.2 Any changes to the calculation of fees will be made by officers in conjunction with the Environmental Health Team Manager.

11. OTHER MATTERS

- 11.1 A local authority is not required to consider any application made in relation to a relevant protected site unless that application is accompanied by the correct fee. This also applies to fees due when park rules are being deposited with the local authority.
- 11.2 If the application is not approved then the applicant is **NOT** entitled to a refund. This is because the application has been processed.
- 11.3 If an annual fee is not paid, the local authority is entitled to apply to a tribunal for an order requiring it to be paid. If that order is breached, the local authority can enforce the order in the county court. If, after three months from the order the arrears have still not been paid, the local authority can apply for an order to revoke the site licence.

APPENDIX A

History of Policy Revisions

The below table provides a history of changes to this policy:

Policy version no.	Date	Status	Summary of change(s)
1	February 2015	Original – Adopted by Full Council	N/A - original
2	July 2016	Adopted by Full Council	Details of powers to deal with unpaid fees added. Amended fees to recover costs more fully, Inclusion of supplementary land charges fee. Policy review frequency increased from three to five years
3	June 2022	Approval by Licensing Committee	Minor wording changes to reflect committee and officer title changes and to simplify Formatting changes Group Head Technical Services able to make minor changes and amendments to the Policy Fees updated to reflect current costs