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Fees Policy for Licensing Residential Park Home Sites

**Rhondda Cynon Taff County Borough Council
November 2014**

Introduction

In accordance with the Mobile Homes (Wales) Act 2013, Rhondda Cynon Taff County Borough Council (“the Council) has powers to issue licenses in respect of “relevant protected sites 2 and to charge fees for the provision of such licensing functions. A relevant protected site relates to all park home sites that are used for permanent residential use.

Local authority owned sites and sites used by Travelling Showmen are not considered as protected sites.

Council’s can charge:

- a licence fee for applications to grant or transfer a licence or an application to alter the conditions on a licence and ;
- a fee for keeping and registering site rules

Before Official publication of the Fees Policy, the Council will consult with Park Home owners and Managers of existing sites in relation to the proposed fee policy.

When determining a fee the Council:

- must act in accordance with their fee policy
- may fix different fees for different cases or description of cases, and
- may determine that no fee is required to be paid in certain cases

Any fees charged must fairly cover the costs (or part of the costs) incurred by the Council under its functions in Part 1 of the Act , other than the costs of enforcement action.

The licensing fee structure

In calculating its fee structure, the Council has calculated its fees in accordance with the provisions of the Mobile Homes (Wales) Act 2013 which allows the Council to include all its reasonable costs and this includes administration costs, Officer visits to the site, travel costs, consultations, meetings, undertakings and informal advice.

The Council has determined its fee structure based on the cost of administering the application and also the size of the site because the work involved in determining an application for a larger site is greater than a smaller site.

Application licence fee

6.4 The fee structure is calculated as follows:

- a set flat administrative fee for processing the application
- and also, to take account of Officer time to inspect sites of varying sizes, a fee per pitch component will be added to the flat administration fee

because the cost to the Council in terms of Officer time is proportional to the number of pitches on site.

	Flat application fee	£ 698.00
plus	Pitch inspection fee	£ 5.00 per pitch

Small sites with 4 pitches or less, and used exclusively for the owner and their family, and not operated for financial gain are charged the flat rate fee but exempt from pitch fee inspection charges. It is considered unreasonable to charge an inspection fee for these types of sites because experience has shown that they represent a low risk and require little or no enforcement and light touch monitoring.

Discount incentives for site licence renewal

An incentive based discount scheme has been introduced in respect of site licence renewals. The purpose of the discount is to encourage good practice and early submission of the renewal applications which would prevent unnecessary chasing of applications by the Council. In order to qualify for the £200 discount a duly completed application would need to be submitted within 2 months of the expiry of the current licence. A further £50 renewal discount would be deducted from the fee if 2 or more of the following criteria can be met:

- Licence Holder / Site is accredited with a recognised organisation / Professional body
- No Enforcement action has been required over the period of the last licence
- Site is fully compliant with the Model Standards
- No complaints have been received from the site residents during the course of the previous licence.

Fees in respect of varying a Site Licence

Where a licence holder wishes to transfer the licence, an application must be made to the Council for which a fee is payable. The fee must accompany the application to transfer the licence. Similarly where a site owner requests an amendment to site conditions, the Council will charge a fee for this function. The application fee for variation of a site licence is £50. If the Council deems it necessary to alter conditions to take account of new Model Standards for Residential Caravan Sites, there will be no fee payable from the licence holder.

Fees for depositing site rules

Site rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The Mobile Homes (Wales) Act 2013 changes the way site rules must be agreed.

The Council must keep an up to date register of site rules and publish the rules on the Council's website. Before lodging the rules, the Council will need to ensure the rules have been made in accordance with the statutory procedure.

The Council will charge a set fee of £40 for depositing site rules. If the park owner has completed an inadequate consultation process, a new depositing of site rules fee must be paid by the park owner to cover the Council's cost.

Enforcement Charges

Fixed Penalty Notices

Section 6 of the Mobile Homes (Wales) Act 2013 allows Councils to issue Fixed Penalty Notices (FPN) to discharge certain minor breaches of site licence conditions. Fixed Penalty Notices must not exceed level 1 on the standard Scale of fines. A fixed penalty notice could be used by the Council to deal with minor infringements such matter as:

- failure to remove litter
- non compliance with site rules
- poor provision of adequate lighting around the site

The processes involved in the service of Mobile Home FPN's are going to be very similar to those involved in the service of Fixed Penalty Notices issued by the Council for littering offences in accordance with the Clean Neighbourhoods and Environment Act 2005. The Council currently impose a £75 Fixed Penalty Notice in respect of a littering misdemeanour and therefore the charge for Mobile Home Fixed Penalty Notices will mirror this charge at £75.

Charges for Compliance Notices and Works in default

Section 17 of the Mobile Homes (Wales) Act 2013 allows the Council discretion to serve compliance notices on site owners where site licence conditions are breached. Such notices will set out what the site owner needs to do to correct the breaches and the timescales. Failure to comply with the notice would be a criminal offence, punishable by a fine and the site licence could be revoked upon a third or more subsequent prosecutions (section 18). Following a successful prosecution for breaching a compliance notice, the Council would be able to serve notice to enter the site and carry out the necessary works (Works in default)

In addition to this, Section 21 of the Act allows a notice to be served on site owners enabling the Council to enter the site and carry out emergency work where there is an imminent risk of serious harm.

The cost of deciding whether to take action, preparing and serving compliance and/or emergency action notices can be recovered (Section 19 and 22 respectively). The total expenses the local authority seeks to recover (the relevant expenses) can include, but not limited to:

- Expert advice (including legal advice)

- Inspection costs
- Administration costs in serving notice

The costs of issue of a compliance notice, will be a minimum set fee of £150. Expert advice and other costs associated specifically with an individual case will also be chargeable on a case by case basis. A detailed breakdown of the relevant expenses will be outlined in the demand which will accompany the payment.

The relevant expenses and any accrued interest are, until recovered, a legal land charge.

Works in default will be carried out in accordance with the Departments Works in Default procedure having regard to the Council's Corporate Enforcement Policy.

Publishing the fee policy

The fee policy for licensing of residential park home sites will be published on the Council's website. If the Council revises its fee policy, it will replace the published policy with the revised policy. There will also be a hard copy of the Fees Policy kept with the Housing Strategy and Standards Team, Ty Elai, Dinas Isaf East, Williamstown, Tonypany CF40 1NY Tel No 01443 425001

How the fees are to be paid

The Council requires all fees to be included with any application for a new site licence, for amending a site licence or for transferring a site licence.

Review of the fee structure

A review of the fee structure will be carried out annually and revised in line with other Council Fees. Any adjustments will take into account variations in actual officer and administration time and any changes to officer hourly rates, mileage costs or any other associated costs in providing the licensing function.