

Mobile Homes Fee Policy



Mobile Homes Fee Policy

CONTENTS

	<u>Page</u>
1. Background	1
2. Fees Charged For Licenses	1
3. Fees Structure	1
4. Application For A New Site License	2
5. Transfer Of An Existing Site License	2
6. Amendment Of An Existing License	2
7. Annual Fee	2
8. Enforcement Costs	2
9. Fees For Depositing Site Rules	3
Appendix 1...Current Fees.....	4
Appendix 2...Relevant Activities	7

RELATED DOCUMENTS.

1. Mobile Homes Act 2013
2. The Caravan Sites and Control of Development Act 1960
3. DCLG Guidance on Site Licensing Fee Setting

Mobile Homes Fee Policy

1. **BACKGROUND**

The Caravan Sites and Control Of Development Act 1960 introduced a licensing system to regulate the establishment and operation of caravan sites. The Mobile Homes Act 2013 (MHA 2013) was introduced to provide greater protection to occupiers of residential park homes as the existing legislation had 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. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions. The council can also now charge a fee for licensing functions. The legislation allows the council to serve enforcement notices and requires the council to publish any site rules relating to a site.

2. **FEES CHARGED FOR LICENSES**

The changes introduced by the MHA 2013 came into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of 'relevant protected sites'. The definition of a relevant protected site is any licensable caravan site unless it is exempted. A site is exempted if:

- it has planning permission or a site license for exclusive holiday use.
- there is a restriction on use as a permanent residential site.

Sites which do not fall within this definition are still subject to the licensing requirements contained in The Caravan and Control of Development Act 1960 but payment of fees does not apply.

Under the new Act a fee can be charged for:

- applications for a new license
- applications to transfer or amend an existing license
- annual fee for administering and monitoring existing site licenses
- depositing site rules
- serving of enforcement notices and recovery of costs incurred.

3. **FEES STRUCTURE**

The council has calculated fees based on the estimated average time and costs involved in undertaking the activities involved. The current fees are shown in Appendix 1.

The DCLG guidance sets out the activities the councils can include when calculating fees. These are shown in Appendix 2.

The fees policy and current charges will be published on the council's website.

Mobile Homes Fee Policy

4. APPLICATION FOR A NEW SITE LICENSE

All sites require a site license (subject to the exemptions in the Caravan Sites and Control of Development Act 1960). The Councils will only issue a license for a site with a valid planning permission. Fees are based on a fixed cost with a variation to reflect the number of pitches.

5. TRANSFER OF AN EXISTING SITE LICENSE

Where a license holder wishes to transfer the license an application must be made to the council for which a fee is payable.

6. AMENDMENT OF AN EXISTING LICENSE

Where the license holder requests an amendment to the site license conditions the council will charge a fee.

Where the council deem it necessary to alter the conditions there will be no fee payable.

7. ANNUAL FEE

All relevant protected sites (except those exempted) must pay an annual fee to the council. Invoices will be sent on the 1st April each year and payment will be due within 30 days.

Where a site license is issued part way through the year an invoice will be sent after the license has been granted and the fee will be pro-rata.

This fee covers the cost of administration, annual site inspection to ensure compliance with the site license conditions and a revisit to ensure compliance with any work required. If there is still a breach in site license conditions after the revisit further charges may be payable to cover the cost of enforcement action (see section 8 Enforcement Charges).

8. ENFORCEMENT COSTS

Where there has been a breach in a site license condition the council may serve a compliance notice. The Caravan and Control of Development Act 1960 details the elements a local authority can include when charging for enforcement action.

A detailed breakdown of the relevant expenses will be provided with the notice.

Mobile Homes Fee Policy

If works in the compliance notice are not carried out the license 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 court.

If a prosecution was successful the council would have the power to carry out the works in default.

9. FEES FOR DEPOSITING SITE RULES

Site rules are put in place by the owner of the site to ensure acceptable standards are maintained. The MHA 13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules and publish these on-line.

Any site rules deposited for the first time or applications to vary the site rules must be accompanied by the appropriate fee.

Mobile Homes Fee Policy

APPENDIX 1

LICENSE ACTIVITIES AND APPROX. TIME TAKEN

ACTIVITY	OFFICER	TIME (MINS)
Initial enquiry and computer input	ATSO	10
Confirm planning permission	HSCO	30
Send out site application with covering letter	HSCO	10
Arrange site visit	HSCO	10
Travel time	HSCO	40
Check application is complete	HSCO	40
Check supporting documentation (eg. Electrical certificates)	HSCO	30
Land Registry Search	HSCO	10 *
Process license fee	ATSO	20
Prepare site license and conditions	HSCO	90
Discuss site conditions with applicant	HSCO	60
Site licence checked and signed by Manager	CM	60
Site license sent to applicant	ATSO	10
Scan documents and update website	HSCO	20
Arrange annual inspection with site owner	HSCO	10
Carry out full site inspection, making note of any breaches of site license conditions and any work required where there are 1 – 5 pitches	HSCO	60
Additional time required for inspection of sites with 6 – 24 pitches	HSCO	45
Additional time required for inspection of sites with 25 – 99 pitches	HSCO	90
Record details on file and M3	HSCO	30
Corporate Work Plan/Policy Writing	CM/LEGAL	120

Mobile Homes Fee Policy

ACTIVITY	OFFICER	TIME (MINS)
Amend site license	HSCO	30
Application to deposit rules received and entered on M3.	ATSO	10
Check application is valid and site rules have been made in accordance with statute, consultation has been carried out and no banned rules	HSCO	120
Amend public register and deposit rules on the website	HSCO	30

ATSO – Administration and Technical Support Officer @ £29.37/hr

HSCO – Housing Supply and Condition Officer @ £32.60/hr

CM – Corporate Manager @ £49.33/hr

Legal – £49.33/hr

*Land Registry Search (LRS) has a cost of £3.00.

Hourly rates have been supplied by Finance and include all on-costs.

1. FEE CALCULATION FOR NEW LICENSE APPLICATION

ATSO	40 mins	=	£19.58
HSCO	440 mins	=	£239.06
CM	60 mins	=	£49.33
LRS		=	£3.00

TOTAL COST = £310.97 (This assumes 5 pitches or less. Additional costs will be incurred depending on the number of pitches).

Mobile Homes Fee Policy

2. FEE CALCULATION FOR AMENDMENT OF AN EXISTING LICENSE

ATSO	40 mins	=	£19.58
HSCO	220 mins	=	£118.80
CM	60 mins	=	£49.33

TOTAL COST = £187.71

3. FEE CALCULATION FOR TRANSFER OF AN EXISTING LICENSE

ATSO	40 mins	=	£19.58
HSCO	140 mins	=	£75.60
CM	60 mins	=	£49.33
LRS		=	£3.00

TOTAL COST = £147.51

4. ANNUAL FEES

ATSO	20 mins	=	£9.60
HSCO	140 mins	=	£75.60

TOTAL COST = £85.20 (This assumes 5 pitches or less. Additional costs will be incurred depending on the number of pitches).

5. DEPOSIT OF SITE RULES

ATSO	10 mins	=	£4.80
HSCO	150 mins	=	£81.00

TOTAL COST = £85.80

Mobile Homes Fee Policy

APPENDIX 2

The DCLG guidance sets out the activities that the council can include when calculating its annual fee. These include:

- Letter writing/telephone calls to make appointments and requesting information from the site owner or any third party in connection with the licensing process
- Dealing with enquiries and complaints
- Updating computer systems
- Processing the licensing fee
- Reviewing documentation
- Preparing reports
- Review by manager or legal team
- Site inspections
- Follow-up inspections to check compliance.