MOBILE HOMES AND CARAVAN SITE LICENSING AND FEE POLICY

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1.0 Introduction

1.1 Under the Caravan Sites and Control of Development Act 1960 (the 1960 Act) South Holland District Council (SHDC) issues site licences for caravan park homes that have relevant planning permission. This legislation has been amended by the Mobile Homes Act 2013 (the 2013 Act) which aims to raise standards in the industry and provide for more effective enforcement when site licence holders fail to comply with their licence obligations. The 2013 Act also introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process.

The changes relating to site licensing came into force on 1 April 2014. Licences issued under the 1960 Act still remain in force, but the new enforcement powers apply and local authorities will be able to charge fees for functions relating to "relevant protected sites".

There are over 640 licensed caravans or mobile homes in the South Holland District on over 50 licensed sites.

1.2 A relevant protected site is defined in the Act as any land to be used as a caravan site other than one where the application for a licence is:

- For holiday use only, or
- Subject to restrictions or conditions which limit the times of the year when the site may be used for stationing caravans for human habitation (eg planning conditions).

1.3 Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks, park home sites and Gypsy and Traveller sites. Other sites which are not relevant protected sites are still subject to licensing under the 1960 Act, but no fee is required to be paid.

This policy does not apply to the following:

- Sites that are owned by the Local Authority
- Sites where use is incidental to a dwelling house within the same curtilage
- Individual permanent residential mobile homes
- Touring sites
- Holiday sites
- Caravans occupied by seasonal workers
- Sites where caravans are stationed solely for workers employed in building or engineering operations on that or adjacent land
- Sites used by travelling showmen who are members of a relevant organisation
- Sites occupied by organisations holding a certificate of exemption

1.4 SHDC cannot license a site unless planning permission has been granted. The planning authority will be consulted to confirm that the site has planning permission for the relevant use.

1.5 SHDC will decide to either licence the site or refuse a licence within 8 weeks of receipt of a duly made application. Where a licence is refused, the applicant will be advised of the reasons for refusal and their right of appeal.

1.6 SHDC consider it appropriate to make single pitch sites exempt from annual licence fees (but not other fees) as their inspection and fee collection arrangements would not be cost effective nor would it add value. Sites which do not fall within the definition of "relevant protected sites" are still subject to the licensing requirements contained within the 1960 Act, but the provisions relating to payment of fees do not apply.

1.7 This Policy sets out how SHDC will carry out its statutory responsibilities for caravan site inspection, licensing and enforcement and fee setting. Provision is made for:

- A register of all residential sites whose site rules are deposited with SHDC (including a register of sites and a Fit and Proper Person register to be made available on SHDC's website)
- A site licensing procedure
- Determination and annual review of site licensing fees and enforcement charges
- Implementation of Model Standards, including the updating of site conditions to reflect the Model Standards where necessary (see section 3.1 below)

1.8 SHDC will:

- Clarify expectations regarding the standards to be met by owners of caravan sites within the District
- Provide advice and assistance to occupiers of mobile homes and caravans to ensure they can live in safe and healthy homes
- Ensure that any enforcement action taken by SHDC is effective and proportionate

2.0 Site licensing requirements, fees and charges

2.1 Before a Local Authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee, the Local Authority:

- Must act in accordance with its fees policy
- May fix different fees in different cases
- May determine that no fee is required in some cases

Any fees charged must fairly cover the costs (or part of the costs) incurred by the Local Authority in performing its functions under Part 1 of the 2013 Act (excluding the costs of enforcement action or any functions relating to prohibiting caravans on commons or provision of sites by the Local Authority itself). In setting its fees policy and the fees to be charged, SHDC has had regard to Department for Communities and Local Government guidance "Mobile Homes Act 2013: a Guide for Local Authorities on Setting Licensing Fees". Under the 2013 Act, SHDC can charge for:

- The issuing of the first site licence
- Generic fees for all sites for the issuing of the licence
- Annual renewal: monitoring and administration of existing site licences
- The depositing of site rules
- The transfer of a licence
- The alteration of a licence (initiated by the site owner)
- The inclusion of a relevant person to the Fit and Proper Person register

2.2 The fees detailed within this policy have been calculated based on the estimated average time and costs involved in undertaking the following activities; all 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.

2.3 Section 10A (5) of the 1960 Act (as amended by the 2013 Act) states that a fees policy must include provision about the time at which the annual fee is payable. For the purpose of the policy, the period covered by the annual fee will be 1 April to 31 March and will be invoiced on 1 April each year or as soon as practicable after.

