



# **Mobile Homes Fees Policy Document**

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## Contents

		<b>Page</b>
<b>1</b>	<b>Introduction</b>	<b>4</b>
<b>2</b>	<b>Fees charged for site licences</b>	<b>4</b>
<b>3</b>	<b>Licensing functions</b>	<b>5</b>
<b>3.1</b>	<b>Fee Calculations</b>	<b>5</b>
<b>3.2</b>	<b>Fee Payments</b>	<b>5</b>
<b>3.3</b>	<b>Application for the grant of a site licence</b>	<b>5</b>
<b>3.4</b>	<b>Application for the transfer of a site licence</b>	<b>5</b>
<b>3.5</b>	<b>Application for the alteration to the conditions of a site licence</b>	<b>5</b>
<b>3.6</b>	<b>Annual fee payable for an existing licence</b>	<b>6</b>
<b>3.7</b>	<b>Exemptions</b>	<b>6</b>
<b>4.</b>	<b>Site Rules</b>	<b>6</b>
<b>5.</b>	<b>Enforcement costs</b>	<b>6</b>
<b>6.</b>	<b>Publishing and revising the fee policy</b>	<b>7</b>
<b>Appendix 1</b>	<b>Fees</b>	<b>8</b>
<b>Appendix 2</b>	<b>Fee breakdown and calculation</b>	<b>9</b>

## **1. Introduction**

- 1.1 The Caravan Sites and Control of Development Act 1960 require all park homes sites in England to be licensed by the Local Authority. This Act has now been amended by the Mobile Homes Act 2013, which has introduced changes that come into force from 1<sup>st</sup> April 2014. The Act has been introduced to provide greater protection to occupiers of caravan sites and includes changes to the buying, selling or gifting of a park home and the pitch review process.
- 1.2 The new Act introduces powers for local authorities to charge fees for applications to grant, transfer, or alter the conditions on a licence and an annual licence fee for administering and monitoring licences. The council can now charge a fee for serving enforcement notices and publishing any site rules relating to the site.
- 1.3 This Policy sets out the licence fees and enforcement costs for the monitoring and enforcement of mobile homes.

## **2. Fees charged for site licences**

- 2.1 The payment of fees for site licences apply to relevant protected sites only. A relevant protected site is defined in the Act as any land to be used as a caravan site other than one where the 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)
- 2.2 Relevant protected sites to which the legislation applies are typically known as residential parks, mobile homes parks and Gypsy Roma and Traveller sites.
- 2.3 Sites which do not fall within the definition of relevant protected site are still subject to the licensing requirements contained within the Caravan Sites and Control of Development Act 1960, but the provisions relating to payment of fees do not apply.
- 2.4 Under the Mobile Homes Act a fee can be charged for:
  - Applications to grant a new licence
  - Applications to transfer an existing licence
  - Applications to amend an existing licence
  - Annual licence fees for administering and monitoring existing site licences
  - Depositing of site rules including first and subsequent deposits as a consequence of variations
  - Serving of enforcement notices and recovery of costs incurred.
- 2.5 This policy details the fees which East Staffordshire Borough Council will charge for all of these licensing functions.

### **3. Licensing Functions**

#### **3.1 Fee Calculations**

- 3.1.1 The fee levels have been calculated based on the estimated average time and costs involved in undertaking the licensing functions.
- 3.1.2 A full breakdown of the level of fees and how they have been calculated is detailed in Appendix 1.
- 3.1.3 The current fees for each of the processes set out in this policy are detailed in Appendix 2.

#### **3.2 Fee Payments**

- 3.2.1 All applications must be accompanied by the correct fee. Any application that has been received by the council without the correct fee will not be considered.
- 3.2.2 If the Council decides not to approve an application the applicant is not entitled to a refund of the paid fee.
- 3.2.3 The demand for the annual fee will be invoiced on the 1<sup>st</sup> April with payment due within 30 days. The period covered by the annual fee will be 1<sup>st</sup> April to 31<sup>st</sup> March.
- 3.2.4 In the event of a payment for an annual fee not being paid within the terms of the invoice the council may apply to the First Tier Property Tribunal for an order requiring the licence holder to pay the amount due.

#### **3.3 Application for the grant of a site licence**

- 3.3.1 All sites require a site licence to operate, subject to exemptions under the Caravan Sites and Control of Development Act 1960. Only sites with a valid and correct planning permission for the use will be issued with a licence.
- 3.3.2 Fees for new site licences are based on a fixed cost plus an additional charge per pitch to reflect the variation in the cost of processing the application according to the size of the site.

#### **3.4 Application for the transfer of a site licence**

- 3.4.1 Where a licence holder wishes to transfer the licence an application must be made to the council.
- 3.4.2 A fixed fee is applicable which must accompany the application to transfer the licence.

