

## SPELTHORNE BOROUGH COUNCIL CARAVAN SITE LICENSING FEE POLICY

### 1. Scope/Purpose

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

### 2. 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.

### 3. The Licence Fee Structure

- The application fee for a **new licence** includes all administrative costs, site inspections, travel time, consultations, meetings and informal advice.
- The fee for a **transfer of the licence** includes all of the above but would not usually cover inspection and travel time as these would not generally be required to process a transfer application
- The fee for **altering conditions attached to a site licence** would include such administrative costs and site visit as necessary
- The **annual licence fee** includes all administrative costs as well as site inspections, travel time, consultations meetings and informal advice necessary in ensuring that each site complies with the site licence conditions. It also factors in a risk rating resulting in sites with poor compliance and/or poor confidence in management requiring more frequent inspections and this is reflected in the annual charge of these sites.

Account has been taken of the fact that larger sites will take longer to inspect than smaller sites, and so size banding has been applied.

The licence fees do not include any costs associated with enforcement action, as these must be recovered separately under a demand for recovery notice.

### 4. Exemptions

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

- a. Sites for holiday use only
- b. Sites where conditions require that there are times of the year when no caravan may be stationed on the land for human habitation

- c. 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.

## **5. 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 its fees, the Council has undertaken a desktop analysis of the work required to deliver its licensing function in relation to the caravan site licence fee structure. The fees for 2016-2017 are set out in schedule 1.

## **6. 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.

## **7. Payment**

The Council requires application fees for a new site licence, for altering site licence conditions, 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 of each year. 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.

## **8. Other Charges**

### **8.1 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. The Council may also register any of the debts to be recovered for enforcement actions as a local land charge against the site.

## **8.2 Inclusion on Register of Fit and Proper Persons**

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the Regulations') require the occupier of land ('site owner') to apply to their local authority for the relevant person (themselves or their appointed manager) to be added to the fit and proper person register ('the register'), which is to be established, published and kept up to date by the local authority.

The Regulations will, unless an exemption applies, make it an offence from 1<sup>st</sup> October 2021 for a relevant protected site (as defined in section 5A of the Caravan Sites and Control of Development Act 1960) to be operated unless the local authority is satisfied that the manager qualifies as a 'fit and proper person'.

The Council can decide to grant an application for inclusion on the register unconditionally, can grant with conditions, or can refuse. Applying conditions to any site will be made in consideration of the application, supporting documents and the site's history of compliance with relevant legislation. If the Council's determination results in refusal, then the applicant is not entitled to a refund.

### **Application fee**

The Regulations permit the local authority to determine the fee for the application for inclusion on the register, and once this fee is published, the applicant must include the fee with their application for it to be valid.

The fee has been calculated taking account of estimated average times to conduct the fit and proper person assessment and checks required for inclusion on the register, and the hourly officer rates for officers that will be involved in the processing and assessment of these applications. Consideration has been given to the matters prescribed in the guide for local authorities on setting fees for the fit and proper person test.

The Council will require a new application to be made for an inclusion on the register every 5 years, except where there is a valid reason for the period of inclusion to be shorter in relation to a particular site.

### **Annual fee for an existing entry on the register**

The Council has determined not to charge an annual fee for simple inclusion on the register. Should conditions be attached to the register entry, then an annual fee will be charged to recover the costs of work resulting from the additional monitoring expected. Where applicable, the annual fee is paid on 1 October 2021

**Appointed manager fee**

If the local authority is not satisfied that the appointed person is suitable for inclusion on the register, and no other suitable person is put forward by the site owner, they can choose to appoint a person to manage the site with the site owner's consent. In this circumstance, the Council will agree in advance the applicable recoverable costs that will be paid including any component which is to be paid in advance of this agreement.

## **Schedule 1**

### **Caravan Site Licensing Fees and Charges for 2016/17**

1. Application for a new site licence

1 to 5 pitches	£498.00
6 to 24 pitches	£580.50
25 to 99 pitches	£642.00
100+ pitches	£765.00

2. Application to alter conditions to a site licence

1 to 5 pitches	£237.00
6 to 24 pitches	£248.00
25 to 99 pitches	£259.00
100+ pitches	£280.00

3. Application to transfer a site licence

£134.00

4. Annual fee

1 to 5 pitches	£189.00
6 to 24 pitches	£233.00
25 to 99 pitches	£263.00
100+ pitches	£326.50

5. Recovery of cost of enforcement

Hourly rate	£63.00
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6. Fit and proper person register

6.1 Application fee £359.00

6.2 Annual fee (where applicable)

As discussed within this document

6.3 Appointed manager fee

Under specific circumstances as detailed in this document