

NORTH NORFOLK DISTRICT COUNCIL



Mobile Homes Fees Policy

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Mobile Park Homes Fees Policy

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Summary

The Mobile Homes Act 2013 (MHA 2013) was introduced with the aim of providing increased protection to occupiers of residential caravans and mobile homes. This legislation amends the Caravan Sites and Control of Development Act 1960 (CSCDA 1960) and introduces important changes to mobile home site licensing. Enacted on 1 April 2014, these changes allow Local Authorities (LA) to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, for annual fees and for site owners depositing site rules with the LA.

Publication of this Fees Policy is a statutory requirement and will enable Councils to recover fees associated with the licensing function and enable site owners to recover these costs should they opt to increase pitch fees at the next pitch fee review date. The fees associated with applying for a new site licence, for transfers or variations of existing licences and for annual fees are as follows:

Item	Units	Fee (£)
New Park Home Licence	1 – 5	210.00
	6 – 24	225.00
	25 – 99	240.00
	100+	270.00
Annual Licence Fee	1 – 3	Nil
	4 – 5	120
	6 – 24	180
	25 – 99	240
	100+	270
Licence Transfer	N/A	97.50
Licence Variation	N/A	97.50 (plus inspection fee if applicable)
Deposit of Site Rules	N/A	45

This policy is applicable to 'Relevant Protected Sites' (RSP) only. An RSP can be defined as any licensable caravan site other than those solely for (a) holiday use or (b) where conditions exists specifying times during the year where caravans may not be stationed on the land for human habitation. Sites where there are a mix of RSPs and sites falling within (a) and (b) above will be deemed as RSPs.

The MHA 2013 enables LAs to introduce a scale of fees according to the size and character of the RSP. The LA may also determine that no fee is required to be paid in certain cases. Upon consideration, it is decided that sites containing 5 or fewer pitches will be exempt from annual inspection fees due to their low risk factor and infrequent inspection schedule. Collecting such fees in these instances is not deemed to be cost effective.

The LA now has powers under the MHA to serve enforcement notices on site owners for failing to comply with site conditions. They may also carry out works in default to secure a remedy for such failures. Any reasonable expenses incurred while doing so may be recovered by the LA.

The Mobile Homes (Site Rules) (England) 2014 requires site owners to replace existing site rules with new ones and deposit these with the Local Authority. The LA has a duty to publish this information in a register of site rules. The costs incurred by the LA in doing so may be recovered by them. A fee of £45.00 has been set for the depositing of site rules.

1. Introduction

A licensing scheme was introduced under The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) to regulate the establishment and operation of caravan sites. The Act defines what constitutes a caravan and caravan site. It also sets out cases where a site licence is **not** required, including;

- Local Authority owned sites
- Use incidental to a dwelling-house and within the same curtilage
- Sites for stationing of a caravan for not more than 2 nights (as long as caravans had not been present for more than 28 days during the previous year)
- Sites where caravans are stationed on land not less than five acres for not more than 28 days and no more than three caravans are stationed at any one time
- Sites where caravans are solely for seasonal agricultural/forestry workers employed on land owned by the site owner
- Sites where caravans are solely for workers employed in building or engineering operations on that or adjacent land
- Sites used by travelling showmen who are members of a relevant organisation
- Sites occupied by organisations holding a certificate of exemption

Licences can only be issued to the owners of sites that have obtained valid planning permission.

The MHA 2013 introduced powers to enable LAs to recover costs associated with its function to grant, amend or transfer caravan site licenses under the CSCDA 1960. Fees may also be charged for annual inspections of licensable sites and for the depositing of site rules with the LA by site owners. Before these fees can be recovered, North Norfolk District Council has a legal duty under Section 10A of CSCDA 1960 (as amended by MHA 2013) to publish a Fees Policy. This document has therefore been developed to allow for this.

In setting the fees published in this Fees Policy, North Norfolk District Council has given attention to the document “Mobile Homes Act 2013 – A guide for Local Authorities on setting site licensing fees” produced by the Department for Communities and Local Government. The level of fees and how they are charged are, subject to legal restrictions, at the discretion of North Norfolk District Council.

