

**ISLE OF WIGHT COUNCIL**

**Mobile Homes Licensing Fees Policy**

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## Document Information

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<b>Author:</b>	Kevin Winchcombe Team Manager – Licensing & Business Support Regulatory Services, Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH kevin.winchcombe@iow.gov.uk (01983) 823159
<b>Sponsor:</b>	Colin Rowland Director of Neighbourhoods
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## 1. Introduction

- 1.1. This policy will become effective on 23 July 2021.
- 1.2. The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to enable local authorities to set and charge fees to reclaim the cost of administering and monitoring site licences and applications in respect of 'relevant protected sites'.
- 1.3. This policy is therefore relevant to these sites and does not apply to sites that are for holiday use only or sites that are prohibited from stationing caravans on the land for human habitation at certain times of the year. If you wish to clarify whether a site falls under the definition of 'relevant protected sites', you should contact the Licensing Department to discuss this or obtain your own legal advice.
- 1.4. Fees may be applied in respect of the following:
  - An application for a new site licence
  - An annual fee for a site licence
  - The amendment or variation of a site licence
  - The transfer of a site licence
  - The depositing of site rules to the local authority
  - An application to register as a fit and proper person
- 1.5. In setting fees, the Council:
  - May fix different fees in different cases
  - May determine that no fee is required in some cases
  - Must act in accordance with its fees policy
- 1.6. The Council may not make a profit, recover enforcement costs for a breach of condition etc. (there are separate provisions for reclaiming such costs) or recover costs associated with unlicensed sites.
- 1.7. Before charging any fees, the Council is required to prepare and publish a fees policy. The fees and policy in respect of the Isle of Wight have been developed with reference to the guidance produced by the Department for Communities and Local Government (DCLG) titled 'Mobile Homes Act 2013 – A Guide for Local Authorities on setting site licence fees' (February 2014). The guidance states that fees must be reasonable and transparent and outlines what may be taken into account as costs incurred when setting the fees. There are no maximum fees outlined in regulations or guidance.
- 1.8. The policy will be published on the council's website ([www.iwight.com](http://www.iwight.com)) and will be available to view at council offices during the hours they are open to the public.
- 1.9. The fees as detailed below will come into effect from the date this policy is approved. Fees must be paid at the time of submitting an application or depositing site rules in order for them to be considered valid and be processed;

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the fees are non-refundable if an application is refused by the authority or withdrawn by the applicant.

- 1.10. No charge can be made for providing informal advice in advance of an application being made; however, as permitted, the fees charged for applications includes an element for costs which are likely to be incurred as a result of such pre-application advice.
- 1.11. Any departure from this policy must be justified in writing and approved by a member of the Regulatory Services' Management Team.

## **2. Definitions**

- 2.1. The following definitions will provide clarification for the purposes of this policy.
- 2.2. The Policy  
This refers to the Isle of Wight Council's Mobile Homes Licensing Fees Policy.
- 2.3. The Council  
This means the Isle of Wight Council.
- 2.4. Relevant Protected Site  
As defined by Section 5A of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) as amended by the Mobile Homes Act 2013 (the Act).

## **3. Review of this policy**

- 3.1. This policy will be reviewed every 5 years. Any legislative or minor amendments will be made without further consultation. All other changes will be subjected to a twenty-eight day consultation period with the holders of licences for the relevant protected sites on the island and their respective established residents' associations.

## **4. Determination of fees**

- 4.1. These fees are to recover the costs of carrying out the licensing functions in relation to relevant protected sites. The guidance outlines general activities that can be included when setting these fees such as administration, stationary/postage costs and licensing officer time. The council has made what it believes to be realistic assessments of the time and costs involved with these activities based on previous experience of dealing with the licensing of such relevant protected sites and the fees are calculated on a full cost recovery basis.
- 4.2. The fees set out in this policy will be assessed each year to confirm that costs are being recovered appropriately.

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## 5. Application for a New Site Licence

- 5.1. The cost of processing an application for a site licence takes into account that additional time is required for new application. The fees are banded by the number of proposed units due to increased complexity. An application for a licence will not be valid until the fee is provided along with a plan of the site and any other information the council reasonably require.

## 6. Annual Fee for a Site Licence

- 6.1. The annual fees will be based on site size bandings. The calculation of the fees has not included the cost of any inspection as it is not proposed that sites would be routinely inspected at present. If a routine inspection programme is to be implemented in future, these fees will be subject to review to recover such costs.
- 6.2. The legislation allows the licence holder to recover these costs via the residents' pitch fee.
- 6.3. The annual fee must be paid within 30 days of the grant of a new licence as well as on the anniversary of the grant of the licence each year.
- 6.4. The annual fee will be due for any existing licences in force when this policy becomes effective and on the anniversary of that date each year going forward. Invoices will be sent to the relevant protected sites and payment must be made within 30 days.
- 6.5. Where a variation to a existing licence is granted part way through the financial year which included either additional units or a reduction in units, any change to the annual fee due will be calculated on a pro-rata basis for the remainder of that year. If there is an increase in the fee due an invoice will be issued, and payment must be made within 30 days. If there is a reduction in the number of units permitted by the site licence, any overpayments will be compensated to the licence holder.
- 6.6. In the event an annual fee is not paid within the terms of the invoice, the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due. If the arrears have not been paid, after 3 months the council may apply to the Tribunal for an Order revoking the licence.