2.4 Fees will be revised annually alongside reviews of SHDC's other regulatory fees and charges. Any revisions by SHDC of this fee policy will be published on the website. Any changes will be justifiable and reasonable, ensuring full transparency for the site owners. The purpose of publishing the fee policy is to show that the fees imposed by the Local Authority are fair and transparent so that anyone required to pay a fee can understand the charges.

2.5 A summary of the fees for each of the processes set out on this policy are shown below. Appendix 1 (page 11) details the breakdown of the costs associated with each fee.

Fee type	Fee
Application fee for a new site licence	£300.89 + £6.62 per pitch
Annual inspection fee	£115.51 + £6.62 per pitch
Amendment to a licence	£142.93
Transfer of a licence	£83.94
Depositing of site rules with Local Authority	£81.70
Application for Fit and Proper Person register	£249.99
Enforcement costs*	£33.81 / hour

2.6 Fees for a new site licence are based upon a fixed cost plus a charge per pitch to reflect the variation in cost of processing the application according to the size of the site.

2.7 All sites must pay an annual fee to SHDC (subject to exemptions). This fee covers the costs associated with administration, annual inspection and a revisit to ensure compliance where required. The annual fee is based upon a fixed cost plus a charge per pitch to reflect the variation in the cost of processing the licence renewal according to the size of the site.

2.8 Where the licence holder requests an amendment to site licence conditions, SHDC will charge a fee. Where SHDC instigates a change in conditions, no fee will be payable.

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

2.10 Single unit sites where the operator is also the owner and occupier of the park home will be exempt from annual fees.

3.0 Licensing conditions, inspections and enforcement

3.1 SHDC's responsibility for the licensing of caravan sites includes the application and enforcement of appropriate conditions. The specific purposes for which conditions can be applied are set out in Section 5 of the 1960 Act. Site licence conditions may be determined with reference to national Model Standards. SHDC has the power to update site licence conditions in line with Model Standards as modified from time to time by the Government. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 for touring sites, 1989 for holiday sites and 2008 for residential sites. The Model Standards can be viewed on the SHDC website.

3.2 SHDC will carry out scheduled inspections of all licensed sites, which are likely to be without notice. Site owners will be advised of any actions required to ensure compliance with the site licence conditions.

3.3 The main focus of enforcement activity will be informal advice and education, including the provision of information remotely or in person. Formal enforcement action will be taken under the relevant legislation only when an informal action has failed to secure an acceptable improvement in standards or compliance with licence conditions. Any use of enforcement powers will be in accordance with the South Holland District Council Corporate Enforcement Policy.

3.4 Section 9A of the 1960 Act (as amended by the 2013 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. Service of a 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. Following a successful prosecution for breaching a compliance notice, SHDC would be able to serve notice to enter the site and carry out the necessary works themselves (known as “works in default”).

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

3.6 Enforcement charges will be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred (eg legal costs). Site owners may not pass on enforcement charges to residents in their pitch fees.

4.0 Site Rules

4.1 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 for residents to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing. The 2013 Act makes amendments to the Mobile Homes Act 1983 in relation to site rules. Regulations made under the 2013 Act require existing site rules to be replaced with new site rules which must be deposited with the Local Authority within a specified timescale.

4.2 A Local Authority would need to satisfy itself that replacement or new site rules deposited with them have been made in accordance with the procedures prescribed by statute. SHDC will be required to establish, keep up-to-date and publish a register of site rules or the variation or deletion of site rules.

4.3 Any site rules deposited with SHDC 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 first deposit or for a subsequent variation or deletion. This is because the process is very similar for all three types of deposits.

5.0 Fit and Proper Person fee policy

5.1 A relevant protected site is a site which requires a licence which is not solely for holiday purposes or is otherwise not capable of being used all year round. A relevant protected site cannot operate unless the Local Authority is satisfied that the manager qualifies as a Fit and Proper Person, Sections 12A -12E of the Caravan Sites and Control of Development Act 1960, as implemented by Section 8 Mobile Homes Act 2013 (subject to paragraph 10 below).

5.2 A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) (“the Regulations”) must apply to their Local Authority for the relevant person

(themselves or their appointed manager and anyone involved in the day-to-day management of the site) to be added to the register of Fit and Proper Persons managing sites in their area ("the register").

5.3 The site owner may only apply to be added to the register if they hold, or have applied for, a site licence for the site. This provision also applies where the site owner or site manager is a registered company.

5.4 A person's inclusion on the register will be for such period as the Local Authority may decide, but that period must not exceed 5 years.

