
MOBILE HOMES LICENCE FEES POLICY

Purpose of the Report

1. To inform Members of legislative changes to the Licensing of Caravan Sites and the need to adopt a Fees Policy to allow the recovery of Council costs.

Summary

2. The Mobile Homes Act 2013 made amendments to the Caravan Sites and Control of Development Act 1960 and introduces some important changes to the licensing of 'relevant protected sites' and allows Local Authorities to charge owners a fee for: applying for a site licence; amendments or transfers of existing licences; annual licence fee for administering and monitoring licences; and for depositing site rules with the Local Authority. Relevant protected sites are typically known as residential parks, mobile home parks and also includes Gypsy and traveller sites.
3. The only statutory exemptions from licensing fees are for sites that are for holiday use only or are only allowed units stationed on them at certain times of the year as these are not 'Relevant Protected Sites'.
4. Local Authorities may fix different fees or determine that no fee is required to be paid in certain cases. Officers consider it appropriate to recommend that residential sites where there are 5 or less pitches be exempt from annual fees (but not other licensing fees) as these are lower risk sites that require infrequent inspections and collecting annual fees from them would not be cost effective.
5. Local Authorities have a duty to serve enforcement notices to remedy breaches of site licence conditions and to carry out works in default and to recover expenses.
6. Site owners will need to replace existing site rules with new ones by February 2015 and these 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.
7. Darlington Borough Council is required to publish a Fee Policy before charging fees for the licensing of 'relevant protected sites' Charging the fees will enable the Council to recover the costs associated with the implementation of statutory duties. Site owners

will be able to recover these costs from residents should they opt to increase pitch fees at the next pitch fee review date.

8. Officers have identified a possible negative financial impact upon the residents if the site owner passes on the charge for the site fees as the legislation allows. The operators of the two largest have advised officers that they would deal with the licence fee payable as a business expense. Officers feel that the benefits of having properly regulated caravan sites has significant benefits for residents as identified in the main report and the cost can be met by owners as a relevant business cost. A decision to exempt relevant protected sites with less than 5 pitches from the annual fees would remove that impact for residents on those sites once the site licence had been obtained.
9. The Councils Cabinet will need to confirm the publication of a Fees Policy before licence fees can be charged or collected from the owners of 'relevant protected sites'.
10. The recommendation on fees associated with applying for a new site license, for transfers/variations of existing licenses and for annual fees from 1st August 2014 are as follows:

(a) Costs of New Application

1-5 pitches	£200
6-10 pitches	£225
11-20 pitches	£225
21-50 pitches	£240
51-100 pitches	£260
Greater than 100 pitches	£260

(b) Annual Fees associated with Administration and Monitoring of Site Licenses

1-5 pitches	nil
6-10 pitches	£220
11-20 pitches	£220
21-50 pitches	£220
51-100 pitches	£260
Greater than 100 pitches	£260

(c) Cost of Laying Site Rules £25

(d) Cost of Variation/Transfer £100

Introduction

11. The Caravan Sites and Control of Development Act 1960 introduced a licensing system, to be operated by Local Authorities to regulate the establishment and

operation of caravan sites and defines what constitutes a caravan and caravan site. No Licence fee was payable.

12. The first schedule of the Caravan Sites and Control of Development Act 1960 sets out cases where a site licence is not required, including:
 - (a) Local Authority-owned sites
 - (b) Use incidental to a dwelling-house and within the same curtilage
 - (c) Sites for stationing of a caravan for not more than 2 nights (as long as caravans had not been present for more than 28 days during the previous year.)
 - (d) Sites where caravans are stationed on land not less than five acres for not more than 28 days and no more than three caravans are stationed at any one time
 - (e) Sites where caravans are solely for seasonal agricultural/forestry workers employed on land owned by the site owner
 - (f) Sites where caravans are solely for workers employed in building or engineering operations on that or adjacent land
 - (g) Sites used by travelling showmen who are members of a relevant organisation
 - (h) Sites occupied by organisations holding a certificate of exemption
13. An application for a site licence can be made at any time by completing an application form accompanied by a site plan at 1:500 scale showing the layout of roads, caravans and facilities.
14. A site licence will only be issued for land where planning permission has been granted.
15. For caravan sites located in the Darlington Borough Council area, the Licensing Section is responsible for the issue of all site licences under the Caravan Sites and Control of Development Act 1960 and they maintain a Public Register of Licensed Caravan Sites. The Environmental Health Section is responsible for recommending conditions, monitoring compliance with the legislation and taking enforcement action. A list of known residential caravan sites is attached as **Appendix A** and not all of these have applied for a caravan site licence.
16. Licence conditions are based upon latest model standards (with separate standards for touring caravan sites, static holiday caravan sites, and residential sites) published by the Department for Communities and Local Government in 2008 under section 5 of the Caravan Sites and Control of Development Act 1960. The Council has discretion as to the conditions that they attach to a licence and may vary the model conditions when it feels it would be appropriate for an individual site or set of circumstances.
17. Conditions can include controlling the types of caravan on the site (including size and state of repair, but not the materials used in their construction); regulating the positions on which caravans are stationed; securing proper fire precautions; and securing adequate sanitary facilities.

