

North Kesteven District Council

MOBILE HOMES AND CARAVAN SITE LICENSING AND FEE POLICY

AUGUST 2017

1.0 Introduction

1.1 Under the Caravan Sites and Control of Development Act 1960 (the 1960 Act) North Kesteven District Council (NKDC) issues site licences for caravan park homes that have relevant planning permission. This legislation has been amended by the Mobile Homes Act 2013 (the 2013 Act) which aims to raise standards in the industry and provide for more effective enforcement when site licence holders fail to comply with their licence obligations. The 2013 Act also introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process.

The changes relating to site licensing came into force on 1 April 2014. Licences issued under the 1960 Act still remain in force, but the new enforcement powers will apply and local authorities will be able to charge fees for functions relating to “relevant protected sites”.

There are just over 600 licensed caravans or mobile homes in the North Kesteven District on 20 licensed sites.

1.2 A relevant protected site is defined in the Act as any land to be used as a caravan site other than one where the application for a licence is:

- For holiday use only, or
- Subject to restrictions or conditions which limit the times of the year when the site may be used for stationing caravans for human habitation (e.g. planning conditions).

1.3 Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks, park homes sites and Gypsy and Traveller sites. Other sites which are not relevant protected sites are still subject to licensing under the 1960 Act but no fee is required to be paid.

This policy does not apply to the following:

- Sites that are owned by the local authority.
- Use incidental to a dwelling house within the same curtilage
- Individual permanent residential mobile homes
- Touring sites
- Holiday sites
- Caravans occupied by seasonal workers
- Sites where caravans are stationed 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 certification of exemption

1.4 NKDC cannot license a site unless planning permission has been granted. The planning authority will be consulted to confirm that the site has planning permission for the relevant use.

- 1.5 NKDC will make a decision either to licence the site or to refuse a licence, within 6 weeks of receipt of a duly made application. Where a licence is refused, the applicant will be advised of the reasons for refusal and their right of appeal.
- 1.6 NKDC consider it appropriate to make single pitch sites exempt from annual licence fees (but not other fees) as their inspection and fee collection arrangements would not be cost effective nor would it add value. Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the 1960 Act, but the provisions relating to payment of fees do not apply.
- 1.7 This Policy sets out how NKDC will carry out its statutory responsibilities for caravan site inspection, licensing and enforcement and setting fees. Provision is made for:
- A register of all residential sites whose site rules are deposited with NKDC (including a register of sites to be made available on NKDC's website)
 - A site licensing procedure
 - Determination and annual review of site licensing fees and enforcement charges
 - Implementation of Model Standards, including the updating of site licence conditions to reflect the Model Standards where necessary (see section 3.1 below)
- 1.8 NKDC will:
- Clarify expectations regarding the standards to be met by owners of caravan sites within the District.
 - Provide advice and assistance to occupiers of mobile homes and caravans to ensure that they are able to live in safe and healthy homes.
 - Ensure that any enforcement action taken by NKDC is effective and proportionate.

2.0 **Site licensing requirements, fees and charges**

- 2.1 Before a local authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee the local authority:
- Must act in accordance with its fees policy
 - May fix different fees in different cases
 - May determine that no fee is required in some cases

Any fees charged must fairly cover the costs (or part of the costs) incurred by the local authority in performing its functions under Part 1 of the 2013 Act, (excluding the costs of enforcement action or any functions relating to prohibiting caravans on commons or provision of sites by the local authority itself). In setting its fees policy and the fees to be charged, NKDC has had regard to Department for Communities and Local Government guidance 'Mobile Homes Act 2013: a Guide for Local Authorities on Setting Licensing Fees'. Under the 2013 Act, NKDC can charge for:

- The issuing of the first site licence
- Generic fees for all sites for the issuing of the licence
- Annual renewal: monitoring and administration of existing site licences
- The depositing of site rules

- The transfer of a licence
- The alteration of a licence (initiated by the site owner)

2.2 The fees detailed within this policy have been calculated based on the estimated average time and costs involved in undertaking the following activities; all administrative costs incurred in the licensing process, officer visits to sites, travel costs, consultations, meetings, monitoring of sites / investigation of complaints and the giving of informal advice.

