



Mobile Homes Fees Policy

Author:	R Liddle	Date:	01/09/2014
Version:	3	Review due:	26/07/2022

Approved by	East Staffordshire Borough Council Licensing Committee
--------------------	---

Document Review			
Version	Amendment	By	Date
2	Updated hourly rates	R Liddle	26 July 2016
3	Updated FPP Test and Fees	R Liddle	27 July 2021

Contents

		Page
1	Introduction	4
2	Fees charged for site licences	4
3	Licensing functions	5
3.1	Fee Calculations	5
3.2	Fee Payments	5
3.3	Application for the grant of a site licence	6
3.4	Application for the transfer or amendment of a site licence	6
3.5	Annual fee payable for an existing licence	5
3.6	Fees for Site Rules	6
3.7	Enforcement Costs	7
3.8	Application to Register as a Fit and Proper Person	7
4	Publishing and revising the fee policy	8
Appendix 1	Fees	9
Appendix 2	Fee breakdown and calculation	10

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 unless they have an exemption under the Act.
- 1.2 The Caravan Sites and Control of Development Act 1960 Act is amended by the Mobile Homes Act 2013 (MHA 2013) and now provides greater protection to occupiers of residential park homes and caravans and covers buying, selling or gifting of park homes and the pitch fee review process. The Act enables 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 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduce a requirement for the manager of a site to be a Fit and Proper Person. From the 1 July 2021 local authorities are required to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless they are eligible for an exemption under the Regulations. Where a site owner or their manager fails the fit and proper person test, and they are unable to identify and appoint a suitable alternative manager, who must pass the fit and proper person assessment, the local authority can instead appoint a person to manage the site, but only with the consent of the site owner.
- 1.4 Local authorities must have a policy setting out how it will set and charge fees in order to comply with legislative requirements. The fees will be assessed each year and adjusted accordingly depending on whether there is any surplus or deficit.
- 1.5 The Council does not make a profit from the fees, they solely cover the costs of carrying out the licensing functions in relation to relevant protected sites. The fees are not designed to include investigation of harassment or matters not related to the site licence as these should be dealt with through other appropriate channels.

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 or 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
 - Service of enforcement notices and recovery of costs incurred.
 - Applications to register as a fit and proper person (from 1 July 2021)
 - Annual fee for monitoring the fit and proper person register
- 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 1st April with payment due within 30 days. The period covered by the annual fee will be 1st April to 31st 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 or amendment of a site licence

- 3.4.1 Where a licence holder wishes to transfer or amend the licence, an application must be made to the council. A fixed fee is applicable which must accompany the application to transfer the licence.
- 3.4.2 If the council instigates an amendment to the licence conditions there will be no fee payable.

3.5 Annual fee payable for an existing licence

- 3.5.1 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).
- 3.5.2 The annual fee is based on a fixed cost plus a price per unit fee for each site.
- 3.5.3 The following sites are exempt from the annual licensing fees
- Sites that are not relevant protected sites
 - Sites with fewer than 2 units
 - Sites for the site owner and their family

3.6 Fees for Site Rules

- 3.6.1 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.
- 3.6.2 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.
- 3.6.3 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.

3.7 Enforcement Costs

- 3.7.1 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.
- 3.7.2 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.
- 3.7.3 A demand for recovery of the costs will be served with the compliance notice along with a breakdown detailing what is being charged for.
- 3.7.4 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.
- 3.7.5 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.
- 3.7.6 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.
- 3.7.7 Charges for enforcement action are based on the actual costs incurred including officer time charged at an hourly rate.
- 3.7.8 A site owner may not pass on costs of enforcement action to residents through the pitch fee

3.8 Application to register as a fit and proper person

- 3.8.1 From 1 July 2021, the Council must be satisfied that the occupier of the land used as a relevant protected site or a person appointed by the occupier to manage the site is a fit and proper person. The Council must establish and maintain a register of persons they are satisfied are fit and proper to manage a relevant protected site in their area.
- 3.8.2 The regulations permit the Council to set an annual fee to cover any administrative costs incurred in monitoring the scheme and maintaining the register and also as a condition of inclusion in the register
- 3.8.3 An application to be included in the register must be accompanied by the fee to cover the cost of administering this function and an application will not be valid until the fee is paid.

- 3.8.4 When considering whether a person is 'fit and proper' the local authority must have regard to the suitability of the person concerned ('the relevant person'). Schedule 3, paragraphs 2 to 4 of the Regulations make reference to those matters that must be considered by the local authority as part of any application.
- 3.8.5 If the Council are satisfied that an applicant is a fit and proper person they can be included in the register for up to 5 years. The regulations include that a person may be included in the register subject to condition(s). Such conditions may be varied or removed or the person may be removed from inclusion in the register at any time if new evidence relevant to the person's inclusion in the register becomes available.
- 3.8.6 There is also provision for the Council to appoint a person to manage a site, with the site owner's consent. In this instance any costs incurred or to be incurred in making the appointment will be recharged to the site owner on the same basis as enforcement costs are calculated.