18. The Mobile Homes Act 2013 has introduced some important changes to park home site licensing due to its amendments to the Caravan Sites and Control of Development Act 1960. 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, for annual fees and for site owners depositing site rules with the Local Authority.
19. Section 10A(2) of the Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, now requires a Local Authority to publish a Fees Policy before charging fees for the licensing of 'relevant protected sites'. Darlington Borough Council's Fee Policy has therefore been developed to enable the Council to begin charging these fees on 1st August 2014.

Fees for New Licences, Transfer/Variation and Annual Fees

20. Subject to the exemptions detailed in the introduction there is a requirement for site owners to ensure that their sites are licensed. Failure to do so would be an offence under Section 1(2) of the Caravan Sites and Control of Development Act 1960 which can attract a fine not exceeding level 5 (currently £5000) on the standard scale upon summary conviction.
21. Section 3(2A) of the Caravan Sites and Control of Development Act 1960 enables Local Authorities to require a fee in respect of a relevant protected site application.
22. Section 5A(1) of the Caravan Sites and Control of Development Act 1960 enables Local Authorities to require an annual fee to be paid by site owners in respect of relevant protected sites.
23. Local Authorities may also charge a fee for alterations to licence conditions where these are requested by a site owner or where an application to transfer the licence to another person/organisation is received (Section 8(1B) and Section 10(1A) of the Caravan Sites and Control of Development Act 1960, respectively.)
24. When requiring a licence holder to pay an annual fee, the Council must inform them of matters to which they have had regard in fixing the fee. The costs associated with monitoring conditions on sites and dealing with licensing matters informally can be included within annual fees. However, annual fees should not take into account any costs incurred in relation to providing sites for traveller caravans or enforcement activities such as serving compliance notices, emergency action, and works in default as these costs can be recovered by other means.
25. The factors taken into account when calculating the fees are attached as **Appendix B** and were calculated with reference to 'The Mobile Homes Act 2013-A Guide for Local Authorities on setting site licensing fees,' and are intended to be as simple and clear as possible to prevent any future ambiguity.

26. When requiring a licence holder to pay an annual fee the Council will inform them of the matters to which they have had regard in fixing the fee. The fees calculated are considered to be reasonable.

Exemptions from Paying Fees

27. 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 as they do not fall within the definition of "Relevant Protected Sites".
28. Section 10A(3) of the Caravan Sites and Control of Development Act 1960 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. Officers have concluded that it is appropriate that sites that have 5 or less pitches are exempt from annual fees (but not other licensing fees) as these sites are generally of very low risk, compared with larger multiple pitch sites and require less monitoring. In most cases, these sites are also occupied by a single family which further reduces risk. The costs associated with monitoring sites that have 5 or less pitches would be met through existing budgets.

Time When Fees Are Payable

29. Section 10A(5) of the Caravan Sites and Control of Development Act 1960 requires 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 relate to the Council's financial year (1st April to 31st March) and will be paid in advance. Invoices will be sent out during the month of April requiring payment within 30 days. Where a new site is licensed part way through the year then an invoice with the same payment terms will be sent shortly after the licence is issued, pro rata from this date to the beginning of the next financial year.
30. A Transfer or variation must be paid at application.