2.3 Section 10A (5) of the 1960 Act (as amended by the 2013 Act) states that a 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 be 1st April to 31st March and will be invoiced on the 1st April each year or as soon as practicable after.

2.4 Fees will be revised annually, alongside reviews of NKDC's other regulatory fees and charges.

2.5 A summary of the fees for each of the processes set out in this policy are shown below. Appendix 1 details the breakdown of the costs associated with each fee.

Fee Type	Fee
Application fee for a new site licence	£355.92 (fixed cost) + £6.62 per pitch
Annual Fee	£135.88 (fixed cost) + £6.62 per pitch
Amendment to a Licence	£170.64
Transfer of a Licence	£86.66
Enforcement costs	£56 / hour
Depositing of site rules with local authority (includes varying or deleting rules)	£96.11

2.6 Fees for a new site licence are based upon a fixed cost plus a charge per pitch to reflect the variation in the cost of processing the application according to the size of the site.

2.7 All sites must pay an annual fee to NKDC (subject to exemptions). This fee covers the costs associated with administration, annual inspection and a revisit to ensure compliance where required. The annual fee is based upon a fixed cost plus a charge per pitch to reflect the variation in the cost of processing the licence renewal according to the size of the site.

2.8 Where the licence holder requests an amendment to site licence conditions, NKDC will charge a fee. Where NKDC instigates a change in conditions, no fee will be payable.

2.9 Where a licence holder wishes to transfer a licence, an application must be made to NKDC for which a fee is payable. The fee for the transfer of a site licence is based on a fixed cost as generally no site visit is required.

2.10 Single unit sites where the operator is also the owner and occupier of the park home will be exempt from annual fees.

3.0 Licensing conditions, Inspections and Enforcement

3.1 NKDC's responsibility for the licensing of caravan sites includes the application and enforcement of appropriate conditions. The specific purposes for which conditions can be applied are set out in Section 5 of the 1960 Act. Site licence conditions may be determined with reference to national Model Standards. NKDC has a power to update site licence conditions in line with Model Standards as modified from time to time by the government. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 for touring sites, 1989 for holiday sites and 2008 for residential sites. The Model Standards can be viewed on the NKDC website.

3.2 NKDC will carry out scheduled inspections of all licensed sites, which are likely to be without notice. Site owners will be advised of any actions required to ensure compliance with the site licence conditions.

3.3 The main focus of enforcement activity will be informal advice and education, including the provision of information directly by telephone or in person. Formal enforcement action will be taken under the relevant legislation only when informal action has failed to secure an acceptable improvement in standards or compliance with licence conditions. Any use of enforcement powers will be in accordance with the North Kesteven District Council Corporate Enforcement Policy.

3.4 Section 9A of the 1960 Act (as amended by the 2013 Act) allows local authorities to serve compliance notices on site owners where a site licence condition is breached. These notices will set out what the site owner needs to do to correct the breaches within prescribed timescales. Service of a notice will attract a charge. Failure to comply with the notice would be a criminal offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court. Following a successful prosecution for breaching a compliance notice, NKDC would be able to serve notice to enter the site and carry out the necessary works themselves (known as "works in default").

3.5 In addition, Section 9E allows a notice to be served on site owners enabling the local authority to enter the site and take emergency action where there is an imminent risk of serious harm.

3.6 Enforcement charges will be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred (e.g. legal costs). Site owners may not pass on enforcement charges to residents in their pitch fees.

4.0 Site Rules

4.1 Site rules are different to site licence conditions in that they are neither created nor enforced by local authorities. They are a set of rules created by the site owner for residents to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing. The 2013 Act makes amendments to the Mobile Homes Act 1983 in relation to site rules. Regulations made under the 2013 Act require existing site rules to be replaced with new site rules which must be deposited with the local authority within a specified timescale.

