

REIGATE AND BANSTEAD BOROUGH COUNCIL

FEES & CHARGES POLICY FOR LICENCED MOBILE HOME SITES

Scope

This policy sets out the approach taken to the setting of fees for the licensing and regulation of mobile home sites by Reigate & Banstead Borough Council ('the Council'). It should be read in conjunction with the Council's Licensed Mobile Homes Procedure and corporate Fees & Charges Policy.

Introduction

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.

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the Fit and Proper Person Regulations') introduced a fit and proper person test (FPPT) for mobile home site owners or the person appointed to manage the site. From 1 July 2021 and by 1 October 2021, all site owners must have applied to be assessed as fit and proper persons. Fees may be charged for assessing applications to enable local authorities to recover the costs of this activity. Furthermore, local authorities may cover the cost of monitoring the scheme or conditions attached to entries by the levy of an annual fee.

Reigate and Banstead Borough Council, 'the Council', is the local authority for the purposes of the Act and has agreed to make charges for the licensing of relevant protected sites in accordance with the powers granted under the Act.

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)'

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 Council 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). Any charges relating to the Fit and Proper Person function will be limited to recovering the costs of exercising that function.

All licensing fees and charges are zero rated for VAT.

The Licence Fee Structure

In setting its fees policy and the fees to be charged, the Council has had regard to the provisions of the Act and the Fit and Proper Person Regulations, and the relevant guidance. This is the 'Guide for Local Authorities on Setting Site Licensing Fees' issued by the Department for Communities and Local Government (2014) and 'Fit and Proper Person Test Guide for Local Authorities on Setting Fees' issued by the Department for Communities and Local Government (2021)(currently only draft version available).

In determining those fees, the Council has considered all administrative costs incurred in the licensing and FPPT process, including officer visits to sites, travel costs, consultations, meetings, monitoring of sites/investigation of complaints and the giving of informal pre-application advice.

The site licence fee structure adopted by the Council is based upon size banding of sites and the time required to complete the various steps in processing the licence. FPPT fees are flat rate.

The Council has consulted with residents and park home owners of existing sites in relation to the fees proposed. The results of the consultation were considered by the Council in fixing the charges set out in this policy.

Review of the Licence Fee Structure

A review of the fee structure will be carried out annually and fees will be revised if necessary. Any adjustments will consider variations in officer and administration time to those used in calculating the fees set out in this policy document, along with any changes to other costs incurred in providing the licensing and FPPT function.

Any surpluses or deficits for the previous years will be taken into account when fixing the fees.

Publishing the Fee Policy

The fees policy for licensing of residential park home sites will be published on the Council's website <http://www.reigate-banstead.gov.uk>

If the Council revises its fees policy, it will replace the published policy with the revised policy. Please contact us to arrange to view the document during normal office hours.

Payment of Fees

The Council requires payment of fees for applications for a new site licence, and for applications to vary or transfer a site licence and for inclusion on the Fit and Proper Person register. The Council will not start processing any applications until such time as the correct fee is received. Application fees may be paid by credit or debit card or upon request, by invoice.

Application fees are non-refundable if the application is not approved.

Annual fees will become due on the 1st April each year and will be invoiced.

Where a site licence annual fee becomes overdue for payment, the Council may apply to the First-tier Tribunal (Property Chamber) 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.

Payment of the FPPT annual fee is a condition of entry on the register of FPP. Failure to pay the FPPT annual fee will be a breach of the condition and if convicted the site owner could face an unlimited fine.

Other Charges

Enforcement Expenses

The Council is entitled, and may seek, to recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice in respect of a licensed mobile home site. These expenses include costs incurred in deciding

whether to serve a notice, site inspection/s, preparing the notice and obtaining expert advice.

Where appropriate, the Council may 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.

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

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.

Enforcement options and recovery of expenses are detailed in the Housing Enforcement Policy. The cost of carrying out enforcement work is not included within any element of the site licence or FPPT fees.

Deposit of Site Rules

Fees payable for the deposit of site rules are £30.

Appointment of A Person to Manage the Site

Where a site owner or their manager fails a FPP test and they are unable to identify and appoint a suitable alternative manager who must also undergo the fit and proper assessment, the local authority could appoint a person to manage the site, with the consent of the site owner.

If the Council is required to appoint a person to manage the site, the reasonable costs of this action can also be recovered from the site. If this were to be required, the Council would seek full cost recovery of all officer time and any other resources required to undertake this action.

Date: July 2021

Charges – Site Licence Fees

Type of Licence	Number of pitches	Proposed Fee
Application for a New Licence	1-5 pitches	£568
	6-24 pitches	£629
	25-99 pitches	£690
	100+ pitches	£752
Variation of a licence	1-5 pitches	£355
	6-24 pitches	£388
	25-99 pitches	£416
	100+pitches	£446
Annual fee	1-5 pitches	£98 Inspection every 5 years
	6-24 pitches	£184 Inspection every 3 years
	25-99 pitches	£306 Inspection every 2 years
	100+pitches	£675 Inspection every year
Transfer a licence	Any number of pitches	£126
Deposit of site rules	Any number of pitches	£30

Charges – Fit and Proper Person Fees

Fee Type	Charge
Fit and Proper Person application fee	£448
Fit and Proper Person annual fee	£150