

TORBAY COUNCIL
RECORD OF DECISION TAKEN BY OFFICER IN CONSULTATION WITH
EXECUTIVE MEMBER
ASSISTANT DIRECTOR'S DECISION No. 2/2019

The following decision has been made by Tara Harris, Assistant Director (Community Safety) (*officer*) in consultation with the Executive Lead for Community Services, Cllr Robert Excell (*Councillor*).

Decision: To Agree Park Homes Policy 2019

The decision was made for the following reasons:-

The Mobile Homes Act 2013 allows for recovery of the cost of work undertaken by the Local Authority to administer licence applications, inspect sites and where necessary take enforcement action against licensed sites. This means the burden of this work does not fall to the general tax payer.

In reaching this decision, the following issues and alternative options were considered:-

To continue to do this work without setting appropriate fees.

The following officers of the Council, individuals and organisations were consulted:-

Whilst there is no requirement within the legislation to consult, there was full consultation prior to publication of the original Policy, which was published in 2015. This consultation took place with site owners and residents. This update is undertaken as part of the fees process for 2019/20 and aimed at achieving a significant move towards cost recovery by doubling the fees for non-complaint sites. The details of all fees have been advertised and consequently agreed at full Council, as part of the budget papers.

The following background papers were used in considering the issue

None.

Was any declaration of interest made in connection with this issue?

No.

Signed:  (Officer)

Dated: 1.4.19.

Signed:  (Executive Lead)

Dated: 26-4-19.

Torbay Council

**Caravan Sites and Control of Development Act 1960
(as amended)**

Fees Policy for Licensing of

**Residential Park Homes Sites
2019-20**

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APPENDIX - FEES FOR LICENSING RESIDENTIAL PARK HOME SITES

1. INTRODUCTION

- 1.1 The Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) (the Act), authorises local authorities to issue licences in respect of 'relevant protected sites' and to require applications for such licences to be accompanied by a fee fixed by the authority. Fees may also be charged for applications to transfer site licences or to change conditions in site licences. Furthermore local authorities may charge for the administration and monitoring of site licences by the levy of an annual fee.
- 1.2 Torbay Council is the local authority for purposes of the Act for the area of Torbay, and has agreed to make charges for the licensing of relevant protected sites in accordance with the powers granted under the Act, as determined under the relevant scheme of delegation.
- 1.3 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 (e.g. planning conditions)
- 1.4 A relevant protected site does not however include sites that are owned by the local authority.
- 1.5 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
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- 1.6 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 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).
- 1.7 In producing its fees Policy and setting the fees to be charged the council has had regard to the 'Guide for Local Authorities on Setting Site Licensing Fees' issued by the Department for Communities and Local Government.

In summary, this permits the local authority to charge fees for:

- *Considering applications for the issue or transfer of a site licence;*
- *Considering applications for altering conditions in a site licence; and*
- *Administration and monitoring of site licences (an annual fee)*

2. THE LICENCE FEE STRUCTURE

- 2.1 In calculating its fee structure, the council has calculated its fees in accordance with the provisions of the act, and the fees determined are set out in the appendix to this policy.
- 2.2 In determining those fees, the council has taken into account 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 The council has decided not to exempt any sites from the annual fee, though will keep this decision under review.
- 2.4 The fee structure adopted by the council is based upon a risk rating, taking into account the size of the site, level of compliance and confidence in management.
- 2.5 The risk rating is based upon two classifications. Those sites that receive more than 5 complaints a year, or have been subject to enforcement visits resulting in the service of or the monitoring of enforcement notices in the past 18 months, will be subject to a higher fee. Otherwise the site will be subject to a lower fee. The current fees and charges applicable to the licensing of Park Home Sites are listed in the appendix to this Policy.

3. REVIEW OF THE LICENCE FEE STRUCTURE

- 3.1 A review of the fee structure will be carried out annually and will be revised if necessary. Any adjustments will take into account variations in officer and administration costs since the publication of the previous publication of the policy document, along with any changes to other costs incurred in providing the licensing function.
- 3.2 Any surpluses/deficits for the previous year will be taken into account when fixing the fees for the following year.
- 3.3 In setting annual fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year and will confirm to the site owner the annual fee for the forthcoming year.

4. PUBLISHING THE FEE POLICY

- 4.1 The fees policy for licensing of residential park home sites will be published on the council's website

<http://www.torbay.gov.uk/index/yourbusiness/licensing/caravansites>
- 4.2 If the council revises its fees policy, it will replace the published policy with the revised policy. The policy will also be available to view during normal office hours at: Torquay Town Hall, Castle Circus, Torquay, TQ1 3DR

5. PAYMENT OF FEES.

- 5.1 The council requires application fees for a new site licence, for amending a site licence or for transferring a site licence to accompany the application. The council will not commence the application process until such time as the fee is received.
- 5.2 Application fees are not refundable if the application is not approved.
- 5.3 Annual fees will become due on the 1st May each year. The request for payment will be accompanied by information detailing what matters the council took into account in fixing the annual fee and the extent to which it had regard to deficits and surpluses from the previous year.
- 5.4 Where a fee becomes overdue for payment, the council may apply to a residential property tribunal for an order requiring the licence holder to pay the council the amount due by the date specified in the order. If the licence holder has still not paid the fee within three months from the date specified in the order, the council may apply to the tribunal for an order revoking the site licence.

6. OTHER CHARGES

6.1 Enforcement Expenses

The council is entitled, and will seek, to recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice. These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.

- 6.2 Where appropriate, the council will also seek to recover expenses incurred:
- In taking action following conviction of the site owner for failure to carry out actions required by a compliance notice; or
 - In taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions

- 6.3 Interest may be charged on any sums to be recovered as a result of enforcement action.

- 6.4 The council will also be able to register any of the debts to be recovered for enforcement actions as a local land charge against the site.

7. Deposit of Site Rules

- 7.1 Fees payable for the deposit of site rules are: **£100**
- 7.2 This statement about enforcement costs and deposit of site rules is not required by the act to be included in the council's fees policy but is set out in this document in the interests of completeness and transparency.

APPENDIX

FEES FOR LICENSING RESIDENTIAL PARK HOME SITES 2019/20

Application for a Site Licence	£730
Application to Transfer a Site Licence	£390
Application to vary conditions of a Site Licence	£390
Annual Licence fee (lower rate)	£150*
Annual Licence fee (higher rate)	£2000*
To post site conditions on the Council Website	£90
Compliance Notice (Cost of issuing notice) **	£90

*See 2.5

** This represents the costs of issuing the notice only. Enforcement costs will be added as appropriate.