## 7. Amendment or Variation of a Site Licence

- 7.1. If a licence holder applies to vary their licence (e.g. altering a condition or proposing more units to be provided), a variation fee will be applicable. An application will not be valid until the fee is paid and a site plan is provided where relevant, along with any other information the council reasonably require.
- 7.2. If the council deem it necessary to amend a licence or alter conditions, there will be no fee payable by the licence holder.

- 7.3. If the address of the licence holder or other administrative error needs amending or a copy of a licence is required, the fee charged will be that specified in the general Fees and Charges document that is current at the time.

## **8. Transfer of a Site Licence**

- 8.1. If there is a change of landowner, the new owner must apply to transfer any existing site licence if they wish to continue providing mobile homes. An application to transfer a licence will not be valid until the fee is provided along with an up to date plan of the site and any other information the council reasonably require.

## **9. Depositing of Site Rules to the Council**

- 9.1. Site rules are agreed between the site owner and the residents of the site. Their purpose is to ensure acceptable standards are maintained on relevant protected sites, which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The 2013 Act changes the way site rules must be agreed between both the licence holder and residents of the site and requires that the council keep an up to date register of site rules from relevant protected sites and publish the register online.
- 9.2. Where the site owners implement new site rules or change existing rules, they must be deposited with the council for them to update the register.
- 9.3. Any site rules deposited with the council 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.

## **10. Application to Register as a Fit and Proper Person**

- 10.1. From 1<sup>st</sup> July 2021, the council must be satisfied that the occupier of the land used as a relevant protected site or a person appointed by the occupier to manage the site, is a fit and proper person. If necessary, the council can appoint a person to manage the site.
- 10.2. The council must establish and maintain a register of persons they are satisfied are fit and proper to manage a relevant protected site in their area.
- 10.3. An application to be included in the register must be accompanied by the published fee, an application will not be valid until the fee is paid.
- 10.4. If the council are satisfied that an applicant is a fit and proper person, they can be included in the register for up to 5 years.
- 10.5. The regulations include that a person may be included in the register subject to condition(s). Such conditions may be varied or removed, or the person may be removed from inclusion in the register at any time if new evidence relevant to the person's inclusion in the register becomes available.

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- 10.6. The regulations permit an annual fee to be paid for inclusion in the register. It is not proposed at this time that an annual fee will be charged.
- 10.7. There is also provision for the council to appoint a person to manage a site, with the site owner's consent. In this instance, any costs incurred or to be incurred, in making the appointment will be recharged to the site owner on the same basis as enforcement costs are calculated.

## 11. Enforcement costs

- 11.1. The Mobile Homes Act 2013 introduced the provision for local authorities to serve enforcement notices and to carry out works in default to address breaches of site licence conditions. The Act also enables authorities to recover the costs of such action, but these cannot be included in application or annual fees; they must be requested at the time of enforcement action as outlined in the regulations.
- 11.2. Any such enforcement action would be taken in accordance with the Neighbourhoods' Enforcement Policy. The fees will be determined on a case by case basis as they will include the cost of officer time including the expenses for any inspections, decision processes to take enforcement action, preparing of notices or other documentation as well as the costs of obtaining expert and/or legal advice along with any other costs incurred. A breakdown of such expenses would be provided with a compliance notice and officer time will be charged at the full cost recovery hourly rate for each officer engaged in the case.
- 11.3. If any works in the compliance notice are not carried out, the licence holder commits an offence and the council may consider taking legal proceedings in line with the Enforcement Policy. Any costs associated with this process would be at the discretion of the court.
- 11.4. Charges for enforcement costs cannot be passed onto the residents' pitch fee.

## 12. Appeals

- 12.1. Appeal provisions against licence application decisions and fees charged as part of enforcement action are contained in the regulations.

### Licensing Department

Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH  
01983 823159  
[licensing@iow.gov.uk](mailto:licensing@iow.gov.uk)

## Appendix A

Fees Table:

New licence application	up to 25 units	£650
	26-50 units	£685
	51-100 units	£750
	101+ units	£850
Annual Fee	up to 40 units	No Annual Fee
	40+ units	£100
Deposit of Site Rules		£100
Application to register as a Fit and Proper Person		£260
Transfer a licence		£150
Vary a licence		£200
Compliance Notices and other enforcement costs will be recovered on a case by case basis		