

FLINTSHIRE COUNTY COUNCIL FEES POLICY FOR RESIDENTIAL MOBILE CARAVAN SITES

1. Introduction

Flintshire County Council has granted caravan site licences under The Caravan sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. This Act has now been amended by the Mobile Homes (Wales) Act 2013. The new Act was introduced in order to provide greater protection to occupiers of residential park homes as the existing legislation has not been updated for more than 50 years.

This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process. The Act gives greater powers to Local Authorities to ensure compliance with the site licence conditions.

The Local Authority can also now charge a fee for licensing the site, serving compliance notices and publish any rules relating to the site. The fee generated by the Act is not designed to include matters not related to the site licence or the investigation of unlicensed sites. The Act lays out the duration of the licence as being not more than 5 years.

2. Fees charged for site licenses

The changes introduced by the Act for site licensing came into force on 1st October 2014. These include powers for Local Authorities to charge fees for their licensing functions in respect of relevant sites. A relevant site is defined in the Act as any land in Wales on which a mobile home is stationed for the purposes of human habitation other than:

(a) a site for which schedule 1 of the Act provides is not a regulated site ;

or

(b) a holiday site

A site included in schedule 1 would include mobile homes within the curtilage of a dwelling house, sites owned by the Local Authority, sites for agricultural or forestry workers. The Act also allows for an exemption for mobile homes used by the owner of the site or an employee. Under the new Act a fee can be charged for:

- Applications for grant of new licence;
- Applications to vary the site licence conditions;
- Issuing a Fixed Penalty Notice (maximum level 1 - currently £200)

In addition the Local Authority can impose a charge on the site owner to recover expenses in relation to serving a Compliance Notice.

This policy details the fees to be charged for the licensing functions. The fee levels have been calculated based on the estimate average time and costs involved in undertaking the activities involved.

3. Application for a new site licence

All regulated sites require a site licence, other than those which the Act deems to be outside its scope. Failure to apply for a licence is an offence under Section 5(2).

The Council may only issue a licence for a site with a valid and correct planning permission for this use

For sites which already have the correct planning permission in place, the Local Authority has to process the application within 2 months of receipt.

Any applications which are made before the planning status has been awarded, must be processed within 6 weeks of the date on which the applicant becomes entitled to the benefit of planning permission.

Both of the above may be extended with the agreement of the applicant and the Council.

The fee for a new site licence will vary depending on the size of the site as shown in the table below:-

Application Type	Site Definition	Cost
Small site	0 – 14 units	£405.73
Medium site	15 – 49 units	£481.51
Large site	50+ units	£507.16

4. Variation of existing licence conditions

Where a site owner requests an amendment to the site licence conditions the council can charge a fee for this function. The fee will be payable upon application and is £253.00.

If the Council deem it necessary to alter conditions, there will be no fee payable. The cost is borne by the Council.

5. 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 which relates to the management and conduct of the site. The Act states that the rules must be agreed between parties following a period of consultation.

The Council must keep an up to date register of site rules and publish on the web site. It is not a legal requirement to lodge site rules with the Council.

Any site rules deposited with the Local Authority 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 a first deposit or for a subsequent variation or deletion. This is because the process will be similar for all types of deposits.

The fee will be £60.00 and reflects the fixed costs for this function.

6. Replacement of licence.

In the event of a site licence being lost or damaged, a site owner can request a new copy of the site licence.

There will be a cost involved in producing the licence and therefore the fee for the replacement licence will be £25.00

7. Compliance Notice Fees

If it appears to the Local Authority that the site licence conditions have been breached, the Local Authority may issue a compliance notice.

The Local Authority will impose a charge on the owner as a means of recovering expenses incurred in –

- (a) Deciding whether to serve the notice, and
- (b) Preparing and serving the notice or a demand

The expenses referred to include (but are not limited to) the costs of obtaining expert advice (including legal advice). Charges would be based on an hourly rate.

In conjunction with the compliance notice the Local Authority issues a demand which sets out –

- (a) The total expenses the local authority seeks to recover
- (b) A detailed breakdown of the relevant expenses
- (c) Where the Local Authority propose to charge interest, the rate at which the relevant expenses carry interest.

Each compliance notice issued will vary in cost, therefore it is not possible to set a flat fee for this action.

If any works in the compliance notice are not carried out the licence holder commits an offence and the Local Authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the courts.

8. Fixed Penalty Notices

For minor breaches of site licence conditions the Act allows a local authority to issue a fixed penalty notice.

The amount specified for a fixed penalty notice must not exceed level 1, which is currently £200

As a fixed penalty notice only serves to fine the site licence holder and does not require the breach to be rectified then the merit in serving such notices will be limited.

9. Renewal of licence

A site licence is issued for a period not exceeding 5 years, unless terminated by its revocation.

The licence requires renewing prior to the expiry date.

10. Power to take Emergency Action

The Act allows a Local Authority to take emergency action where –

(a) The owner of the land is failing or has failed to comply with a condition of the site licence'; and

(b) As a result of that failure there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.

The Local Authority may then demand expenses from the site owner, for expenses incurred –

(a) In deciding whether to take action

(b) In preparing and serving any notice

(c) Taking action.

The expenses referred to include (but are not limited to) the costs of obtaining expert advice (including legal advice). Charges would be based on an hourly rate.

(a) The total expenses the Local Authority seeks to recover

(b) A detailed breakdown of the relevant expenses, and

(c) Where the Local Authority propose to charge interest, the rate at which the relevant expenses carry interest.

(d) Explains the right of appeal to the Residential Property Tribunal

As each action will be different it is not possible to set a flat fee for this action.