

Park Home Fees Policy 2021/22

November 2020

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1. Executive Summary

The Mobile Homes Act 2013 (MHA 2013) was introduced in order to provide greater protection to occupiers of residential caravans and mobile homes. The Act introduces some important new changes to park home licensing by amending the Caravan Sites and Control of Development Act 1960 (CSCDA 1960). These changes include the ability for Local Authorities (LAs) to charge site owners a fee for applying for a new site licence, for amendments or transfers in relation to existing licences as well as an annual fee. In this way, the work required in implementing the new licensing provisions should be self-financing.

The old legislation only allowed a local authority to prosecute for non-compliance with a licence condition. The new legislation introduces a provision for serving a statutory notice which simplifies the enforcement procedure and gives the park owner an opportunity to put things right before facing any prosecution. It allows local authorities to enter sites in an emergency and fix problems. The cost of preparing and serving enforcement notices and any works done in default can be recovered in full under the Amended Act.

In order to charge the fees referred to above, the Council is required to publish them within a Fees Policy. This Park Home Fees Policy has been amended in accordance with the Council's 2019/20 Fees and Charges Schedule. The Fees Policy will be reviewed again in 2020.

2. Background

The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) came into force on 29th August 1960. Part 1 of the Act introduced a licensing system, to be operated by Local Authorities, to regulate the establishment and operation of caravan sites. Such caravan sites include holiday sites as well as those residential or park home sites where the caravans or mobile homes on the site are occupied on a permanent basis. However, LAs can only issue caravan site licences where the site already has planning permission for the intended use.

Amidst concerns that the CSCDA 1960 was no longer fit for purpose and that some park home sites were being badly run, to the detriment of the occupants, the Department of Communities and Local Government (DCLG) launched a consultation in April 2012 on proposed major reforms, with the aim of giving greater protection to the occupiers of residential caravans and mobile homes. The DCLG found that the system that existed was outdated and did not provide LAs with the tools to ensure that minimum standards on residential parks were met.

As a consequence, the Mobile Homes Act 2013 (MHA 2013) was introduced. The amendments introduced by the MHA 2013, in respect of licensing and enforcement, only apply to “**relevant protected sites**”. Relevant protected sites are defined as privately owned parks that are occupied wholly, or in part, for permanent residential use. This includes “mixed use” sites where there is both holiday and residential occupation of pitches.

The changes to the licensing regime, in respect of relevant protected sites, allow LAs to charge for routine tasks such as the processing of applications for new sites, or for dealing with amendments or transfers in relation to existing sites. In addition, it allows for the introduction of an annual fee to cover routine, proactive site inspections. It is for a local authority to decide whether to charge fees for their licensing functions in relation to relevant protected sites. If an authority decides to charge fees, these must be set out in its fees policy. The fees should fairly cover the costs incurred by an LA.

The MHA 2013 also introduced new enforcement powers to enable LAs to issue compliance notices requiring works to be carried out where conditions on a site are poor. It also enables LAs to undertake works in default and to recover the cost of enforcement work including the service of a compliance notice. In extreme cases, where there is an imminent risk of serious harm, immediate action can be taken.

The MHA 2013 also introduced changes to the **site rules** for park homes, through the introduction of the Mobile Homes (Site Rules) (England) Regulations 2014, which came into force on 4th February 2014. These regulations restrict a site owner’s ability

to make unfair and oppressive site rules by ensuring that home owners are engaged in the process of setting site rules. Once agreed, the site rules will be deposited with this LA. Whilst the LA has no direct involvement in the process of setting, consulting on or agreeing site rules, as this is a matter between the site owner and site residents, the LA is able to require a fee for depositing the site rules as it is required to: -

- Establish and keep up to date a register of site rules in respect of relevant protected sites in its area; and
- Publish the up to date register online.

The register must also be available for inspection by members of the public at LA offices during normal working hours.

3. Fees

The fees contained within this policy document have been determined having regard to the DCLG booklet “The Mobile Homes Act 2013 – A Guide to Local Authorities on setting licensing fees”. A number of existing LA Fees Policy Documents have also been reviewed in the production of this policy. At this point the fees are based on the estimated resource required for each activity.

