



**Broxtowe  
Borough  
COUNCIL**

**MOBILE HOMES ACT 2013**

**Mobile Homes Fees Policy**

**March 2014 Revised July 2021**

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### Related documents

The following documents have been consulted when drafting this policy

The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)

Mobile Homes Act 2013 (MHA 2013)

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person)  
(England) Regulations 2020

Regulators Compliance Code

RBC Corporate Enforcement Policy

DCLG Guidance on Site Licensing Fee Setting – (link on website)

## 1. Introduction

Broxtowe Borough Council has granted caravan site licences under the Caravan Sites and Control of Development Act 1960 (CSCDA60) (as amended) for sites that have planning permission for a caravan site. This legislation has now been amended by the Mobile Homes Act 2013. The Mobile Homes Act 2013 was introduced in order to provide greater protection to occupiers and owners 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 different licensing functions, serve enforcement notices and publish any site rules relating to a site. The fee generated by the Mobile Homes Act 2013 is not designed to include investigation of harassment or matters not related to the site licence – these should be dealt with through Residents Associations or other appropriate channels.

The fees and charges set will aim to achieve the full cost recovery of providing the service. Fees are not set to be an economic deterrent to certain activities or to raise funds. Enforcement costs against unauthorised activities do not form part of these fee costs.

## 2. Fees charged for site licences

The changes introduced by the Mobile Homes Act 2013 for site licensing come into force on 1 April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A *relevant protected*

*site* is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:

- granted for holiday use only
- in any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks and Gypsy Roma and Traveller sites.

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

Under the new Act a fee can be charged for

- applications to grant a new licence
- applications to transfer or amend the conditions on an existing licence
- annual licence fees for administering and monitoring existing site licences.
- Fit and Proper Person Register Application

This policy details the fees to be charged for all of these licensing functions.

The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. (Appendix 1 details what the Council can consider in calculating the fee levels)

The fee rates set out in this policy cover the period 1st April 2021 to 31st March 2022 and will be reviewed annually in line with other Council fees and charges.

### **3. Application for a new site licence**

All sites require a site licence to operate (subject to exemptions in the CSCDA60).

Failure to apply for licence is an offence under Section 1(2) of CSCDA60. The

Council may only issue a licence for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The fee for a new site license is currently **£478 fixed cost plus £8 per pitch** to reflect the variation in the cost of processing the application according to the size of the site.

#### **4. Transfer/amendment of existing site license**

Where a licence holder wishes to transfer the licence an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Similarly, where a site owner requests an amendment to site licence conditions the Council can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions when the fee is payable at the application stage.

If the Council deems it necessary to alter conditions, there will be no fee payable.

The fee for an application for transfer or amendment of up to two site licence conditions is currently **£166**.

Where significant amendments to the site license conditions are requested, this is likely to involve a site visit so the fee for this licensing activity will increase to **£288**.

#### **5. Fit and Proper Person – Application to be included in the register**

From June 2021 an application is required by licensed relevant sites for themselves or their managers to be added to the Fit and proper person Register and for this

Register to be published on the website. Addition/amendment of a manager/site operators will require the full fee as the same amount of work is required to process the application. The fee initially will be £250.

## **6. Annual fees for Exiting Site Licences**

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy). The fee was due on 1st April 2014 and annually thereafter.

The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any outstanding works required. If there is still a breach in any site licence conditions at the point of the revisit, further charges may be payable to cover the cost of any enforcement action which may be taken. (See enforcement costs – section 6.)

The fee is currently **£17** per pitch and is calculated on a price per unit based on the total estimated cost to the Council of carrying out its annual licensing function for all sites in the borough. The unit cost is multiplied by the actual number of plots on each site to provide the annual fee payable.

The Department for Communities and Local Government has produced guidance for fee setting offers a variety of suggested options for local authorities in calculating the annual fee:

Option 1 – fee per pitch (A fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit)

Option 2 – fee based on site size bandings

Option 3 – fee based on a risk rating that takes into account the size of a site, the level of compliance on a site and confidence in management

Option 1 has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Charges for the first year (2014/15) have been based on average estimates. Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

### **Conditions**

The conditions on the existing site license will remain the same until the Council deems that they are out-dated or incorrect, and then a review will take place, or unless an application is made to amend conditions on the license by the site owner. A review of site licence conditions has started and will be completed in 2014/15.

### **Sites exempted from Annual Licensing fees**

- sites that are not relevant protected sites
- sites with 2 units or less

These categories of site are exempt from the annual licensing fee as the Council does not intend to carry out annual inspections of these sites, however any complaints would be dealt with as appropriate.

### **Charging Arrangements**

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/license holder and invoices will be sent at the start of the financial year with payment due within 30 days. (Legislation allows the license holder to only pass on the annual fee cost for 2014/15 to the resident's pitch fee)

Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which includes either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and any difference in fee would be adjusted against the following year's annual fee.

In the event that 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.

Fees are not refundable if the application is refused.

## **7. Enforcement costs**

Where there has been a breach in a site licence condition which comes to the attention of the Council, it may serve a compliance notice. The CSCDA60 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred, for example legal costs.

### **Hourly rate for enforcement costs = £48**

Charges for enforcement costs cannot be passed onto the resident's pitch fee.

If any works in the compliance notice are not carried out, the licence 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 successfully taken, the Council would have the power to carry out the works in default of the licence holder.

## **8. 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 Act 2013 changes the way site rules must be agreed between both parties. The Council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the Council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the local authority 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. This is because the process will be very similar for all three types of deposits.

The fee is currently **£128** and reflects the fixed costs for this function.

## **9. Publishing and revising the fee policy**

This fees policy will be published on the Broxtowe Borough Council website at [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk). (page to be determined). The fees detailed in this policy have been determined based on experience of dealing with site licensing historically with consideration of the changes that the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, at the time of

producing this policy some elements of the licensing regime are still awaiting further regulation by government which may impact on the processes and the time involved and may therefore result in a revision to the proposed charges at a future date.

This policy, including the applicable fees and charges, will be reviewed annually as part of the Council's annual review of fees and charges.

## Appendix 1 Elements included in fee setting

The DCLG guidance sets out the activities that the Council can include when calculating its annual and specific fees. These include:

- Officer training
- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
  - Land Registry searches
- handling enquiries and complaints;
- updating hard files/ computer systems/ICT and support costs;
- updating websites;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
  - Conducting background checks
- downloading photographs;
  - Preparing preliminary and final decision notes
- preparing reports on contraventions;
- review by manager or lawyers
- Consultation and review of any consultation responses from third parties;
- carrying out any risk assessment process considered necessary

Updating the Public register

- a pre- programmed full site inspection;
- a follow – up inspection to check compliance following programmed inspection
  - Amending conditions attached to a Register

- Processing appeal paperwork (assumed only 1 in 3 applications will generate an appeal)