

NORTH YORKSHIRE MOBILE HOMES FEES AND CHARGES POLICY 2014



Contents

1. Introduction
2. Fees charged for licensing
3. Application for a new site license
4. Transfer/Amendment of an existing site license
5. Annual fees for site licenses
6. Conditions
7. Charging arrangements
8. Enforcement Costs
9. Fees for depositing Site rules
10. Publishing and revising the fees policy

Appendix 1 – Elements which can be included in fee setting

Appendix 2 – Formula for calculating fees and charges using option 2 of the DCLG guidance

Related documents

The following documents have been consulted when drafting this policy
The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)
Mobile Homes Act 2013 (MHA 2013)
Regulators Compliance Code
DCLG Guidance on Site Licensing Fee Setting – (link on website)

1. Introduction

This document represents a common policy across the North Yorkshire Sub-Region (excluding Scarborough, Hambleton and Richmond) in respect of fees and charges across the sub-region for 'relevant protected sites' as defined in the Mobile Homes Act 2013

However, it must be made clear that while the policy will be common to the sub-region there will be differences in respect of the fees charged by each partner local authority.

The fees for each authority must have regard to the size of the district, the number of sites located within the district and the staffing resources involved in the inspections and associated functions in respect of this new legislation.

All local authorities have the ability to grant Caravan site licenses under The Caravan Sites and Control of Development Act 1960 (as amended) (CSCDA60) for sites that have valid planning permission for a caravan site. The CSCDA60 has now been amended by the Mobile Homes Act 2013 (MHA 2013).

The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans and directly affects the way the Council licenses park home sites. There is an expectation that authorities will inspect sites annually and use the additional powers to ensure compliance with site licence conditions. The authority can also now charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. The Fee generated by the MHA 2013 is not designed to include investigation of harassment or matters not related to the Site License – these should be dealt with through Residents Associations or other appropriate channels. The changes introduced by the MHA 2013 for Site Licensing come into force on 1st April 2014.

2. Fees charged for site licenses

Section 10A (2) of CSCDA60 (as amended) requires a local authority to prepare and publicise a fee policy where they propose to charge for functions associated with the regulation of a protected site. These include powers for local authorities to charge fees for their licensing functions in respect of "relevant protected sites". A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks, Gypsy Roma and Traveller sites.

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

Under the new Act a fee can be charged for

- applications to grant a new license
- applications to transfer or amend an existing licence
- Annual licence fees for administering and monitoring existing site licences.

This policy details the fees to be charged for all of these licensing functions.

The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. (Appendix 1 details what the council can consider in calculating the fee levels)

The fee rates set out in this policy cover the period 1st April 2014 to 31st March 2015.

Sites exempted from Annual Licensing fees

- Sites that are not relevant protected sites
- Sites with 3 units or less
- Sites for the Site owner and their family (does not include sites that are run for financial gain)

These categories of site are exempt from the annual licensing fee as the council do not intend to carry out annual inspections of these sites, however, any complaints would be dealt with as appropriate.

3. Application for a new site license

All sites require a site licence to operate (subject to exemptions in the CSCDA60); 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 new licences, and this should be accompany any new application

The Authority may only issue a licence for sites with valid and correct planning permission for this use;

The fee for a new site license will reflect the variation in the cost of processing the application according to the size of the site.

4. Transfer of existing site license

Where a licence holder wishes to transfer the licence an application must be made to the authority, for which a fee is payable. The fee must accompany the application to transfer the licence.

5. Amendment of existing site licence (includes amendments for site expansion)

Where a site owner requests an amendment to site licence conditions the authority can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

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

6. Annual fees for Existing Site Licences

All relevant protected sites must pay an annual fee to the authority (subject to any exemptions stated in this policy). **The fee is due on 1st September and annually thereafter.**

The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any outstanding works required (See appendix 1). If there is still a breach in site licence condition at the point of the revisit further charges may be payable to cover the cost of any enforcement action which may be taken. (See Enforcement costs – section 8.)

The DCLG guidance for fee setting offers a variety of suggested options for local authorities in calculating the annual fee: The NY sub-regional group have opted to adopt option 2 – Size Banding. (See Appendix 2)

Banding	No of Pitches	New Park Homes Licence Fee	Transfer or standard amendment fee.	Site expansion amendment fee	Annual Licence Fee	Deposit of site rules fee
1	1-5	£200.00	£75.00	£150.00	£150.00	£95.00
2	6-24	£250.00	£75.00	£210.00	£180.00	£95.00
3	25-99	£280.00	£75.00	£230.00	£215.00	£95.00
4	100 -199	£320.00	£75.00	£280.00	£250.00	£95.00
5	200+	£350.00	£75.00	£310.00	£285.00	£95.00

Charges for the first year (2014/15) have been based on average estimates. Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

6. Conditions

The conditions on the existing site license will remain the same until the authority deem they are out-dated or incorrect and then a review will take place or unless an application is made to amend conditions on the license by the site owner.

7. Charging Arrangements

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/licence holder and invoices will be sent at the start of the financial year with payment due within 30 days.

(However, some NY authorities have opted not to charge for this financial year or for annual site licence inspection for established park home site.)

Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following years annual fee.

In the event an annual fee is not paid within the terms of the invoice the authority may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

8. Enforcement costs

Where there has been a breach in a site licence condition which comes to the attention of the authority we may serve a compliance notice. The CSCDA60 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. Charges would be based on an hourly rate in addition to any other costs incurred for example legal costs.

Hourly rate for enforcement costs = £49.00

Costs incurred for enforcement activities such as serving notices or emergency action, cannot be passed onto the residents pitch fee. Costs incurred in enforcement action will be calculated at a full cost recovery.

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 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.

9. Fees for depositing Site rules

Site Rules are different to the site licence conditions and 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 MHA13 changes the way site rules must be agreed between both parties. The regulations came into force in February 2014 and site owners have 12 months from that date to replace existing site rules with new ones that should be deposited with the authority.

The authority must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure – and a fee can be charged for this function.

Any site rules deposited with the 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. This is because the process will be very similar for all three types of deposits.

10. Publishing and revising the fee policy

This fees policy will be published on the each of the relevant authority websites

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically with consideration of the changes the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services.

This policy will be revised no later than March 2016.

Appendix 1 - Elements included in fee setting

The DCLG guidance sets out the activities that the council can include when calculating its annual fee, these include:

- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from 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;
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- review by manager or lawyers
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- A pre- programmed full site inspection;
- A follow – up inspection to check compliance following programmed inspection

Appendix 2 - DCLG suggested options for charging of fees

- Option 1 – fee per pitch (A fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit)
- Option 2 – fee based on site size bandings
- Option 3 – fee based on a risk rating that takes into account the size of a site; the level of compliance on a site and confidence in management

Option 2 has been adopted across North Yorkshire as it is understood that due to the disparity on the number of sites throughout the sub-region it is considered to offer the most transparency and fairness to both residents and site owner. It also recognised that larger sites are more complex and can take up more time in terms of site inspections, than smaller sites.

Number of Pitches	Bands	Formula	A (Admin time mins) examples	B (Inspection time mins) examples
1-5	1	$=((A1+B1)/60) \times C$	185	140
6-24	2	$=((A2+B2)/60) \times C$	200	210
25-99	3	$=((A3+B3)/60) \times C$	270	390
100-199	4	$=((A4+B4)/60) \times C$	375	800
200+	5	$=((A5+B5)/60) \times C$	450	1080