#### **3.5 Application for the alteration to the conditions of an existing licence**

- 3.5.1 Where a site owner requests an amendment to the site licence conditions the council will charge a fee which is payable at application stage.
- 3.5.2 If the council instigates an amendment to the licence conditions there will be no fee payable.

### **3.6 Annual fee payable for an existing licence**

- 3.6.1 All relevant protected sites must pay an annual fee to the Council (subject to the exemptions detailed in the Caravan Sites and Control of Development Act 1960).
- 3.6.2 The annual fee is based on a fixed cost plus a price per unit fee for each site.

### **3.7 Exemptions**

- 3.7.1 The following sites are exempt from fees
  - Sites that are not relevant protected sites
  - Sites with fewer than 2 units
  - Sites for the site owner and their family

## **4. Site Rules**

- 4.1 Site rules are put in place by the owner of the site to ensure acceptable standards are maintained which will be of benefit to occupiers
- 4.2 The Council must keep an up to date register of site rules on relevant protected sites and publish the register online. Before publishing the rules the Council will ensure that the rules deposited have been made in accordance with the statutory requirements.
- 4.3 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. This is because the process will be the same for all three deposits.

## **5. Enforcement Costs**

- 5.1 The Mobile Homes Act 2013 includes provision for charging for enforcement, which will include the cost to the Council of taking formal action leading up to and including any enforcement.
- 5.2 Once a decision has been made to take enforcement action by serving a notice the Council will recover all costs that led to that decision being taken, including costs incurred in dealing with the complaint and inspections and the time involved in deciding to serve and prepare the notice.
- 5.3 A demand for recovery of the costs will be served with the compliance notice along with a breakdown detailing what is being charged for.
- 5.4 Failure to comply with a Notice is a criminal offence and the Council may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.
- 5.5 Following a successful prosecution for breaching a compliance notice the Council will be able to serve notice to enter the site and carry out works in default. In addition to this a notice may also be served on the site owners enabling the Council to enter the site and take emergency action where there is an imminent risk to health.

- 5.6 Costs for serving notices for works in default and emergency works will be recovered as well as the costs incurred in carrying out the necessary works.
- 5.7 Charges for enforcement action are based on the actual costs incurred including officer time charged at an hourly rate.
- 5.8 A site owner may not pass on costs of enforcement action to residents through the pitch fee.

**6. Publishing and revising the fee policy**

- 6.1 The fee policy will be published on East Staffordshire Borough Councils website [www.eaststaffsbc.gov.uk](http://www.eaststaffsbc.gov.uk) along with the relevant application forms.
- 6.2 The fees detailed in this policy shall be reviewed and updated annually.
- 6.3 As part of the review the Council will assess their previous costs to determine if they were accurate. Where a deficit is identified the excess monies shall be incorporated into the reviewed fees for site owners in the following year. Similarly where a surplus is identified the additional cost will be incorporated into the reviewed fees.

## Appendix 1- Fees

<b>Application Type</b>	<b>Fixed Fee</b>	<b>Additional Pitch Fee</b>
Application for the grant of a new site licence	£350.00	£5.83 per pitch *
Application for the transfer of a site licence	£140.07	N/A
Application for the alteration to the conditions of an existing licence	£207.05	N/A
Annual fee payable for an existing licence	£263.40	£5.83 per pitch *
Deposit of Site Rules	£128.30	
Enforcement Costs	£34.99 per hour	

\* The initial fixed price is inclusive of one pitch, therefore the price per pitch is charged for all pitched over and above the first pitch.

## Appendix 2- Fee breakdown and calculation

**Table 1: Application for the grant of a new site licence**

<b>Process</b>	<b>Time/minutes</b>	<b>Officer/Team Leader</b>	
Initial enquiry received and entered on the database	10	Officer	
Obtain planning documents and liaise with the planning department	30	Officer	
Send out site application form with covering letter	10	Officer	
Check application form is valid/correct fee has been paid/land registry search	10	Officer	
Check validity of any supporting documentation	40	Officer	
Liaise with applicant and arrange site visit	10	Officer	
Travel Time	30	Officer	
Initial site visit	60	Officer	
Prepare site licence and conditions	90	Officer	
Discuss proposed site licence conditions with applicant	60	Officer	
Site licence checked and signed by Team Leader	60	Team Leader	
Licence issued and registered on the system	10	Officer	
Re-visit to check compliance with conditions	60	Officer	
Travel Time	30	Officer	
Review of compliance	60	Officer	
All details recorded on Dynamics	20	Officer	
<b>Total fixed time</b>	<b>590 minutes</b>		
Additional inspection time for all pitches over and above pitch 1.	10	Officer	
<b>Additional time per pitch</b>	<b>10 Minutes</b>		
<b><u>Fee Calculation</u></b>			
<b>Expense Type</b>	<b>Time</b>	<b>Hourly rate</b>	<b>Total</b>
Team Leader	60 minutes	@	£37.93
Officer	530 minutes	@	£309.07
Land Registry Search		@	£3.00
<b>Total Fixed Fee</b>			<b>£350.00</b>
Additional Pitch fee	10 minutes	@	£5.83
<b>Total Additional Fee per pitch</b>			<b>£5.83</b>