Enforcement Notices and Works in Default

31. Local Authorities can serve compliance notices that include a schedule identifying to the site owner what needs to be done to correct the breaches of site licence conditions and the timescales. Failure to comply with the notice would be a criminal offence, punishable by a fine at level 5 on the standard scale (currently £5000), and the site licence could be revoked upon a third or subsequent prosecution. Following a successful prosecution for breaching a compliance notice Local Authorities will be able to serve notice to enter the site and carry out the necessary works (Works in Default).
32. Local Authorities may also serve a notice on site owners enabling entry to the site and take emergency action where there is an imminent risk of serious harm.

33. The cost of deciding whether to take action, preparing and serving the various enforcement notices and the actual work itself can be recovered by Local Authorities through recharging for works in default. The administration charge that is added to the cost of works when recovering expenses relating to works in default includes the cost of the work plus officer time after the notice has been breached.
34. Any unpaid Council expenses can be placed as a charge against the site owner's land.

Fees for Depositing Site Rules

35. Site rules are different to site licence conditions in that they are neither created nor enforced by Local Authorities. They are a set of rules created by the site owner which residents have to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing.
36. The Mobile Homes (Site Rules) (England) Regulations 2014 require site owners to replace existing site rules with new ones that have to be deposited with the Local Authority by 3rd February 2015. Local Authorities will need to satisfy themselves that replacement or new rules deposited with them have been made in accordance with the statutory procedure and then establish, keep up to date, and publish a register of site rules. For this work a Local Authority may levy a fee for the depositing of site rules, or the variation or deletion of site rules.
37. Once an administrative system is in place for holding and publishing site rules it is estimated that it will cost the Council approximately £25.

Complaints about the Council's Service

38. The Council has a formalised complaint procedure enabling those dissatisfied with any Council service they have received to have a review of the case. In the first instance contact should be made with the manager responsible for the service and, where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time scales involved. Copies of the procedure are available on the Council's website at www.darlington.gov.uk or an information leaflet is available from Council reception counters. This information can also be made available in Braille or large type or in audio format. It can also be provided in other languages on request. Further information on the Council's Complaints, Compliments and Comments Procedure can be obtained by contacting: Complaints and Information Governance Team, Town Hall, Darlington, DL1 5QT. Telephone: (01325) 388043
Email: complaints@darlington.gov.uk

Conclusion

39. The current scheme of delegation adopted by the Council allows the Council's authorised officers to determine applications, attach conditions to any Caravan Site

Licence granted, and take enforcement actions that relate to the Caravan Sites Control and Development Act 1960.

40. The Mobile Homes Act 2013 now allows the council to charge fees that relate directly to residential caravan sites but not touring caravan sites. The Council can only charge fees related to licensing and regulating those sites to recover all or part of the costs by publishing a Park Homes Fees Policy. The Council's Cabinet has to approve the Park Homes Fees Policy before any fees can be charged or collected.

Referral to Cabinet

41. Only Cabinet can agree to adopt the fees policy and this report will be considered by Cabinet at their meeting on 1st July 2014.

Recommendations

42. Members are invited to note the report regarding the method adopted for the setting of the proposed licence fees.
43. Members are also invited to give their approval to the adoption of these fees prior to the Cabinet meeting to formally consider this matter.

Ian Williams
Director of Economic Growth

REFERENCES

- (i) Caravan Sites Control and Development Act 1960
- (ii) Model Standards 2008 for Caravan Sites in England – Department of Communities and Local Government April 2008.
- (iii) Mobile Homes Act 2013
- (iv) Mobile Homes Act 2013 – A guide for Local Authorities on setting licence fees – Department of Communities and Local Government February 2014

