**Model Form of Notice for a compliance notice issued under Section 9A of the Caravan Sites and Control of Development Act 1960**

1. Section 9A of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) allows a local authority to serve a notice (called a compliance notice) on an owner of a relevant protected site [[1]](#footnote-1), where action is required to remedy a breach of one or more conditions of the site licence.

2. Section 9A was inserted into the 1960 Act by the Mobile Homes Act 2013. It, together with sections 9B to 9I, provide a new statutory regime for enforcement of standards and conditions on relevant protected sites , which also permits local authorities to recover their expenses and costs in taking action. The new regime has been in force since 1st April 2014.

3. The attached model form for a compliance notice has been drafted by the Park Homes Licensing Working Group, commissioned by the Government to provide guidance to local authorities on best practice in licensing enforcement.

4. It is not mandatory to use this form when a local authority serves a compliance notice. However, any notice must comply with the requirements in section 9A (2) of the 1960 Act.

5. The model makes reference to a demand for expenses. These are expenses that the local authority has incurred in (a) deciding whether to serve the compliance notice and (b) in preparing and serving the notice, and the demand for expenses.

6. A local authority is not obliged to serve such a demand and if it chooses not to do so, the references to it should be deleted from the notice.

7. If the local authority decides to recover its expenses the legal power to do so is under section 9C of the 1960 Act. A demand can only be served in conjunction with the service of a compliance notice.

8. The expenses that can be recovered are those set out in paragraph 5 above, and includes the cost of expert advice (including legal advice) - see subsections (1) and (2). The demand for expenses cannot include any costs that the authority incurred in dealing with complaints and visiting the site before it considered issuing the compliance notice. A demand must include

(a) the total amount of expenses the local authority seeks to recover and (b) a detailed breakdown of how the expenses claimed were incurred. If the local authority wishes to charge interest on the expenses claimed, the demand must specify the rate at which it will apply.

9. **These notes do not form part of the model compliance notice and should not be given with a compliance notice**.

10. If you choose to use this model do not forget to complete all the blanks and delete all instructions before serving it.

*Notice reference: \*/200*

|  |  |
| --- | --- |
| Local Authority NameCaravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) |  |

##  Compliance Notice: Section 9A

Re: ADDRESS

To:

Of:

1. You hold the licence for the caravan site on the land known as ") [insert **the name** **of the site as described in the licence**] [                                                           ] ("the relevant protected site”).

2. [**Insert the name of the local authority**] (“the Council”) has issued a site licence in respect of the relevant protected site [**insert the licence reference details**] dated

 [ ] licence number [ ].

3. The Council is satisfied that you [are failing to] [have failed] [delete **as appropriate]** to comply with [a condition] [conditions] **[delete as appropriate**] for the time being attached to the site licence under section 5 of the Caravan Sites and Control of Development Act 1960.

4. This notice is served as there is a failure to comply with the licence condition(s) as specified in **SCHEDULE 1** to this Notice.

5. Under section 9A of the Caravan Sites and Control of Development Act 1960 the Council requires you to carry out the works specified in **SCHEDULE 2** to this Notice. It considers these works will ensure that the licence condition(s) referred to in Schedule 1 [is] [are] complied with. You are to begin the works not later than the             day of                 20 (being not less than 22 days from the date of the service of this notice) and to complete the works (within the period of                            from that date) (by {insert date}) [**You should specify either the period for completing the works or the date by which they must be completed**].

6. You have a right to appeal against this notice. An appeal must be made within 21 days of the date of the service of this notice. Your appeal must be sent to the First Tier Tribunal (Property Chamber). (Please see notes below for further information about appeals.)

**Signed:…………………………………………………**

[Insert **the name and position of the person who signed the notice and who is the proper officer for the purpose]**

 (The Officer appointed for this purpose)

**Date:**

All correspondence and enquiries should be made to:

[**Name and address of the Council office and**

**specify the Department dealing with the matte**r]

This matter is being dealt with by: [**specify officer’s name and contact details**]

 Tel no:

 E-Mail address:

# SECTION 9A Caravan Sites and Control of Development Act 1960

# Schedule 1: The licence condition(s) not complied with

Address:

Failure to comply with licence condition

1. *Licence condition number x and description*
2. *Licence condition number x and description*
3. *Licence condition number x and description*

Details of the failure to comply with the condition

1. *Describe why the licence condition fails*
2. *Describe why the licence condition fails*
3. *Describe why the licence condition fails*

# SECTION 9A Caravan Sites and Control of Development Act 1960

# Schedule 2: Works required to ensure compliance with the licence condition(s)

#

Address:

1. *Works specified as necessary to comply with licence condition x at Schedule 1*
2. *Works specified as necessary to comply with licence condition x at Schedule 1*
3. *Works specified as necessary to comply with licence condition x at Schedule 1*

**Notes to the compliance notice for the licence holder**

**When the compliance notice and any demand for expenses take effect**

Under section 9H of the Caravan Sites and Control of Development Act the compliance notice and demand for expenses (if any) become effective (operative as called in the Act) from the end of the appeal period – i.e. on 22nd day after the notice was served.