The fees covered by the Park Homes Fees Policy will be reviewed after 12 months. Should a significant change in fees be required then the Park Homes Fees Policy will be revised and published, showing the reasons for any significant change and how any surpluses or deficits have been taken into account.

Section 10A (3) of the amended Act enables an LA to fix different fees or to determine that no fee is required to be paid in certain cases. In line with neighbouring LAs, **sites with 3 residential units or less will be exempt from an annual fee but shall be liable for other routine fees or enforcement expenses.** This is on the basis that such sites will be low risk and rarely generate complaints. There are currently 8 relevant protected sites that will be exempt from annual fees.

New Applications

All relevant protected sites require a site licence to operate (subject to exemptions in CSCDA 1960); failure to apply for a licence is an offence under section 1(2) of the CSCDA 1960. Section 3(2A) of the amended Act allows an LA to require a fee for new licence applications and this fee must accompany the application itself. The DCLG guidance details those matters which should be considered when determining the fee.

Existing relevant protected sites that are already licensed will not be required to apply for a new site licence under the MHA 2013. The site licence will be deemed to have been transferred to come under the new Act.

The fee for a new site licence application is currently £893.

Transfers

The fee for the application to transfer a site into a new site operator is £721. In the case of a licence transfer, there will be a requirement to gather and review detailed information about the prospective licence holder to establish whether a licence shall be transferred.

Amendments

There will be a charge of £721 where the amendments relate to significant changes at the site, such as a change of layout or an increase in the number of pitches or a licence transfer. In relation to significant amendments a further inspection will be required.

Where an application relates to minor changes to the site such as a request to change the licence conditions, then there will be a nominal fee of £54 to cover the estimated administration cost for this exercise.

Annual Fee

All relevant protected sites must pay an annual fee to the council. This annual fee covers the costs associated with the administration, inspection and the investigation of complaints relating to Relevant Protected Sites.

The fees are calculated based on a size banding (Option 2 in the DCLG Guidance) in accordance with the table overleaf.

Number of	Band	Formula	Time in minutes	
Homes			A (administration)	B (inspection)
4-20	1	$((A^1+B^1)/60 \times C$	300	230
21-50	2	$((A^2+B^2)/60 \times C$	325	300
51-100	3	$((A^3 +B^3)/60 \times C$	460	345
100+	4	$((A^4 +B^4)/60 \times C$	720	450

(C= Interim Officer Rate of £44 per hour)

Band 1 Annual Fee = £378

Band 2 Annual Fee = £526

Band 3 Annual Fee = £736

Band 4 Annual Fee = £1051

The annual fee for each site is calculated by combining the risk a site presents, using the risk assessment criteria which has been developed internally and the the above annual fee based on the size of the site.

For the purpose of this Fees Policy, the period covered by the annual fee will mirror the financial year (1st April to 31st March). Invoices will be sent out each year, requiring payment within 28 days. Where a new site is licensed or a transfer is issued part way through the year, the site operator will be not be liable for the annual fee.

4. Enforcement Fees

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 = £44

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

5. Other Fees

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 MHA 2013 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.

The fee for depositing site rules is currently £44.

6. Publishing and Reviewing the Fees Policy

This policy will be reviewed in 2020 and will introduce a risk rating score for each site which will determine the frequency of inspection. The advantages of introducing such a system are as follows: -

- (i) It is a fairer system, targeting poorer performers and reducing the inspection burden and consequently fees on those good site operators;
- (ii) It reduces the annual inspection work of the team;
- (iii) It will act as an incentive to the raising of standards.

There will be four risk categories, namely: -

- (i) **Extreme** – inspection frequency 6 months e.g. where more than one serious breach likely to be linked to enforcement action;
- (ii) **High** – inspection frequency 12 months e.g. one significant and ongoing breach which may be linked to enforcement action;
- (iii) **Medium** – inspection frequency 24 months e.g. one or more breaches where enforcement action is not appropriate but where improvements can be made;
- (iv) **Low** – inspection frequency 36 months e.g. where the level of compliance is high and the standards are good.

By the end of March 2020, every Relevant Protected Site will have been inspected under the new regime and each site will have received written confirmation of their rating.