Barry Pearson

Known Residential Sites

LOCATION	STATUS
Honeypot Lane DL3 4DJ NZ428516	Planning Permission for G&T Site (leased from Council) with 56 pitches
Neasham Road DL1 4DJ NZ430512	Planning Permission for G&T Site (leased from Council) with 20 pitches
Oakwood Hurworth Moor DL2 2EG NZ 429512	Planning permission G&T Site for 5 caravans
Blackwell Moor DL2 1GB NZ 429512	Planning Permission G&T Site for 2 caravans Caravan site licence granted.
Littlebeck Burmah Road NZ 431 511	Planning permission G&T Site for 2 residential + 2 touring caravans
Oxmoor DL2 2UG NZ421522	Planning Permission G&T Site for 2 caravans
Forge Way DL1 2PJ NZ429516	Unauthorised 1 caravan
Snipe Lane Stables DL2 1QB NZ 429512	Planning permission G&T Site for 2 static caravan, 2 touring caravan. Caravan site licence granted.
Snipe Meadows Snipe Lane DL2 1QB NZ 429511	Planning permission G&T Site - Six plots, each with a hard standing for two caravans. Caravan site licence granted.
Brafferton Lane 1 NZ428521	Planning permission G&T Site.
Bridgewood Stables Lime Lane NZ428521	Planning permission G&T Site.
Aycliffe Lane, Darlington, Durham DL1 3LA NZ428521	Planning permission G&T Site for 3 touring caravans

Snipe Lane	Planning permission for G&T site - 4 mobile homes and 8 touring caravans
Sadberge DL2 1RN	Planning permission for G&T site 1 Chalet +1 touring caravan
West Middleton Farm, Middleton one Row DL2 1AY	Licensed Residential Site. Certificate of lawful use 5 caravans.
High Scroggs Farm, Middleton St George DL2 1EX	Private Unauthorised, X Caravans
Swan House DL2 2XY NZ	Private Unauthorised 5 caravans
Whiley Hill Stables Whiley Hill NZ 427 520	Private Unauthorised, 3 Caravans

Calculation of Fees

The Department of Communities and Local Government guidance ‘The Mobile Homes Act 2013-A Guide for Local Authorities - on setting site licence fees’ was used to assist the process of calculating the apportionment of costs associated with: administration; site inspections; and meetings with the site owner discussing licensing issues. The calculation of the fee is intended to be fair, transparent and an accurate reflection of reasonable costs for the Council to administer the process. This fee calculation will be kept under review and amended whenever changes in procedures or processes occur.

The proposed fee structure.

(a) New Application

1-5 pitches	£200
6-10 pitches	£225
11-20 pitches	£225
21-50 pitches	£240
51-100 pitches	£260
Greater than 100 pitches	£260

(b) Administration and Regulation

1-5 pitches	nil
6-10 pitches	£220
11-20 pitches	£220
21-50 pitches	£220
51-100 pitches	£260
Greater than 100 pitches	£260

(c) Cost of Laying Site Rules £25

(d) Cost of Variation/Transfer £100

**Estimate of time associated with monitoring “typical” Mobile Homes Residential Site
- based on the cost of one licensing visit per year and associated administration**

	Action	Time (mins)
1	Check Site inspection register to determine next routine inspection	10
2	Contact site owner to notify them of the time and date of inspection. Enter action of computer worksheet.	15
3	Look up historic breaches records	15
4	Visit site and carry out routine inspection. Check spacing's between units boundaries etc. Check fire precautions. Check certificates. Note all breaches of site licence	Single unit site 30 Per additional unit 10
5	Travel time	60
6	Complete risk assessment score sheet and record outcome attach sheet to computer worksheet and print hard copy and attach to paper file.	10
7	Record details of visit including breaches identified on the computer worksheet. Enter scheduled visit(s) for next routine inspection and completion of remedial works inspection.	30
8	Record visit on park home inspection spreadsheet	10
9	Write to site owner detailing results of inspection – specify works required to remedy breaches and any certificates required	Single unit site 15 Per additional unit 5
10	Follow up telephone conversations. Record summary of discussion and confirm with letter to site licence holder.	Single unit site 15 Per additional unit 15
11	Attach letter to computer worksheet and attach to hard paper file	10
12	Carry out inspection to ensure works requested have been carried out. Approx time per unit	Single unit site 30 Per additional unit 10
13	Travel time	60
14	Record visit on computer worksheet	10
15	Record action on computer work sheet e.g. Letter to licence holder notifying them of outcome of visit. Assume all works complete as further action likely to result in service of notice and will therefore come under notice fees	10

