

ISLE OF WIGHT COUNCIL
Mobile Homes Licensing Fees Policy

DRAFT

Document Information

Title:	Mobile Homes Licensing Fees Policy
Status:	Draft for consideration
Current Version:	V1
Author:	Kevin Winchcombe Principal Licensing Officer Regulatory Services, Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH kevin.winchcombe@iow.gov.uk (01983) 823159
Sponsor:	Colin Rowland Director of Neighbourhoods
Consultation:	Internal, External Customers and The Public
Approved by: Approval Date:	
Review Frequency: Next Review:	Every Year November 2021

Version History		
Version	Date	Description
V1	March 2021	Initial Draft for Consideration

Contents	Page
1. Introduction	4
2. Definitions	5
3. Review of this policy	5
4. Determination of fees	5
5. Fees Table	6
6. Application for a New Site Licence	6
7. Annual Fee for a Site Licence	6
8. Amendment or Variation of a Site Licence	7
9. Transfer of a Site Licence	7
10. Depositing of Site Rules to the Council	8
11. Application to Register as a Fit and Proper Person	8
12. Enforcement costs	9

1. Introduction

- 1.1. This policy will become effective on **1st July 2021**.
- 1.2. The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to enable local authorities to set and charge fees to reclaim the cost of administering and monitoring site licences and applications in respect of 'relevant protected sites'.
- 1.3. This policy is therefore relevant to these sites and does not apply to sites that are for holiday use only or sites that are prohibited from stationing caravans on the land for human habitation at certain times of the year. If you wish to clarify whether a site falls under the definition of 'relevant protected sites', you should contact the Licensing Department to discuss this or obtain your own legal advice.
- 1.4. Fees may be applied in respect of the following:
 - An application for a new site licence
 - An annual fee for a site licence
 - The amendment or variation of a site licence
 - The transfer of a site licence
 - The depositing of site rules to the local authority
 - An application to register as a fit and proper person
- 1.5. In setting fees, the Council:
 - May fix different fees in different cases
 - May determine that no fee is required in some cases
 - Must act in accordance with its fees policy
- 1.6. The Council may not make a profit, recover enforcement costs for a breach of condition etc. (there are separate provisions for reclaiming such costs) or recover costs associated with unlicensed sites.
- 1.7. Before charging any fees, the Council is required to prepare and publish a fees policy. The fees and policy in respect of the Isle of Wight have been developed with reference to the guidance produced by the Department for Communities and Local Government (DCLG) titled 'Mobile Homes Act 2013 – A Guide for Local Authorities on setting site licence fees' (February 2014). The guidance states that fees must be reasonable and transparent and outlines what may be taken into account as costs incurred when setting the fees.
- 1.8. The policy will be published on the council's website (www.iwight.com) and will be available to view at council offices during the hours they are open to the public.
- 1.9. The fees as detailed below will come into effect from the date this policy is approved. Fees must be paid at the time of submitting an application or depositing site rules in order for them to be considered valid and be processed; the fees are non-refundable if an application is refused by the authority or withdrawn by the applicant.

- 1.10. No charge can be made for providing informal advice in advance of an application being made; however, as permitted, the fees charged for applications includes an element for costs which are likely to be incurred as a result of such pre-application advice.
- 1.11. Any departure from this policy must be justified in writing and approved by a member of the Regulatory Services' Management Team.

2. Definitions

- 2.1. The following definitions will provide clarification for the purposes of this policy.
- 2.2. The Policy
This refers to the Isle of Wight Council's Mobile Homes Licensing Fees Policy.
- 2.3. The Council
This means the Isle of Wight Council.
- 2.4. Relevant Protected Site
As defined by Section 5A of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) as amended by the Mobile Homes Act 2013 (the Act).

3. Review of this policy

- 3.1. This policy will be amended annually without consultation to reflect any changes necessary to the fees as outlined in Section 4. Any legislative or minor amendments will be made without further consultation. All other changes will be subjected to a twenty-eight day consultation period with the holders of licences for the relevant protected sites on the island and their respective established residents' associations.

4. Determination of fees

- 4.1. These fees are to recover the costs of carrying out the licensing functions in relation to relevant protected sites. The Council previously had no power to charge fees for these functions. The guidance outlines numerous activities that can be included when setting these fees such as sending out forms, letter writing/phone calls to make appointments or requesting documentation, time for reviewing documentation, updating computer systems etc. The council has made what it believes to be realistic assessments of the time and costs involved with these activities based on previous experience of dealing with the licensing of such relevant protected sites and the fees are calculated on full cost recovery of this officer time and resources.
- 4.2. The fees set out in this policy will be assessed each year to confirm that costs are being recovered appropriately. If it is identified that there is a surplus or deficit, the fees may be adjusted accordingly, and this policy reviewed and re-published to ensure costs are recovered, whilst not making a profit.

5. Fees Table

New licence application	up to 25 units	£650
	26-50 units	£685
	51-100 units	£750
	101+ units	£850
Annual Fee	up to 40 units	No Annual Fee
	40+ units	£100
Deposit of Site Rules		£100
Application to register as a Fit and Proper Person		£260
Transfer a licence		£150
Vary a licence		£200

6. Application for a New Site Licence

- 6.1. The cost of processing an application for a site licence is recovered by the following fees, taking into account that additional time is required for applications proposing more units due to their increased complexity. An application for a licence will not be valid until the fee is provided along with a plan of the site and any other information the council reasonably require.

