



# Melton Borough Council Mobile Homes Policy including Fees

## October 2021



## Contents

1. Background
2. Fees charged for licences
3. Fee structure
4. Application for a new site licence
5. Transfer/Amendment of an existing site licence
6. Licensing fees for checking Fit & Proper person
7. Licensing fees for existing site licenses
8. Charging arrangements
9. Periodic charging of annual fees
10. Enforcement Costs
11. Fees for depositing Site rules
12. Publishing and reviewing the fees policy

**Appendix 1** – Elements which can be included in fee setting

**Appendix 2** – Table of Fees

### Related documents

The following documents have been consulted when drafting this policy:

- The Caravan Sites and Control of Development Act 1960 as amended (CSCDA 1960)
- Mobile Homes Act 2013 (MHA 2013)
- Regulators Compliance Code 2014
- DCLG Guidance on Enforcement 2015
- The Mobile Homes (Requirement for Manager of Site to be a Fit and Proper Person) (England) Regulations 2020
- MHCLG Guidance on Site Licensing Fee Setting June 2021
- MHCLG Guidance on the Fit and proper person test June 2021

## 1. Background

The Caravan Sites and Control of Development Act 1960 (as amended) (CSCDA) introduced a licensing system to be operated by local authorities to regulate the establishment and operation of caravan sites. Licences can only be issued to sites that have planning permission. The CSCDA 1960 was 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.

The MHA 2013 enabled local authorities to charge fees to cover costs of site inspections and the other additional powers (such as enforcement notices) to ensure compliance with site licence conditions.

## 2. Fees charged for licences

The changes introduced by the MHA 2013 for Site Licensing 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 MHA 2013 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 or similar.

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the CSCDA 1960, but the provisions relating to the payment of fees do not apply.

Under the MHA 2013 Act a fee can be charged for:

- Applications to grant a new licence
- Applications to transfer or amend an existing licence
- Licensing fees for administering and monitoring existing site licences.
- Depositing and publishing site rules
- Serving of enforcement notices and recovery of costs incurred
- Conducting ‘fit & proper person test’ on site owner / manager

### 3. Fee structure

The MHA 2013 (s10A) states that ‘before charging a fee, the local authority must prepare and publish a fees policy.’

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 commencing 1<sup>st</sup> October 2021 to be reviewed annually.

**Appendix 2** Shows the table of fees.

A Local Authority cannot make a profit from the proceeds raised, in respect of the Relevant Protected Site licensing fees. Therefore, at the start of each financial year the Local Authority will need to assess the revenue raised in the previous financial year against the costs accrued, in respect of administering the regime in relation to Relevant Protected Sites. If a surplus is being made then the fees will need to be adjusted accordingly. If a deficit is being made then the Council reserves the right to increase the fees in order to recover costs. In order to ensure that any surplus or deficit can be responded to quickly, Officers, in conjunction with the Service Manager, are authorised to amend the calculation of fees if the need were to arise.

### Exemptions from Annual Fees

Melton Borough Council will make sites that have only 1 pitch exempt from all fees. These sites are generally deemed as being of low risk, often consisting of single family units and do not contain the hazards associated with larger sites, e.g. fire separation. Formal annual programmed monitoring would therefore not be deemed necessary or cost effective. The costs associated with monitoring sites that have only 1 pitch would be met through existing budgets.

Sites for the sole use of the owner and their families (does not include sites that are run for financial gain) are also exempt from the annual licensing fee and programmed inspection regime.

### 4. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the CSCDA 1960); even though they are exempt from fees.

Failure to apply for a licence is an offence under Section 1(2) of CSCDA 1960. 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 being made.

The fee for a new site licence is based on the size of the site to reflect the variation in the cost of processing the application.

## 5. Transfer/amendment of existing site licence

Where a licence holder wishes to transfer the licence to a new licence holder (typically on sale of the site) an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence.

If a licence is transferred, it is done so in its entirety with no amendments and therefore the fee is the same for all sites as no inspection is required.

Where a site owner requests an amendment to site licence conditions the Council can charge a fee for this function. The fee must accompany the application to transfer the licence. The fee for amendment of site licence conditions where no inspection is required is the same for all sites.

Where an inspection is required the fees will vary depending on the size of the site. The decision of whether an inspection is required is made by the receiving officer before the application is accepted and is based on what amendments are requested.

