



**South
Derbyshire**
District Council

Residential Caravan Site Fees Policy

Consultation Document



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1. Introduction

1.1 The Caravan Site and Control of Development Act 1960 (CSCDA 1960) introduced a licensing system to regulate the establishment and operation of caravan sites. This Act has now been amended by the Mobile Homes Act 2013 (MHA 2013), which was introduced in order to provide greater protection to occupiers of residential caravans (park homes) as the existing legislation had not been updated for more than 50 years. This Act introduces important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with the site licence conditions. The new legislation allows the council to charge site owners a fee for new site licences, annual fees for administering and monitoring of existing sites and fees for amendments or transfers of existing licences. The Council can also now charge a fee for serving of enforcement notices and publishing any site rules relating to a site.

2. Fees charged for site licensing function

2.1 The changes introduced by the MHA 2013 for site licensing came into force on 1st April 2014. These included 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).

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

2.3 Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the Caravan Sites and Control of Development Act 1960, but the provisions relating to payment of fees do not apply.

2.4 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 site licences
- depositing of site rules including first and subsequent deposits as a consequence of variations
- serving of enforcement notices and recovery of costs incurred

2.5 This policy details the fees which this Council will charge for all of these licensing functions.

3. Fees structure

- 3.1 The Council has calculated fees in accordance with the provisions of MHA 2013 which allows a local authority to include all reasonable costs and this includes administrative costs, officer visits to the site, travel costs, consultations, meetings, undertakings and informal advice.
- 3.2 The current fees for each of the processes set out in this policy are shown in Appendix B. The fees have been calculated based on the estimated average time and costs involved in undertaking each of the activities (Appendix A details what the Council have considered in calculating the fees)

4. Application for new site licence

- 4.1 All sites require a site licence to operate (subject to the exemptions detailed in the CSCDA60). The Council may only issue a licence for a site with a valid and correct planning permission for the use. Fees for a new site licence are based on 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.

5. Transfer of a site licence

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

6. Amendment of a site licence

- 6.1 Where the licence holder requests an amendment to site licence conditions the Council will charge a fee.
- 6.2 Where the Council instigates a change in conditions no fee will be payable.

7. Annual fee

- 7.1 All relevant protected sites must pay an annual fee to the Council (subject to the exemptions detailed in the CSCDA60). This fee covers the costs associated with administration, annual inspection and a revisit to ensure compliance where required. Where further revisits are required following a breach in conditions, further charges may be payable to cover the cost of any enforcement action taken.
- 7.2 The annual fee is based on a fixed cost plus a charge per pitch to reflect the variation in the cost according to the size of the site.
- 7.3 Single unit sites where the site operator is also the owner and occupier of the park home will be exempt from annual fees.

8. Site rules

- 8.1 Site rules are not the same as the site licence conditions. They are an agreed set of rules between the site owner and residents of the site that are put in

place to ensure acceptable standards are maintained. The MHA13 changes the way that site rules are agreed between both parties. The Council must keep an up to date register of site rules on relevant protected sites and publish the register online. The Mobile Homes Act 1983 (as amended by the MHA13 – the Amended Act) allows the Council to charge a fee for depositing, varying or deleting site rules subject to regulations.

8.2 Before publishing the site rules, the Council will ensure that the rules deposited have been made in accordance with the statutory procedure.

8.3 Any site rules deposited with the Council 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 similar for all three types of deposits.

9. Enforcement costs

9.1 Section 9A of the Amended 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; the 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.

9.2 Following a successful prosecution for breaching a compliance notice, the Council will be able to serve notice to enter the site and carry out the necessary works (Works in Default).

9.3 In addition to this, Section 9E of the Amended Act allows a notice to be served on site owners enabling the Local Authority to enter the site and take emergency action where there is imminent risk of serious harm.

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

9.5 Charges for enforcement action are based on the actual costs incurred including officer time charged at an hourly rate.

