

## Fees and Charges Policy for Licensing of Mobile Homes Sites

	<b>Size of Site</b>	<b>Licensing and inspection fees</b>	
	Single Residential	£100.00	
	Single Residential on a mixed site	£140.00	
	Small site (2 to 10 units)	£255.00	
	Medium site (11 to 50)	£400.00	
	Large site (51+ units)	£615.00	
	<b>Other Charges</b>		
	Vary license conditions	£170.00	
	Lodge rules	£25.00	
	Replacement Licence.	£15.00	
	<b>Enforcement Charges</b>		
	Fixed Penalty Notices	£75	
	Compliance Notices	£150	

## **Introduction**

Recently enacted Welsh Government legislation in the form of the Mobile Homes (Wales) Act 2013 “the Act” provides Local Authorities in Wales with powers to improve the regulation of the mobile homes industry so that conditions on mobile home sites are improved and the rights of residents are better protected.

The new law came into force on the 1<sup>st</sup> of October 2014.

The legislation allows local authorities to set fees for licensing these mobile homes sites, which is outlined in the report.

In accordance with the Mobile Homes (Wales) Act 2013, Denbighshire County Council (“the Council) has powers to issue licenses in respect of “regulated” sites and to charge fees for the provision of such licensing functions. Regulated sites is defined as a site in Wales which has at least one mobile home stationed on it for the purpose of human habitation 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 charging the fee, the local authority must prepare and publish this fees 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.

## **.Adopting the Act**

The Act was adopted by the Authority on the 30<sup>th</sup> September 2014 by Cabinet approval and the associated delegated authority was given to the Head of Planning and Public Protection. The Head of Planning & Public Protection was given the authority to set fees and charges in accordance with the Act on behalf of the local authority

## **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.

### Application Fees

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.

The fee structure which includes the administration of the license and also site inspection costs, these are outlined in Appendix 1 below.

### Varying a Licence Condition Fees

If the Council deems it necessary to alter conditions, or the site owner request to vary conditions there will be no fee payable from the licence holder. The application fee for variation of a site licence is £170, which would include a visit to the site depending on the nature of the Conditions which needed to be changed.

### 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 £25 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 mobile homes 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 Planning and Public Protection Service, Russell House, Churton Road, Rhyl, LL18 3DP Tel No 01824 706449

### **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.