5.5 In the event of the Local Authority being provided with the site owner's consent to appoint an individual ("Local Authority appointee") to manage a site, the costs associated with this should be reasonable and are recoverable from the site owner. These fall outside the application process. Costs that can be recovered will depend on the agreement made between SHDC and the site owner. Before entering into any discussions or agreements relating to the appointment of the manager, advice will be sought from the Local Authority legal team.

5.6 The Regulations permit the Local Authority to determine the fee for an application or registration for someone to be added to the register. It is imperative that the fee is included with the application and failing to include this may mean that the site owner is in breach of the requirements of the Regulations. SHDC is not required to consider an application for entry on the register unless that application is accompanied by the correct fee. If the correct fee is not paid, the application will not be valid and the site owner could be in breach of the Regulations.

5.7 The person on whom the Local Authority serves a final decision notice may appeal to the First Tier Tribunal against any decision to:

- Include the relevant person on the register for an effective period of less than 5 years
- Include the relevant person on the register subject to conditions
- Reject the application

If the site owner decides to appeal the decision, they must make an application to the First Tier Tribunal in line with timeframes set by the tribunal at the time. If SHDC decides to reject the application the applicant is not entitled to a refund of the fee paid.

5.8 SHDC may alter the conditions attached to an entry on a register (by adding new conditions or changing or deleting existing ones), following a review. Officers must notify the site owner of its interim decision (except in the case where it is deleting a condition) and consider any representations made by the site owner, before reaching a final decision. If the site owner is unhappy with the decision to alter, or not alter, the conditions, they will have a right of appeal to the First Tier Tribunal. There are no requirements for a site owner

to make an application for a condition to be altered. Any costs involved with amending existing conditions, or adding new conditions to an entry, are factored into the application cost.

5.9 SHDC will be required to conduct relevant background checks regarding the applicant's background in management and their financial standing. The results of these checks will allow the Local Authority to decide whether to accept the application. The time taken for these checks has been accounted for in the fee, irrespective of whether the entry on the register is granted.

5.10 Where an applicant contacts the Local Authority, prior to application, to ascertain the likelihood of the success of that application, the Local Authority is expected to provide informal advice. Examples of advice could be the conditions surrounding an application, the information required to be submitted and general guidance on making the application. Any preliminary advice the Local Authority provides is accounted for in the fee and will not be charged separately.

6.0 Fees for Fit and Proper Person register applications

6.1 South Holland District Council has provided a breakdown of tasks associated with the Fit and Proper Person assessment and/or checks to be included on the Fit and Proper Person register in Table 6 on page 14.

6.2 The fees are set as per Table 6 at £249.99 for the Fit and Proper Person application process.

6.3 The Local Authority has taken into account the following matters on which costs are incurred, or likely to be incurred, when determining its fee policy for consideration of applications for entry on a Fit and Proper Person register:

- Initial enquiries
- Communications required to make appointments and request any documents or other information from the site owner or from any third party in connection with the Fit and Proper Person process
- Sending out forms/processing online application forms
- Updating files, computer systems and the website
- Processing the application fee
- Land Registry searches
- Time for reviewing necessary documents and certificates
- Preparing preliminary and final decision notices
- Review by manager or lawyers, review any representations made by applicants or responses from third parties
- Updating the public register
- Carrying out any risk assessment process considered necessary
- Reviews of decisions or in defending appeals

6.4 The charges are limited to recovering the costs of exercising the Fit and Proper Person test function only and do not include other costs that have already been charged for by other service areas.

6.5 Please see Table 6 below (page 14) which outlines the above and provides transparent justification for the fee to be imposed upon receipt of the initial application. The purpose of this table is to demonstrate that the fees imposed are fair and transparent providing justification as to why a site is required to pay the fee. Due to the small number of sites that this applies to, no annual fee will be charged in addition to the application fee for ongoing enforcement.

7.0 Appendix 1: Calculation of fees

Table 1: Application for a new site licence

Detail	Officer	Time (minutes)
Initial enquiry and entered on database	AO	10
Obtain planning documents and liaise with planning	AO	30
Send out site application with covering letter	AO	10
Liaise with applicant and arrange site visit	AO	10
Travel time	AO	30
Initial site visit	AO	60
Check application is valid and carry out Land Registry search	AO	40
Check validity of supporting documentation (eg EICR)	AO	20
Process licence fee	AO	15
Prepare site licence conditions	AO	90
Discuss proposed site licence conditions with applicant	AO	45
Site licence checked by Team Leader and signed by Head of Service	Manager	30
Scan documents and update public register	AO	20
Carry out full site inspection	AO	60
Travel time	AO	30
Record final details on database	AO	20
Total fixed time (mins)	**AO**	**490**
	Manager	**30**
Additional inspection time for all pitches over and above the first (time per pitch)	AO	10
Variable time (mins)		10
Enforcement Cost*	£33.81 / hour	