**Table 2- Application for the transfer of a site licence**

<b>Process</b>	<b>Time/minutes</b>	<b>Officer/Team Leader</b>		
Initial enquiry received and entered on the database	10	Officer		
Send out site application form with covering letter	10	Officer		
Check application form is valid/correct fee has been paid/land registry search	20	Officer		
Check validity of any supporting documentation	20	Officer		
Process licence fee	20	Officer		
Amend site licence	60	Officer		
Site licence checked and signed by Team Leader	60	Team Leader		
Licence issued and registered on the system	10	Officer		
All details recorded on Dynamics	20	Officer		
<b>Total time</b>	<b>230 minutes</b>			
<b><u>Fee Calculation</u></b>				
<b>Expense Type</b>	<b>Time</b>		<b>Hourly rate</b>	<b>Total</b>
Team Leader	60 minutes	@	37.93	£37.93
Officer	170 minutes	@	34.99	£99.14
Land Registry Search		@	£3.00	£3.00
<b>Total Fee</b>				<b>£140.07</b>

**Table 3- Application for the alteration to the conditions of a site licence**

<b>Process</b>	<b>Time/minutes</b>	<b>Officer/Team Leader</b>	
Initial enquiry received and entered on the database	10	Officer	
Send out site application form with covering letter	10	Officer	
Check application form is valid and correct fee has been paid	10	Officer	
Check amendments and validity of any supporting documentation	40	Officer	
Liaise with applicant and arrange site visit	10	Officer	
Travel Time	30	Officer	
Site inspection	60	Officer	
Amend site licence and conditions	90	Officer	
Site licence checked and signed by Team Leader	60	Team Leader	
Licence issued and registered on the system	10	Officer	
All details recorded on Dynamics	20	Officer	
<b>Total time</b>	<b>350 minutes</b>		
<b><u>Fee Calculation</u></b>			
<b>Expense Type</b>	<b>Time</b>	<b>Hourly rate</b>	<b>Total</b>
Team Leader	60 minutes	@	£37.93
Officer	290 minutes	@	£169.12
<b>Total Fee</b>			<b>£207.05</b>

**Table 4- Annual fee payable for an existing licence**

<b>Process</b>	<b>Time/minutes</b>	<b>Officer/Team Leader</b>	
Prepare for and send out letter to site owner	10	Officer	
Annual fee processed	20	Officer	
Liaise with site owner and arrange site visit	10	Officer	
Travel Time	30	Officer	
Site inspection	60	Officer	
Licence review	90	Officer	
Confirmation letter of inspection	40	Officer	
Record details of inspection	60	Officer	
Revisit travel time	30	Officer	
Revisit	30	Officer	
All details recorded on Dynamics	20	Officer	
Routine monitoring/ complaints	30	Officer	
Review by Team Leader	20	Team Leader	
<b>Total fixed time</b>	<b>450 minutes</b>		
Additional inspection time for all pitches over and above pitch 1.	10	Officer	
<b>Additional time per pitch</b>	<b>10 Minutes</b>		
<b><u>Fee Calculation</u></b>			
<b>Expense Type</b>	<b>Time</b>	<b>Hourly rate</b>	<b>Total</b>
Team Leader	20 minutes	@ 37.93	£12.64
Officer	430 minutes	@ 34.99	£250.76
<b>Total Fixed Fee</b>			<b>£263.40</b>
Additional Pitch fee	10 minutes	@ £34.99	£5.83
<b>Total Additional Fee per pitch</b>			<b>£5.83</b>

**Table 5- Deposit of Site Rules**

<b>Process</b>	<b>Time/minutes</b>	<b>Officer/Team Leader</b>		
Application to deposit site rules received and fee processed	30	Officer		
Application checked and site rules considered against legislation	180	Officer		
Amend public register and deposit rules on website	10	Officer		
<b><u>Fee Calculation</u></b>				
<b>Expense Type</b>	<b>Time</b>	<b>Hourly rate</b>	<b>Total</b>	
Officer	220 minutes	@	34.99	£128.30
<b>Total Fee</b>			<b>£128.30</b>	