2. Fees for New Licences, Transfer/Variation and Annual Fees

2.1 Overview

The owners of Relevant Protected Sites are required by the CSCDA 1960 to obtain a licence from the Local Authority. Failure to possess a licence is an offence under this legislation and is punishable by a fine, upon conviction in a magistrates court, of up to Level 4 on the Standard Scale (currently £2500).

The MHA 2013 amends the CSDA 1960 and now enables LAs to impose fees in respect of:

- Relevant Protected Site applications (s.3 (2A))
- Annual fees in respect of RPSs (s.5A (1))
- Alterations to site licence conditions (where requested by the site owner) (s.8 (1B))
- The transfer of a site licence to another party (s.10 (1A))

When requiring a licence holder to pay an annual fee, the LA must inform them of matters to which they have had regard to in fixing the fee. The costs associated with monitoring conditions on sites and dealing with licensing matters informally can be included within annual fees. However, annual fees should not take into account any costs incurred in relation to enforcement activities such as serving compliance notices, emergency action, and works in default as these costs can be recovered by other means.

2.2. Exemptions from paying fees

Sites that fall outside the definition of a Relevant Protected Site are exempt from licensing fees. These include sites for holiday use only or where conditions exists specifying times during the year where caravans may not be stationed on the land for human habitation. The MHA 2013 also allows LAs to determine that no fee is required to be paid in “certain cases or descriptions of case” (s.10A(3)).

North Norfolk District Council will make sites that have three or fewer pitches exempt from annual fees. These sites are generally deemed as being of low risk, often consisting of single family units and do not contain the hazards associated with larger sites, e.g. fire separation. Formal annual programmed monitoring would therefore not be deemed necessary or cost effective. The costs associated with monitoring sites that have less than three pitches would be met through existing budgets.

Sites for the sole use of the owner and their families (does not include sites that are run for financial gain) are also exempt from the annual licensing fee.

2.3 Fees for New Licence, Transfer/ Variation and Annual Fees

In determining the fee structure contained within this Policy, the Council has referred to the document “Mobile Homes Act 2013 – A guide for Local Authorities on setting site licensing fees”. This involved a notional costing exercise based upon the amount of time taken during the licensing process to include administration, site inspections, travelling to and from site and any associated consultations or meetings and was multiplied by relevant officer costs. Costs associated with enforcement or licensing duties outside the MHA 2013 cannot be taken into consideration.

The subsequent fee structure has been reviewed by officers responsible for licensing park home sites at North Norfolk District Council and are considered comparable with nearby Local Authorities. The fee structure was devised to be as simple and clear as possible to prevent any future ambiguity. When requiring a licence holder to pay an annual fee the Council will inform them of the matters to which they have had regard to in fixing the fee.

2.4 Review of Annual Licensing Fees

Section 5A(2) of the CSCDA 1960 provides that a LA in setting annual fees must advise the site owner of the extent to which they have had regards to deficits and surpluses from the previous year. In terms of deciding surpluses and deficits a local authority must not make a profit and can only pass on to the site owner their costs incurred in carrying out the licensing function. Equally, a local authority is not expected to make a loss in carrying out its licensing functions. Overall licensing can be a self-financing function which local taxpayers are not required to subsidise. The Council will therefore carry out an annual review of licensing fees, taking into account deficits and surpluses and advise site owners of the outcome of this review.

2.5 Time When Fees are Payable

Section 10A(5) of the MHA 2013 states that the Fees Policy must include provision about the time at which the annual fee is payable. For the purpose of this policy the period covered by the annual fee will mirror the financial year (1 April to 31 March) and will be paid in advance. Invoices will be sent out during the month of April requiring payment within 30 days. Where a new site is licensed part way through the year then an invoice with the same payment terms will be sent shortly after the licence is issued, pro rata for this date to the beginning of the next financial year. Transfer or variation must be paid at application.

3. Enforcement Costs

The MHA 2013 allows LAs to serve compliance notices on site owners where site licence conditions are breached. Where a notice is not complied with, an offence is committed and the LA will enforce the notice which may involve legal proceedings. Upon successful prosecution, the Council has the power to carry out works in default.