- 4.2 A Local Authority would need to satisfy itself that replacement or new site rules deposited with them have been made in accordance with the procedures prescribed by statute. NKDC will be required to establish, keep up to date, and publish a register of site rules or the variation or deletion of site rules.
- 4.3 Any site rules deposited with NKDC 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 first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

Appendix 1: Calculation of Fees

Table 1: Application for a new licence.

Detail	Officer	Time (minutes)
Initial enquiry and entered on database	AO	10
Obtain planning documents and liaise with planning	AO	30
Send out site application with covering letter	AO	10
Liaise with applicant and arrange site visit	AO	10
Travel time	AO	30
Initial site visit	AO	60
Check application is valid and carry out land registry search	AO	40
Check validity of any supporting documentation provided (e.g. electrical certificate)	AO	20
Process licence fee	AO	15
Prepare site licence conditions	AO	90
Discuss proposed site licence conditions with applicant	AO	45
Site licence checked by Team Leader and signed by Head of Service	Manager	30
Scan documents and update public register	AO	20
Carry out full site inspection	AO	60
Travel time	AO	30
Record final details on database	AO	20
Total fixed time (mins)	AO	490
	Manager	30
Additional inspection time for all pitches over and above the first (time per pitch)	AO	10
Variable time (mins)		10

Authorised Officer (AO): 490 minutes @ £39.77 / hour = £324.78

Manager: 30 minutes @ £56.28 / hour = £28.14

Land Registry search fee = £3.00

Total fee = **£355.92 plus £6.62 per additional pitch.**

Table 2: Annual Fees

Detail	Officer	Time (minutes)
Enter on database, letter to site owner	AO	10
Liaise with applicant and arrange site visit	AO	10
Review site file and check records on database	AO	30
Travel time	AO	30
Inspection of common parts plus one unit	AO	45
Record details of inspection	AO	20
Follow up letter	AO	45
Annual fee processing	AO	15
Total fixed time (mins)	AO	205
Additional inspection time for all pitches over and above the first	AO	10
Variable time (mins)		10

Authorised Officer: 205 minutes @ £39.77 / hour = £135.88

Total fee = **£135.88 plus £6.62 per additional pitch**

Table 3: Application to amend a licence

Detail	Officer	Time (minutes)
Enquiry received and entered onto database	AO	10
Send out application form and covering letter	AO	10
On receipt of application, liaise with applicant and arrange site meeting / visit	AO	10
Process licence fee	AO	15
Travel time	AO	30
Site inspection	AO	45
Check amendments are acceptable and all necessary documents provided (e.g. site plan, planning permission etc)	AO	20
Amend site licence	AO	60
Site licence checked and signed by Manager	Manager	30
Documents scanned and public register amended	AO	15
Total fixed time (mins)	AO	215
	Manager	30

Authorised Officer: 215 minutes @ £39.77 / hour = £142.50

Manager: 30 minutes @£56.28 = £28.14

Total fee = **£170.64**

Table 4: Application to transfer a licence

Detail	Officer	Time (minutes)
Enquiry received and entered onto database	AO	10
Send out application form and covering letter	AO	10
Check application is valid (i.e. compulsory questions, correct fee included, site plan provided) and carry out land registry search	AO	10
Process licence fee	AO	15
Amend site licence	AO	45
Site licence checked and signed by Manager	Manager	15
Documents scanned and public register amended	AO	15
Total fixed time (mins)	AO	105
	Manager	15

Authorised Officer: 105 minutes @ £39.77 / hour = £69.59

Manager: 15 minutes @£56.28 = £14.07

Land registry search: £3.00

Total fee = **£86.66**

Table 5: Deposit of site rules

Detail	Officer	Time (minutes)
Application to deposit: site rules received and entered onto database	AO	10
Check: <ul style="list-style-type: none"> • Application is valid • Site rules have been made in accordance with statute • Consultation carried out • No 'banned' site rules • No appeals outstanding 	AO	120
Documents scanned and public register amended	AO	15
Total fixed time (mins)	AO	145

Authorised Officer: 145 minutes @ £39.77 / hour = £96.11

Total fee = **£96.11**