

South Kesteven District Council



Fees Policy for Licensing of

Mobile Homes

Approved February 2015 updated April 2022

Contents

- 1.0 INTRODUCTION**
- 2.0 EXCLUSIONS**
- 3.0 LICENSING FEES**
- 4.0 OTHER CHARGES**
- 5.0 SUMMARY OF FEES**
- 6.0 REVISING AND PUBLISHING THE POLICY**

1.0 INTRODUCTION

- 1.1 Under the Caravan Sites and Control of Development Act 1960 South Kesteven District Council (SKDC) issues site licences for sites that have relevant planning permission. This legislation has been amended by the Mobile Homes Act 2013 (MHA) 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 MHA 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 Caravan Sites and Control of Development Act 1960 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”.

- 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 or park homes sites. Other sites which are not relevant protected sites are still subject to licensing under the Caravan Sites and Control of Development Act 1960 but no fee is required to be paid.

2.0 EXCLUSIONS

- 2.1 For clarity, this policy will not apply to the following types of site:
- A site which has consent for holiday use only – whether or not there are restrictions relating to occupation of caravans on the site.
 - A site which has consent for holiday use and ancillary residential use by the owner and/or his employees only.
 - A site on which caravans are not permitted to be stationed permanently by virtue of planning permission.
 - A site where the planning permission requires caravans or pitches to be vacated at certain times of the year and/or prevents them being slept in during certain times.
 - A site where the consent requires the site to close at certain times of the year.

- A site with planning permission as a caravan site but the consent is silent on type of use, but its actual use is as a holiday site (and not for any residential purpose).
- Land on which a caravan is stationed which is attached and belongs to a dwelling (e.g. a parking space or front or back garden)
- Sites occupied by exempted organizations
- Sites on agricultural or forestry land used by seasonal workers
- Local Authority or County Council owned sites
- Sites used by travelling showmen who are members of a relevant organization.

2.2 In addition, SKDC consider it appropriate to exempt the following sites from annual licensing (but not other fees):

- Single unit sites and Gypsy Roma and Traveller sites. These are not run as a business and the cost of annual licensing is outweighed by the cost of administering and recovering any charges.

Any complaints in relation to these sites will be dealt with as appropriate.

3.0 LICENSING FEES

3.1 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

3.2 In setting the policy and the fees to be charged SKDC has had regard to the Guide for Local Authorities on Setting Site Licensing Fees issued by the Department for Communities and Local Government.

3.3 Under the new Act, a fee can be charged for:

- applications to grant a new licence
- applications to transfer or amend an existing licence
- annual licence fees for administering and monitoring existing sites.
- depositing of site rules
- taking enforcement action (charged separately from licence fees)

3.4 The fees 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.

3.5 Application for a new site licence

A site licence can only be issued for a site which has valid planning permission for the use.

The fee for a new site licence is **£520.40**. Comprising of **Part A £482.00** and **Part B £38.40**

3.6 Transfer/amendment of existing site licence

A licence holder may apply to transfer a site licence or to vary or cancel an existing site licence condition.

If SKDC deem it necessary to vary or cancel an existing licence condition no fee will be payable.

The fee to transfer or amend up to 2 licence conditions is currently **£195.15**.

Where there are significant changes this is likely to involve a site visit. Where a site visit is also required the fee is currently **£316.65**.

3.7 Annual fees for existing licences

The annual fee is currently **£77.75 per pitch**. Additional annual fee **per plot £5.15**. This is calculated on the price per unit based on the total estimated cost to SKDC in carrying out its annual licensing function. The cost per pitch is multiplied by the number of units permitted on the site licence to provide the annual fee payable.

3.8 Charging arrangements and payments of fees

The annual fee is due on 1st April each year. In 2014 only, the annual fee will be calculated on a pro-rata basis for the remainder of the year from the date of approval of the policy. (Legislation allows the licence holder to pass on the cost of the annual fee for 2014/15 in the pitch fee).

All fees will be charged to the site licence holder and all invoices will be payable within 14 days.

Where a new site licence is issued part way through a year, the annual fee will be due the following April.

The council requires application fees for a new site licence, for amending a site licence or for transferring a site licence to accompany the application. The council will not commence the application process until such time as the fee is received.

Application fees are not refundable if the application is not approved.

Where a fee becomes overdue for payment, the council may apply to a First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due by the date specified in the order. If the licence holder has still not paid the fee within three months from the date specified in the order, SKDC may apply to the tribunal for an order revoking the site licence.

A review of the fee structure will be carried out annually and it will be revised if necessary. Any adjustments will take into account variations in officer and administration time to those used in calculating the fees set out in this policy document, along with any changes to other costs incurred in providing the licensing function.

4.0 OTHER CHARGES

4.1 Enforcement Expenses

The council is entitled, and will seek, to recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice. These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.

Where appropriate, the council will also seek to recover expenses incurred:

- In taking action following conviction of the site owner for failure to carry out actions required by a compliance notice; or
- In taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions

Interest may be charged on any sums to be recovered as a result of enforcement action.

Any of the debts to be recovered for enforcement actions will be registered as a local land charge against the site.

Charges for enforcement cannot be passed onto the residents pitch fee.

Charges for enforcement will be based on an hourly rate.

4.2 Deposit of Site Rules

Site rules are made by the site owner to ensure acceptable standards are maintained on the site for the benefit of all of the occupiers. The Mobile Homes (Site Rules) (England) Regulations 2014 changes the way site rules are agreed between site owners and residents. There is no requirement for site rules to be in place, but where they are site owners are required to use

the procedure set out in the Regulations. If park owners fail to follow these Regulations within the time frame park owners will not be able to rely on existing park rules. The cut off point for complying with the new process will be 3 February 2015.

Site rules for protected sites must be deposited with SKDC and the register published online. Before publishing the site rules SKDC will ensure that the rules have been made in accordance with the statutory procedure.

5.0 SUMMARY OF FEES

5.1 The applicable fees will be reviewed annually and published on the Council's website. The current fees from 1 April 2019 are as follows

| | |
|---|-------------------------|
| Application for a new site licence comprising of; | £520.40 |
| Part A | £482.00 |
| Part B | £38.40 |
| Transfer/amendment of up to 2 licence conditions | £195.15 |
| Significant amendments involving a site visit | £316.65 |
| Annual Fee | £77.75 per pitch |
| Enforcement | Based on an hourly rate |
| Deposit of site rules | £84.20 |

6.0 REVISING AND PUBLISHING THE FEE POLICY

6.1 The fees policy for licensing of residential park home sites will be published on the council's website

6.2 If the council revises its fees policy, it will replace the published policy with the revised policy. The policy will also be available to view during normal office hours at: South Kesteven District Council, Council Offices, St Peter's Hill, Grantham, NG31 6PZ.

