

East Lindsey District Council

Mobile Homes Act Fees Policy April 2022

Revised March 2022

Contents

1. Introduction
 2. Fees charged for licensing
 3. Application for a new site license
 4. Transfer/Amendment of an existing site license
 5. Annual fees for site licenses
 6. Enforcement Costs
 7. Fees for depositing Site rules
 8. Publishing and revising the fees policy
- Appendix i – Fee setting calculations
- Appendix ii – DCLG Guidance on Site Licensing Fee Setting February 2014

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)

Mobile Homes Act 1983

Regulators Compliance Code

The Mobile Homes (Sites Rule) (England) Regulations 2014

East Lindsey District Council Enforcement Policy

DCLG Guidance on Site Licensing Fee Setting – February 2014

1. Introduction

East Lindsey District Council has granted Caravan Site licenses under The Caravan Sites and Control of Development Act 1960 (CSCDA60) (as amended) for sites that have planning permission for a caravan site. The CSCDA60 has now been amended by the Mobile Homes Act 2013 (MHA 2013). The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans 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 license conditions. The Council can also now charge a fee for different licensing functions, serve enforcement notices and publishing of any site rules relating to a site. The fee generated by the MHA 2013 is not designed to include investigation of harassment or matters unrelated to the Site License – these should be dealt with through Residents Associations or other appropriate channels.

2. Fees charged for site licenses

The changes introduced by the MHA 2013 for Site Licensing come 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”. 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 license 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 and so on. This does not include sites owned by a local authority.

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 license
- applications to transfer or amend an existing license
- Annual license fees for administering and monitoring existing site licenses.

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

The fee levels for year 1 have been calculated based upon an estimated average time and officer costs involved in undertaking the activities, there has also been some additional training costs incurred in this first year due to new legislation (Appendix i details what the council can consider in calculating the fee levels). Currently we believe there are forty seven residential park home sites with varying levels of units.

The fee rates set out in this policy cover the period 1st April 2018 onwards.

3. Application for a new site license

All caravan sites require a site license to operate (subject to exemptions in the CSCDA60); failure to apply for license is an offence under Section 1(2) of CSCDA60. The council may only issue a license 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 license application.

The fee for a new 'relevant protected site' license is based upon a fixed standard fee of **£145**.

4. Transfer/amendment of 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. The fee must accompany the application to transfer the license.

Similarly where a site owner requests an amendment to site license the council can charge a fee for this function.

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

The fee for an application for transfer or amendment is **£55**.

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

5. Annual fees for Existing Site Licenses

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy). The fee is 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 license conditions and a revisit to ensure compliance with any outstanding works required. If there is still a breach in site license condition at the point of the revisit further charges may be payable to cover the cost of any enforcement action which may be taken.

The annual fee is **£155 plus £1.65 a unit**. The unit cost is multiplied by the actual number of units on each site to provide the annual fee payable.

The DCLG 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

East Lindsey District Council felt that a basic administration fee with option 1 for site visit was the best approach therefore option 1 with an admin fee 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) were based on average estimates. Fees will be assessed every other year to determine accuracy as part of the Council's annual fees and charges setting process.

Surpluses and deficits

The Act provides that the local authority in setting annual fees must advise the site owner of the extent to which they have had regard to deficits and surpluses from the previous year. Each year the local authority must assess its previous costs to determine if they were accurate. A local authority can only pass on to the site owner their costs incurred in carrying out the licensing function and must not make a profit.

Conditions

The conditions on the existing site license will remain the same until the Council deem they are outdated 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.

Sites exempted from annual fees

East Lindsey District Council has chosen to not exempt any sites from the annual fee charge.

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 from 1st April/annually with payment due within **30 days**.

Where a new site license 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 license has been granted for the pro-rata amount.

Where an amended license is issued part way through the year (which included 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 difference in fee would be adjusted against the following years annual fee.

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 license holder to pay the amount due.

6. Enforcement costs

Where there has been a breach in a site license condition which comes to the attention of the council we 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.

Charges for enforcement costs cannot be passed onto the residents pitch fee.

If any 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 successfully taken, the council would have the power to carry out the works in default of the license holder.

7. Fees for depositing site rules

Site rules are different to the site license 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 MHA13 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 **£30** and reflects the costs for this function.

8. Publishing and revising the fee policy

This fees policy will be published on the East Lindsey District Council website at www.e-lindsey.gov.uk. The fees detailed in this policy have been determined based on experience of dealing with site licensing historically with consideration of the changes the new Act has introduced. In addition, any policy editions in this licensing regime regulated by government which may impact on the processes and the time involved may result in a revision to the proposed charges.

This policy will be revised no later than March 2023.