If the compliance notice is appealed to the First Tier Tribunal (and it is confirmed or confirmed with variations) the notice and demand for expenses becomes effective from either (a) the day after the last day for appealing against the tribunal’s decision on the compliance notice to the Upper Tribunal or (b) where an appeal is brought to the Upper Tribunal the date on which that tribunal confirms, or confirms with variations, the compliance notice.

**Council expenses in serving the compliance notice** [**Delete this section if the Council does not intend to demand the recovery of its expenses**]

Under section 9C of the Caravan Sites and Control of Development Act 1960 the Council is able to recover the expenses it has incurred in connection with the service of the compliance notice.

Attached is a demand for the recovery of the expenses the Council has incurred in preparing and serving this compliance notice (and preparing the demand for expenses)

[**Do not include these paragraphs below if the authority is not charging interest**.]

Under section 9I of the Caravan Sites and Control of Development Act 1960 the Council is able to charge interest on the sum demanded in the expenses demand from when it becomes effective until the full sum is recovered.

The Council is charging interest on the sum at the rate set out in the demand for expenses attached to this compliance notice.

**Local Land Charge** [**Delete this section if the Council does not intend to demand the recovery of its expenses**]

When a demand for expenses served with compliance notice becomes effective, it will take effect as a local land charge on the relevant protected site to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers of land will normally search this register.

**Your right of appeal against the Compliance Notice**

**If you do not agree with this compliance notice you may appeal against it to the First Tier Tribunal (Property Chamber) but you must do this within 21 days of the notice being served on you.**

You may wish to seek independent professional or legal advice before deciding to make an appeal. The Council cannot offer you any advice on the merits of an appeal.

If you decide to appeal you must send your application to the First Tier Tribunal (Property Chamber), not to the Council.

The tribunal may on appeal confirm, vary or quash the compliance notice (see section 9G (5) of the Caravan Sites and Control of Development Act 1960).

Please note you cannot separately appeal against the demand for expenses if it is served with a compliance notice. If you appeal against the compliance notice and a demand for expenses was served with the notice, the tribunal will consider the demand if the appeal is successful, and may confirm, reduce or quash any charge set out in the demand.

Further information on the process of making an appeal can be obtained from the First Tier Tribunal (Property Chamber). An application form must be completed in all cases and the forms can be obtained from the Justice website [www.justice.gov.uk/tribunals/residential-property](http://www.justice.gov.uk/tribunals/residential-property).

If you do not have access to a computer, you can phone and ask the tribunal office to send you a form.

[**Insert below the address of the regional office of the Tribunal and its contact details**]

First Tier Tribunal (Property Chamber) local office address:

E-Mail address:

Telephone no:

**Failure to comply with the requirements in the compliance notice**

If you fail to comply with the effective notice within such time, or by such date, as is specified in paragraph 5 of the compliance notice, or as the case may be, such other time or date as may be allowed by the tribunal, to the Council’s satisfaction, you may be prosecuted by the authority in the magistrates’ court and upon conviction will be subject to a fine not exceeding Level 5 (see section 9B(1) and (2) of the Caravan Sites and Control of Development Act 1960).

Where the offence is committed by a body corporate (e.g. company) certain officers of the company are liable to be fined, as well as the company, if the court is satisfied they were materially responsible for the offence being committed ( see section 26A of the Caravan Sites and Control of Development Act 1960).

Upon conviction the Council may enter the site and carry out the required works and recover its costs and expenses in doing so from you (see sections 9D and 9F of the Caravan Sites and Control of Development Act 1960).

**Variation and Revocation of the Compliance Notice**

You may ask the Council to vary the compliance notice so as to give you more time to comply with it – e.g. extend the period or date in paragraph 5 of the notice. The Council does not have to agree to that request. The Council may also decide on its own initiative to vary the notice and if it decides to do so will let you know in writing.

If you are satisfied, for example, that the requirements of the notice have already been complied with in full, you may ask the Council to revoke the compliance notice. The Council does not have to agree that request. The Council may also decide on its own initiative to revoke the notice and if it decides to do so will let you know in writing. A revocation comes into force when it is made and from that date the compliance notice ceases to be effective.

**Further Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations you should go to a Citizen's Advice Bureau or a solicitor. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

1. A relevant protected site is a residential park or a mixed use residential/holiday site. A site used exclusively for holiday purposes is not a relevant protected site and none of the provisions in section 9A to 9I applies to such a site. For further information on relevant protected sites see- “Mobile Homes Act 2013: A Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime”.

 [↑](#footnote-ref-1)