If the proposed licence holder wishes to amend the licence on or after transferring the licence they must apply for a new licence or a transfer application followed by an amendment application.

If the Council deem it necessary to amend the licence conditions there will be no fee payable.

The fees for transfer / amendment of site licence conditions are shown in **Appendix 2** below:

## 6. Licensing fees for checking Fit & Proper person

Local authorities have a statutory duty to check that the site owner to apply to register either the site owner or manager as a fit and proper person to run the site.

To enable this information will have to be provided and checked by the local authority and the costs in doing so can be reclaimed by way of fee

## 7. Licensing fees for Existing Site Licences

All relevant protected sites must pay annual licensing fees to the Council (subject to any exemptions stated in this policy).

The annual fees are based on the size and standard of the site to reflect the variation in the estimated cost to the Council of carrying out its licensing function for each site.

## 8. Charging Arrangements

Fees for new licences, transfer or variation of licences or depositing of site rules must be paid at the time of application.

## 9. Periodic Charging of Annual Fees

Section 10A(5) of the MHA 2013 states that the Fees Policy must include provision about the time at which the annual fee is payable.

The fee will be charged to the site owner/licence holder following the site inspection and invoices will be sent with payment due within 30 days.

Invoices will be sent on the 1st April each year and payment will be due within 30 days.

Where a site licence is issued part way through the year, an invoice will be sent after the licence 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 licence conditions and a revisit to ensure compliance with any work required. If there is still a breach in site licence conditions after the revisit, further charges may be payable to cover the cost of enforcement action (see section 9 Enforcement Costs).

In the event the 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.

The licensing fees as determined by the size of the site are listed in **Appendix 2** below:

## 10. Enforcement and Enforcement Costs

Where there has been a breach in a site licence condition which comes to the attention of the Council we may serve a compliance notice. The CSCDA 1960 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 in the form of a demand. Charges would be based on an hourly rate in addition to any other costs incurred, for example legal costs.

If any works in the compliance notice are not carried out the local authority may consider taking legal proceedings.

On conviction the Council may carry out any works in default by serving a further notice, although this decision would be made on a case by case basis and dependent on a number of factors such as risk, impact etc.

The Council can take urgent necessary action against a site by serving a notice if there is an imminent risk of serious harm to health or safety. The Council can seek to recover the costs of such action by serving a demand,

## **11. 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 MHA 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, where they exist, 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 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 very similar for all three types of deposits.

The fee reflects the fixed costs for this function.

## **12. Publishing and reviewing the policy**

This Mobile Home Policy including fees will come into effect on 1<sup>st</sup> October 2021 and will be published on the Melton Borough Council website at [www.melton.gov.uk](http://www.melton.gov.uk). The fees detailed in this policy have been determined based on recent changes the MHA 2013 has introduced and will be reviewed annually.

## Appendix 1: Elements included in fee setting

The Department of Communities and Local Government (DCLG) guidance sets out the activities that the council can include when calculating its annual fee, these include:

- Initial enquiries:
- 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;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- review by manager or lawyers:
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- a pre- programmed full site inspection;
- a follow – up inspection to check compliance following programmed inspection:
- updating the public register:
- reviews of decisions or in defending appeals:

The fees generated by the MHA 2013 are not designed to include investigation of harassment or matters not related to the Site Licence – these are dealt with through Residents Associations or other appropriate channels.

Fees will be reviewed on an annual basis and increased at least in line with inflation.

Charges for enforcement costs cannot be passed onto the residents' pitch fee by the site operator.



**Appendix 2: Table of Fees**

The table of fees for 2021 – 2023 are below

## Size of site

Size banding	Band 1 (2 – 10 Pitches)	Band 2 (11 – 40 Pitches)	Band 3 (41+ Pitches)
New licence application fee	£425	£450	£480
Transfer fee	£145	£145	£145
Fit & proper person checks fee	£220	£220	£220
Variation of licence fee (no inspection)	£230	£230	£230
Variation of licence fee (with inspection)	£290	£295	£320
Depositing site rules fee	£120	£120	£120

## Annual Fees

Size of site	Band 1 (2 – 10 Pitches)	Band 2 (11 – 40 Pitches)	Band 3 (41+ Pitches)
Annual fee	£185	£210	£235