The cost of deciding whether to take action, preparing and serving the various enforcement notices and the actual work itself can be recovered by LAs at the Court's discretion. Unpaid expenses can be placed as a charge against the site owner's land.

4. Fees for Depositing Site Rules

The Mobile Homes (Site Rules) (England) 2014 requires site owners, after consultation with residents, to deposit site rules with the local authority by 3 February 2015. These rules constitute a pitch agreement between the site owner and the mobile home occupier, setting out the residents' rights and obligations and are not enforceable by the Local Authority. LAs will need to satisfy themselves that rules deposited with them have been made in accordance with the statutory procedure. They will also be required to establish, keep up to date, and publish a register of site rules. In doing so a LA may levy a fee for the depositing of site rules, or the variation or deletion of site rules.

It is estimated that the cost to the North Norfolk District Council associated with the administration and publication of site rules will be £45.00. Therefore a fee of £45.00 will be charged for the depositing or replacement of site rules.

Table 1: Park Home Fees - Issue of new licence

Processing	Time (minutes)	Hourly Rate (£)	Total (£)
Examine application documentation, associated certificates. Check to ensure that details are correct and correct fee is attached.	60		30.00
Make assessment of site layout, provision of amenities/utilities, examine fire risk assessment	60	30.00	30.00
Finance receive payment of fee, process payment and issue receipt	60		30.00
Total			90.00

Inspection	Pitches	Time (minutes)	Hourly rate (£)	Total (£)
Verification inspection of the site	1-5	60	30.00	30.00
Verification inspection of the site	6-24	90		45.00
Verification inspection of the site	25-99	120		60.00
Verification inspection of the site	100+	180		90.00

Issue of New Licence	Time (minutes)	Hourly rate (£)	Total (£)
Prepare licence documents and certificates	120	30.00	60.00
Check and sign certificates / licence as necessary, and serve by post	30		15.00
Update database register and public register	30		15.00
Total			90.00

Combined Total fees for new park home licence applications

Number of Pitches	Total Fee (£)
1-5	210.00
6-24	225.00
25-99	240.00
100+	270.50

Table 2: Park Homes Fees – Annual Fee (Relevant Protected Sites only)

Number of pitches	Band Z	Formula	A Admin Time (minutes)	B Inspection Time (minutes)	Fee (£)
4-5	1	=((A1+B1)/60 x C	120	120	120.00
6-24	2	=((A2+B2)/60 x C	180	180	180.00
25-99	3	=((A3+B3)/60 x C	240	240	240.00
100+	4	=((A4+B4)/60 x C	240	300	280.00

(Formula based upon Local Authority guidance)

Table 3: Variations and Amendments

Variations and Amendments	Time (minutes)	Hourly rate (£)	Fee (£)
Examine amended application documents and associated certificates. Check to ensure details are correct and correct fee is attached	60		30.00
Check site history for any outstanding issues	30	30.00	15.00
Make decision as to whether amendments are appropriate	30		15.00
Prepare new license documents	30		15.00
Check, sign and post new documents	15		7.50
Update database and public register	30		15.00
		Total	97.50

Table 4: Licence transfer fee

Transfer	Time (minutes)	Hourly rate (£)	Total (£)
Check from is correct including correct fee.	30		15.00
Check site history and any outstanding issues.	30	30.00	15.00
Examine request documentation and make decision.	60		30.00
Prepare new licence documents.	30		15.00
Check, sign and post new documents.	15		7.50
Update database and public register.	30		15.00
		Total	97.50

Table 5: Verification Inspections

The Council may decide to carry out a verification inspection upon receipt of a variation, amendment or licence transfer application. The following fees will apply.

Site Inspection Fees	Pitches	Time (minutes)	Hourly rate (£)	Total (£)
Verification inspection of the site	1-5	60	30.00	30.00
Verification inspection of the site	6-24	90		45.00
Verification inspection of the site	25-99	120		60.00
Verification inspection of the site	100+	180		90.00

Table 6: Deposit of site rules

Deposit of site rules	Time (minutes)	Hourly rate (£)	Total (£)
Examine rules, checking for banned rules	30	30.00	15.00
Check site history	30		15.00
Accept rules or suggest amendments	15		7.50
Update database and public register	15		7.50
		Total	45.00