4. Publishing and revising the fee policy

- 4.1 The fee policy will be published on East Staffordshire Borough Councils website www.eaststaffsbc.gov.uk along with the relevant application forms.
- 4.2 The fees detailed in this policy shall be reviewed and updated annually.
- 4.3 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

Application Type	Fixed Fee	Additional Pitch Fee
Application for the grant of a new site licence	£400.47	£7.16 per pitch *
Application for the transfer of a site licence	£136.91	N/A
Application for the alteration to the conditions of an existing licence	£225.71	N/A
Annual fee payable for an existing licence	£314.91	£7.16 per pitch *
Deposit of Site Rules	£58.48	
Enforcement Costs	£42.94 per hour	
Application for Fit and Proper Person	£255.23	

* 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

Process	Time/mins	Officer Type	
Initial enquiry received and entered on the database	10	Support Officer	
Obtain planning documents and liaise with the planning department	30	Officer	
Send out site application form with covering letter	10	Support Officer	
Check application form is valid/correct fee 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 Senior EHO	30	Senior EHO	
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	
Total fixed time	560 minutes		
Additional inspection time for all pitches over and above pitch 1.	10	Officer	
Additional time per pitch	10 Minutes		
<u>Fee Calculation</u>			
Expense Type	Time	Hourly rate	Total
Senior EHO	30 minutes	@ 48.20	£24.10
Officer	510 minutes	@ 42.94	£364.99
Support Officer	20 minutes	@ 25.15	£8.38
Land Registry Search		@ £3.00	£3.00
Total Fixed Fee			£400.47
Additional Pitch fee	10 minutes	@ £42.94	£7.16
Total Additional Fee per pitch			£7.16

Table 2- Application for the transfer of a site licence

Process	Time/minutes	Officer Type	
Initial enquiry received and entered on the database	10	Support Officer	
Send out site application form with covering letter	10	Support 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	Support Officer	
Amend site licence	60	Officer	
Site licence checked and signed by Senior EHO	30	Senior EHO	
Licence issued and registered on the system	10	Officer	
All details recorded on Dynamics	20	Officer	
Total time	200 minutes		
<u>Fee Calculation</u>			
Expense Type	Time	Hourly rate	Total
Senior EHO	30 minutes	@ 48.20	£24.10
Officer	130 minutes	@ 42.94	£93.04
Support Officer	40 minutes	@ £25.15	16.77
Land Registry Search		@ £3.00	£3.00
Total Fee			£136.91

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

Process	Time/minutes	Officer Type		
Initial enquiry received and entered on the database	10	Support Officer		
Send out site application form with covering letter	10	Support 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 Senior EHO	30	Senior EHO		
Licence issued and registered on the system	10	Officer		
All details recorded on Dynamics	20	Officer		
Total time	320 minutes			
<u>Fee Calculation</u>				
Expense Type	Time	Hourly rate	Total	
Senior EHO	30 minutes	@	£48.20	£24.10
Officer	270 minutes	@	£42.94	£193.23
Support Officer	20 minutes	@	£25.15	£8.38
Total Fee				£225.71

Table 4- Annual fee payable for an existing licence

Process	Time/minutes	Officer Type		
Prepare for and send out letter to site owner	10	Support Officer		
Annual fee processed	20	Support 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 Senior EHO	20	Senior EHO		
Total fixed time	450 minutes			
Additional inspection time for all pitches over and above pitch 1.	10	Officer		
Additional time per pitch	10 Minutes			
<u>Fee Calculation</u>				
Expense Type	Time		Hourly rate	Total
Senior EHO	20 minutes	@	£48.20	£16.07
Officer	400 minutes	@	£42.94	£286.26
Support Officer	30 minutes		£25.15	£12.58
Total Fixed Fee				£314.91
Additional Pitch fee	10 minutes	@	£42.94	£7.16
Total Additional Fee per pitch				£7.16

Table 5- Deposit of Site Rules

Process	Time/minutes	Officer Type		
Application to deposit site rules received and fee processed	20	Support Officer		
Application checked and site rules considered against legislation	60	Officer		
Amend public register and deposit rules on website	10	Officer		
<u>Fee Calculation</u>				
Expense Type	Time		Hourly rate	Total
Officer	70 minutes	@	42.94	£50.10
Support Officer	20	@	£25.15	£8.38
Total Fee				£58.48

Table 6- Fit and Proper Person Fee

Process	Time/mins	Officer Type
Application received and entered on the database & fee processed	20	Support Officer
Application acknowledgement sent and receipt for fee	15	Support Officer
Check application form is valid/correct fee paid	15	Officer
Review application and supporting documentation	90	Officer
Grant of application or service of preliminary notice	30	Officer
Consideration of additional conditions	30	Officer
Site licence checked and signed by Senior EHO	30	Senior EHO
Licence issued and registered on the system	30	Officer
Review appeal paperwork	20	Officer
Review of appeal by Senior EHO	10	Senior EHO
Appeal response and relevant notice	15	Officer
Issue final decision notice following appeal	10	Senior EHO
All details recorded on Dynamics	30	Officer
Annual review and maintenance of the register	20	Officer

Total fixed time			365 minutes	
<u>Fee Calculation</u>				
Expense Type	Time		Hourly rate	Total
Senior EHO	50 minutes	@	48.20	£40.17
Officer	280 minutes	@	42.94	£200.39
Support Officer	35 minutes	@	25.15	£14.67
Total Fixed Fee				£255.23