Time estimate for initial licensing of “typical” Mobile Homes Residential Site

	Action	Time (Mins) Licensing
1	Enquiry received and service request entered on computer system.	30
2	Obtain planning documents. Record type of development permitted and restrictions etc on computer worksheet. Print hard copies of planning documents.	30
3	Make up new caravan site/Park home site file and attach above documentation	20
4	Send out site application form with covering letter and enter action on computer worksheet.	15
5	Contact applicant and make appointment to carry out initial site inspection enter action of computer worksheet	10
6	Carry out initial site inspection. Advise applicant as necessary on layout, spacing and other site licence conditions. Help applicant complete application form, if required. Enter record of inspection on computer worksheet. Approx inspection time per unit.	Single unit site 30 Time per add unit 10
7	Travel Time	60
8	Enter particulars on application form on to premises record on computer system. Scan and save application form to computer.	30
9	Check application valid e.g. all compulsory questions completed and correct fee included Check all particulars entered on computer premises record correctly	40
10	Carry out Land Registry Search to verify applicant is owner of land	30
11	Examine electrical certificate and any other documentation submitted with licence for validity. Enter action on computer worksheet.	20
12	Carry out fit and proper person checks with other council services e.g. council tax, housing benefit, and external agencies e.g. other local authorities. Record Action of computer work sheet.	120
13	Obtain next consecutive site licence number on park home licence spreadsheet and enter details of site against that number.	10
14	Prepare draft site licence and send to applicant with covering letter. Include any recommendations and works required resulting from initial site inspection. Save draft licence and letter and link to computer worksheet.	60
15	Discuss any feedback with applicant on proposed site licence conditions with applicant. If amendments requested seek authority with Environmental Health Manager to amend conditions.	60
16	Upon expiry of consultation period amend site licence if required . Print out two copies of site licence and proof read.	60
17	Site licence to be checked and signed by Licensing Manager	30

18	Send out site licence to applicant with covering letter.	10
19	Scan and save signed copy of site licence and link to computer worksheet. Insert hard copy of licence to paper file.	20
20	Update public register of licensed sites.	15
21	Upon occupation of site contact site owner to make appointment for licensing inspection	10
22	Carry out full site inspection. Make note of any breaches of site licence conditions/ works required	Single unit site 60 Time per add unit 10
23	Travel time	60
24	Record visit and details on computer worksheet	20
25	Complete risk assessment spreadsheet to determine next routine visit.	10
26	Enter date of inspection and next routine inspection on park homes inspection worksheet. Next routine inspection as scheduled inspection on premises worksheet.	10
27	Send letter to applicant notifying them of outcome of licensing visit.	Single unit site 10 Add time per unit 5

Additional time and costs that may be taken into account includes reviews of decisions and seeking legal opinion by managers

Estimate of time to process a Site Licence Amendment / Transfer

	Action	Time (Mins) Amending Licence
1	Enquiry received and service request entered on computer system.	20
2	Send out application form and covering letter detailing fee required	15
3	Upon receipt of application form, scan and attach form to computer worksheet. Attach hard copy to paper file. Enter action on computer database and associated details. Generate acknowledgement letter and send to applicant.	30
4	Enter particulars on application form on to premises record on computer system	15
5	Check application valid e.g. all compulsory questions completed and correct fee included. Check all particulars entered on computer premises record correctly	30
6	Carry out fit and proper person checks with other council services e.g. council tax, housing benefit, and external agencies e.g. other local authorities	120
7	Carry out Land Registry S to confirm applicant is new owner of the site	30
8	Amend site licence print out and proof read	60
9	Amended site licence to be checked signed by licensing manager	30
10	Look up records of outstanding historic breaches, outstanding notices etc.	15
11	Send amended site licence to site owner with covering letter. Send written notification of outstanding historic breaches and outstanding notices to new site owner. Add to actions to electronic worksheet.	20
12	Scan and attached signed copy of site licence to electronic worksheet and attached signed hard copy to paper file.	20
13	Attach hard copy of covering letter and notification of outstanding historic breaches and outstanding notices etc to electronic and paper file	15
14	Amend park home site licence spreadsheet and public register of park home site licences.	20
15	General additions time taken with telephone conversations and correspondence with applicant on typical variation enquiry	90

Additional time and costs that may be taken into account includes reviews of decisions and seeking legal opinion by managers