Authorised Officer (AO): 490 minutes @ £33.81 / hour = £276.11

Manager: 30 minutes @ £43.56 / hour = £21.78

Land Registry search fee: £3.00

Total fee = £300.89 plus £6.62 per additional pitch

Table 2: Annual inspection fees

Detail	Officer	Time (minutes)
Enter on database, letter to site owner	AO	10
Liaise with applicant and arrange site visit	AO	10
Review site file and check records on database	AO	30
Travel time	AO	30
Inspection of common parts plus one unit	AO	45
Record details of inspection	AO	20
Follow up letter	AO	45
Annual fee processing	AO	15
Total fixed time (mins)	**AO**	**205**
Additional inspection time for all pitches over and above first	AO	10
Variable time (mins)		10
Enforcement Cost*	£33.81 / hour	

Authorised Officer (AO): 205 minutes @ £33.81 / hour = £115.51
Total fee = £115.51 plus £6.62 per additional pitch

Table 3: Application to amend a licence

Detail	Officer	Time (minutes)
Enquiry received and entered onto database	AO	10
Send out application form and covering letter	AO	10
On receipt of application, liaise with applicant and arrange site visit	AO	10
Process licence fee	AO	15
Travel time	AO	30
Site inspection	AO	45
Check amendments are acceptable and all necessary documents provided (eg site plan, planning permission)	AO	20
Amend site licence	AO	60
Site licence checked and signed by Manager	Manager	30
Documents scanned and public register amended	AO	15
Total fixed time (mins)	**AO**	**215**
	Manager	**30**
Enforcement Cost*	£33.81 / hour	

Authorised Officer (AO): 215 minutes @ £33.81 / hour = £121.15

Manager: 30 minutes @ £43.56 = £21.78

Total fee = £142.93

Table 4: Application to transfer a licence

Detail	Officer	Time (minutes)
Enquiry received and entered onto database	AO	10
Send out application form and covering letter	AO	10
Check application is valid (ie mandatory questions, correct fee & site plan included) and carry out Land Registry Search	AO	10
Process licence fee	AO	15
Amend site licence	AO	45
Site licence checked and signed by Manager	Manager	30
Documents scanned and public register amended	AO	15
Total fixed time (mins)	**AO**	**105**
	Manager	**30**
Enforcement Cost*	£33.81 / hour	

Authorised Officer (AO): 105 minutes @ £33.81 / hour = £59.16
Manager: 30 minutes @ £43.56 = £21.78

Land Registry search: £3.00

Total fee = £83.94

Table 5: Deposit of site rules

Detail	Officer	Time (minutes)
Site rules received and entered onto database	AO	10
Check: • Application is valid • Site rules have been made in accordance with statute • Consultation carried out • No 'banned' site rules • No appeals outstanding	AO	120
Documents scanned and public register amended	AO	15
Total fixed time (mins)	**AO**	**145**
Enforcement Cost*	£33.81 / hour	

Authorised Officer (AO): 145 minutes @ £33.81 / hour = £81.70

Total fee = £81.70

Table 6: Application for Fit and Proper Person register

Detail	Officer	Time (minutes)
Pre application advice	AO	45
Receipt of application and recorded on database. Acknowledgement email sent	AO	15
Check application is full and proper, complete, signed and fee paid. Enter all details on system	AO	30
Review application and make enquiries re FPP documents and declarations (including management and finances). Check documents and certificates	AO	120
Update database	AO	30
Time for reviewing any representations from applicant or third parties, including reviews carried out by manager or legal.	AO	30
Application of any conditions	AO	30
Grant of application (Final Notice) or serve Preliminary Notice (approved by Manager)	AO	30
As above for Manager	Manager	30
Add relevant person's details onto public register.	AO	15
Review Appeal paperwork (assume 1 every 10 applications) Produce appeal response and relevant Notice, issue final decision	AO	15
Oversight of appeal	AO	15
Enforcement- removal from register or in relation to conditions (assume 1 every 10 applications)	AO	30
Total fixed time (mins)	**AO**	**405**
	Manager	**30**
Enforcement Cost*	£33.81 / hour	

Authorised Officer (AO): 405 minutes @ £33.81 / hour = £228.21

Manager: 30 minutes @ £43.56 = £21.78

Total fee = £249.99

* If further administrative tasks are required due to unnecessary delays or non-compliance, an Enforcement Cost will be charged at the Authorised Officer rate of £33.81 per hour.