10. When fees are payable

10.1 Section 10A(5) of the Amended Act states that the 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.

11. Revising fees

11.1 Fees will be revised on an annual basis along with the Council's other Fees and Charges.

Appendix A

Application for a new licence

| Detail | Officer | Time (minutes) |
|--|---------|-------------------|
| Initial enquiry received and entered on database | Officer | 10 |
| Obtain planning documents and liaise with planning | Officer | 30 |
| Send out site application with covering letter | Officer | 10 |
| Liaise with applicant and arrange site visit | Officer | 10 |
| Travel time | Officer | 30 |
| Initial site visit | Officer | 60 |
| Check application is valid (i.e. compulsory questions complete, correct fee included, site plan provided) and carry out land registry search | Officer | 40 |
| Check validity of any supporting documentation provided (e.g. electrical certificate) | Officer | 20 |
| Process licence fee | Officer | 20 |
| Prepare site licence and conditions | Officer | 90 |
| Discuss proposed site licence conditions with applicant | Officer | 60 |
| Site licence checked and signed by manager | Manager | 60 |
| Site licence collected and signed for by applicant | Officer | 10 |
| Scan documents and update public register | Officer | 20 |
| Upon occupation liaise with site owner to arrange inspection | Officer | 10 |
| Carry out full site inspection, making note of any breaches of site licence conditions/works required | Officer | 60 |
| Travel time | Officer | 30 |
| Record details on file and Flare | Officer | 20 |
| Total fixed time (mins) | | 590 |
| Additional inspection time for all pitches over and above the first | Officer | 10 |
| Variable time (mins) | | 10 |

Fee calculation for new licence application

| | | | |
|----------------------|-------------|----------------------|---------|
| Manager | 60 minutes | @ £48.96* per hour = | £48.96 |
| Officer | 530 minutes | @ £33.44 per hour = | £295.39 |
| Land registry search | @ £3 each | = | £3.00 |

Total fee = £347.35 (plus £5.57 per additional unit on site)

*all hourly costs include direct officer time and all on-costs as assessed by the Finance Service

Application to amend a licence

| Detail | Officer | Time (minutes) |
|--|---------|----------------|
| Enquiry received and entered on database | Officer | 10 |
| Send out application form with covering letter | Officer | 10 |
| On receipt of application, liaise with applicant and arrange site inspection | Officer | 10 |
| Process licence fee | Officer | 20 |
| Travel time | Officer | 30 |
| Site inspection | Officer | 60 |
| Check amendments are acceptable and all necessary documents provided (e.g. new planning permission, new site plan) | Officer | 30 |
| Amend site licence | Officer | 60 |
| Site licence checked and signed by manager | Manager | 60 |
| Site licence collected and signed for by applicant | Officer | 10 |
| Scan documents and amend public register | Officer | 20 |
| Total fixed time (mins) | | 320 |

Fee calculation for amendment of licence

Manager 60 minutes @ £48.96 per hour = £48.96
 Officer 260 minutes @ £33.44 per hour = £144.91

Total fee = £193.87

Application to transfer a licence

| Detail | Officer | Time (minutes) |
|--|---------|----------------|
| Enquiry received and entered on database | Officer | 10 |
| Send out application form with covering letter | Officer | 10 |
| Check application is valid (i.e. compulsory questions complete, correct fee included, site plan provided) and carry out land registry search | Officer | 30 |
| Process licence fee | Officer | 20 |
| Amend site licence | Officer | 60 |
| Site licence checked and signed by manager | Manager | 60 |
| Site licence collected and signed for by applicant | Officer | 10 |
| Scan documents and amend public register | Officer | 20 |
| Total fixed time (mins) | | 220 |

Fee calculation for transfer of licence

Manager 60 minutes @ £48.96 per hour = £48.96
 Officer 160 minutes @ £33.44 per hour = £89.17
 Land registry search @ £3 each = £3.00

Total fee = £141.13

Appendix B

Fees charged for site licensing

| Detail | Fee payable |
|------------------------------------|---------------------------------|
| Application for new licence | £347 + £6 per additional pitch* |
| Amendment of a licence | £194 |
| Transfer of licence | £141 |
| Annual fee | £196 + £7 per additional pitch* |
| Deposit, vary or delete site rules | £123 |
| Enforcement costs | £42 per hour |

* The initial fixed cost is inclusive of one pitch, therefore the price per pitch is charged for all pitches over and above the first pitch

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