PARK HOMES FEES POLICY

May 27th 2014
Executive Summary

The Mobile Homes Act 2013 (MHA 2013) was introduced in order to provide greater protection to the occupiers of residential caravans and mobile homes. It received royal assent on 26th March 2013 with some parts implemented on 26th May 2013. The MHA 2013 introduced some important changes to park home site licensing on 1st April 2014 due to its amendments to the Caravan Sites and Control of Development Act 1960 (the Amended Act). These changes include the ability for local authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees.

In order to be able to charge these fees the Council needs to publish them within a Fees Policy. This Charnwood Borough Council Park Homes Fees Policy was approved by the Council's Licensing Committee at its meeting on 27th May 2014 (minute 4 refers) and the fees have now been incorporated within the Private Sector Housing Team’s 2014/15 Fees and Charges Schedule. This will enable fee recovery by the Council at the earliest possible point in time in the financial year and enable site owners to recover these costs should they opt to increase pitch fees at the next pitch fee review date.

Proposed Fees

The Council has adhered to the DCLG “Guide for Local Authorities on setting site licensing fees” published in March 2014 in determining this fees structure and has used Option 1 in the guide to calculate the fees. The document can be viewed by following the link below:


In setting the level of application fee in this fees policy the Council has taken into account the following matters on which costs are incurred (by whichever department, including costs incurred by contracting out):

- sending out and processing the application (including dealing with the initial inquiry)
- site inspections
- third party consultation
- consultation with the site owner
- preparing draft licences (with altered conditions);
- review by manager or lawyers; review any consultation responses from third parties;
- notification of decision (including where appropriate the updated final licence) and
- where appropriate up-date of register.
The fees associated with applying initially for a new site licence, for transfers/standard amendments of existing licences, site expansion amendments, and for annual fees are to be set initially as follows:

- **Annual Fee** = £13.01 per pitch.
- **Transfer or Standard Amendment Fee** = £195.52 per site/application.
- **Site Expansion Amendment Fee** = Standard Amendment Fee +£32.18 for first pitch and £7.15 per pitch thereafter.
- **Initial Licence Fee** = £26.86 per pitch.

Sites that are for holiday use only or are only allowed units stationed on them at certain times of the year are exempt from licensing fees. These are the only statutory exemptions however the Amended Act enables local authorities to fix different fees or to determine that no fee is required to be paid in certain cases or descriptions of case.

It was felt appropriate for Charnwood Borough Council to make single pitch sites exempt from annual fees (but not other licensing fees) as these lower risk sites are less onerous to inspect and collecting annual fees from them would not be cost effective.

The MHA also introduced the ability for local authorities to serve enforcement notices and to carry our works in default to remedy breaches of site licence conditions from 1st April 2014. The Council will be able to charge fees in relation to this. The fee for Housing Act 2004 enforcement notices is based on the hourly rate plus on-costs of the relevant enforcing officer and due to the similarity of Housing Act and park home site enforcement notices the latter will be set to mirror the former. The administration charge for works in default for park home site enforcement will be set at the same level as that for Housing Act enforcement works in default which is likely to remain at 15%.

Site Rule Regulations came into force in autumn 2013 which set out the timescales within which site owners will need to replace existing site rules with new ones that should be deposited with the local authority.

Local authorities will be able to require a fee when site rules are deposited and will be required to publish an up to date register of site rules. The fee for depositing site rules with the Council will be set at £40.15.

The MHA 2013 also makes provision for regulations to be made requiring site owners to be “Fit and Proper Persons” and for local authorities to keep up to date a registers of fit and proper persons to manage relevant protected sites. Local authorities would be able to charge a fee for fit and proper person register applications. Subject to the Regulations being introduced, the fee for such applications will be set at £100.37.
Fee payment

The Council is not required to consider an application for the grant of a licence, a transfer of a licence or an application to alter conditions unless that application is accompanied by the correct fee.

If the Council decides not to approve the application the applicant is not entitled to a refund of the fee paid.

When demanding the annual fee the Council will:

- give reasonable time in which the fee is to be paid (which will be 28 days);
- state the date by which it is due (which will be 1st June each year) and
- say what matters we took into account in fixing the annual fee and the extent to which we had regard to deficits and surpluses arising out of the previous year.

The Council will not increase the fee payable to take account of any arrears in payment and instead will follow the procedure set out below to recover arrears.

(i) Where a fee is overdue the Council may apply to a tribunal for an order requiring its payment. The order must specify when the fee must be paid by.

(ii) If the fee is not paid by that date the Council may enforce the order in the county court in the same way as judgement of that court can be enforced.

(iii) If after a period of three months following the date specified in the order the arrears have still not been paid the Council may apply to a tribunal for an order revoking the site licence.

Review of Fees

The fees covered by the Park Homes Fees Policy will be increased annually by the same percentage (in line with inflation) that is applied to other fees in the Private Sector Housing Team’s Fees and Charges Schedule.