New licence application	up to 25 units	£650
	26-50 units	£685
	51-100 units	£750
	101+ units	£850

7. Annual Fee for a Site Licence

- 7.1. The guidance for setting fees outlines several options for local authorities in respect of annual fees:
 Option 1 – fee per pitch (A fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit)
 Option 2 – fee based on site size bandings
 Option 3 – fee based on a risk rating that takes into account the size of a site, the level of compliance on a site and confidence in management.
- 7.2. The council has decided that the annual fees it will charge will be based on site size bandings. The calculation of the fees has not included the cost of any inspection as it is not proposed that sites would be routinely inspected at present. If a routine inspection programme is to be implemented in future, these fees will be subject to review to recover such costs.
- 7.3. In respect of any site licence for a relevant protected site, a fee is required to be paid annually. These fees are detailed below:

Annual Fee	up to 40 units	No Annual Fee
	40+ units	£100

-
- 7.4. The legislation allows the licence holder to recover these costs via the residents' pitch fee.
- 7.5. The annual fee must be paid within 30 days of the grant of a new licence as well as on the anniversary of the grant of the licence each year.
- 7.6. The annual fee will be due for any existing licences in force when this policy becomes effective and on the anniversary of that date each year going forward. Invoices will be sent to the relevant protected sites and payment must be made within 30 days.
- 7.7. Where a variation to a existing licence is granted part way through the financial year which included either additional units or a reduction in units, any change to the annual fee due will be calculated on a pro-rata basis for the remainder of that year. If there is an increase in the fee due an invoice will be issued, and payment must be made within 30 days. If there is a reduction in the number of units permitted by the site licence, any overpayments will be compensated to the licence holder.
- 7.8. In the event an annual fee is not paid within the terms of the invoice, the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due. If the arrears have not been paid, after 3 months the council may apply to the Tribunal for an Order revoking the licence.

8. Amendment or Variation of a Site Licence

- 8.1. If a licence holder applies to vary their licence (e.g. altering a condition or proposing more units to be provided), the following fee will be applicable to cover the cost of proposing this and an application will not be valid until the fee is paid and a site plan is provided where relevant along with any other information the council reasonably require:

Vary a licence	£200
----------------	------

- 8.2. If the council deem it necessary to alter conditions, there will be no fee payable.
- 8.3. If the address of the licence holder or other administrative error needs amending or a copy of a licence is required, the fee charged will be that specified in the general Fees and Charges document that is current at the time.

9. Transfer of a Site Licence

- 9.1. If there is a change of landowner, the new owner must apply to transfer any existing site licence if they wish to continue providing mobile homes. The following fee will be applicable to cover the cost of an application to transfer and the application will not be valid until the fee is paid:

Transfer a licence	£150
--------------------	------

10. Depositing of Site Rules to the Council

- 10.1. Site rules are agreed between the site owner and the residents of the site. Their purpose is to ensure acceptable standards are maintained on relevant protected sites, which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The 2013 Act changes the way site rules must be agreed between both the licence holder and residents of the site and requires that the council keep an up to date register of site rules from relevant protected sites and publish the register online.
- 10.2. Where the site owners implement new site rules or change existing rules, they must be deposited with the council for them to update the register.
- 10.3. 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 (below). The fee is the same for either a first deposit or for a subsequent variation or deletion; this is because the process will be very similar for all three types of deposits.

Deposit of Site Rules	£100
-----------------------	------

11. Application to Register as a Fit and Proper Person

- 11.1. From 1st July 2021, the council must be satisfied that the occupier of the land used as a relevant protected site or a person appointed by the occupier to manage the site, is a fit and proper person. If necessary, the council can appoint a person to manage the site.
- 11.2. The council must establish and maintain a register of persons they are satisfied are fit and proper to manage a relevant protected site in their area.
- 11.3. An application to be included in the register must be accompanied by the following fee to cover the cost of administering this function and an application will not be valid until the fee is paid.

Application to register as a Fit and Proper Person	£260
--	------

- 11.4. If the council are satisfied that an applicant is a fit and proper person, they can be included in the register for up to 5 years.
- 11.5. The regulations include that a person may be included in the register subject to condition(s). Such conditions may be varied or removed, or the person may be removed from inclusion in the register at any time if new evidence relevant to the person's inclusion in the register becomes available.
- 11.6. The regulations permit an annual fee to be paid for inclusion in the register. It is not proposed at this time that an annual fee will be charged.

11.7. There is also provision for the council to appoint a person to manage a site, with the site owner's consent. In this instance, any costs incurred or to be incurred, in making the appointment will be recharged to the site owner on the same basis as enforcement costs are calculated.

12. Enforcement costs

- 12.1. The Mobile Homes Act 2013 introduced the provision for local authorities to serve enforcement notices and to carry out works in default to address breaches of site licence conditions. The costs of such enforcement action can also be recovered and are therefore not included in the determination of application or annual fees as they will be charged elsewhere.
- 12.2. Fees for enforcement/regulation are not set specifically within this policy; they will be determined on a case by case basis and will include the cost of officer time including the expenses for any inspections, decision processes to take enforcement action, preparing of notices or other documentation as well as the costs of obtaining expert and/or legal advice along with any other costs incurred. A breakdown of such expenses would be provided with a compliance notice and officer time will be charged at the full cost recovery hourly rate for each officer engaged in the case.
- 12.3. If any works in the compliance notice are not carried out, the licence holder commits an offence and the council may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.
- 12.4. If a prosecution was successfully taken, the council would have the power to carry out the works in default of the licence holder and recover these expenses.
- 12.5. Charges for enforcement costs cannot be passed onto the residents' pitch fee.

Licensing Department

Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH

01983 823159

licensing@iow.gov.uk