

Caravan Site Licensing Fee Policy

Scope/Purpose

This policy sets out the fee structure for the processing of applications for the issue, variation and transfer of caravan site licences and annual fees for administration and monitoring of site licences, together with the fee for holding a register of site rules.

Relevant Legislation

The provision for charging fees was introduced by the Mobile Homes Act 2013. The parts of the Act amending the Caravan Sites and Control of Development Act 1960, which is the principal legislation covering the licensing and control of caravan sites, came into force on 1 April 2014. The Act came into effect on 26 May 2013 with respect to amendments to the Mobile Homes Act 1983, which regulates the agreements between site owners and occupiers.

The Licence Fee Structure

The annual fee includes all administrative costs in ensuring that each site complies with the site licence conditions. It does not include any costs associated with enforcement action, as these must be recovered separately under a demand for recovery notice.

Exemptions

The licence fee requirement does not apply to the following sites:

- i. Sites for holiday use only
- ii. Sites where conditions require that there are times of the year when no caravan may be stationed on the land for human habitation
- iii. Sites that are occupied only by the site owner and his/her family or by a person employed by the site owner except where under an agreement to which the Mobile Homes Act 1983 applies.

Calculation of licence fees

In setting its fees policy and the fees to be charged, the council has had regard to the *Guide for Local Authorities on Setting Site Licensing Fees* issued by the Department for Communities and Local Government (2014).

In determining those fees, the council has taken into account 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. The charges are set out in schedule 1.

Payment

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 the fee is received.

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

Annual fees will become due on 1 October. The request for payment will be accompanied by information detailing what matters the council took into account in fixing the annual fee and the extent to which it had regard to deficits and surpluses from the previous year.

Where a fee becomes overdue for payment, the council may apply to a residential property tribunal for an order requiring the licence holder to pay the council 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, the council may apply to the tribunal for an order revoking the site licence.

Review

As this is a new provision, the policy for fee calculation will be reviewed 2 years from implementation to assess any changes that need to be made. However, the fee levels can be reviewed, each year to take into account the effect of inflation and any surpluses or deficits incurred on the predicted level of expenditure in the previous year.

In setting annual fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year and will confirm to the site owner the annual fee for the forthcoming year.

Other Charges

Enforcement Expenses

We will 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, we 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 because of enforcement action.

We will also be able to register any of the debts to be recovered for enforcement actions as a local land charge against the site.