



**South
Staffordshire
Council**

**Environmental Health &
Licensing**

**Mobile Homes Act 2013
Fees and Charges Policy**

March 2016

(Reviewed August 2021)

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1. Executive Summary

The policy introduces new requirements for residential caravan sites only, which are referred to as Relevant Protected Sites in the legislation. It also amends the Caravan Sites and Control of Development Act 1960.

The Mobile Homes Act 2013 allows for local authorities to charge for a range of licensing functions on a cost recovery basis and fees can be charged for the following areas of work;

- Licence applications;
- Annual licence fees;
- Licence amendments, when requested by the site owner;
- Transfer of a licence; and
- Depositing of site rules.

In order to be able to implement these fees and charges, South Staffordshire Council must publish a fees and charges policy setting out all of the relevant charges and how they have been calculated. This policy document is designed to fulfil the requirements of the legislation and enables South Staffordshire Council to charge for undertaking the licensing of residential caravan sites. In accordance with guidance, the Policy will be reviewed annually to ensure all the fees and charges are updated. The Policy will be available on the council's website and in hard copy on request from members of the public.

The fees will not apply to sites which are classed as non-residential, i.e. those used exclusively for recreational or holiday use or those that do not require a licence.

The Mobile Homes Act 2013 introduces new fees and charges for the depositing of site rules and keeping a fit and proper person register. However, the requirements for maintaining a fit and proper person register have not been enacted; therefore, a fee cannot be charged for this function at present.

This policy was consulted on in January and February 2016.

2. Introduction

The Mobile Homes Act 2013 received royal assent on the 26th March 2013, and introduces important amendments to the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983. The new legislation affects how councils licence residential caravan sites only. These sites are termed as "relevant protected sites" under the Mobile Homes Act 2013.

The Mobile Homes Act 2013 brought in the ability for local authorities to charge fees for a range of activities associated with regulating such sites. The ranges of site licensing functions which attract a charge include;

- Determining and issuing new site licences;
- An annual fee for licensing existing sites;
- Amendments to site licences;
- Transferring existing licences to new site managers;
- Depositing of site rules with the Council; and
- Costs associated with issuing Enforcement Notices on site owners.

The site owner or licensee is responsible for the payment of all associated fees, as set out above, however they are only allowed to pass on the cost of the annual licensing fee to site residents.

3. Setting of Fees and Charges

In setting the fees and charges relating to the Mobile Homes Act 2013 functions, the council has taken into account both national guidance and local experience. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this the Mobile Homes Act 2013 only allows councils to set fees and charges to recover costs incurred.

4. Establishing the units (caravans) per Site

All sites have varying numbers and types of units (qualifying caravans); the most equitable method for setting fees is to make it relative to the number of units on site. Therefore, it is important to establish the definition of a unit and how the council determines the number of units per site.

For the purposes of this policy a unit (caravan) is classed as a single dwelling, which is capable of being moved from one place to another. This can be in the form of a traditional caravan, which is towed on the back of a vehicle or a chalet type dwelling in up to 2 parts joined on site. The precise definition of a caravan can be found in Section 29(1) of the Caravan Sites and Control of Development act 1960 as amended.

It is important for the setting of fees and charges to be able to determine the precise number of units on each site. All sites must have planning permission or a Certificate of Lawful Use, which sets out the maximum number of permissible units and this will be the determining factor for calculating the number of units for each site. However, there may be occasions due to historic use where this information is not available and these instances this will be based on the number of units set out in the existing site licence.

5. Charging Approach

The council considered a number of options in relation to charging approaches. The council decided on a charging approach based on a price set per the number of units on each site. These charging rates have been split into different bands as being a clear, transparent, equitable and cost efficient system of caravan site charging.

The bands have been set out as follows:

Band A	1 - 5 caravan
Band B	6 - 10 caravans
Band C	11 - 20 caravans
Band D	21 - 30 caravans
Band E	31 - 40 caravans
Band F	41 - 50 caravans
Band G	51 - 74 caravans
Band G	75 or more

The allocation of site banding is based on either the number of units set out in planning permission or as set out in the site licence, where there is no specific planning condition. A total of 8 bands have been set with the top band applying to sites with 75 units or more.

6. Licensing Fees

6.1 Considerations

The following fees per band have been set based on the assessed time taken for various activities, officer grades and on costs. Activities include:

- Administration of licence fees;
- Pre-inspection preparation;
- Site inspection (including travelling time and mileage allowances at current rates);
- Post inspection administration e.g. notification of compliance or detailing non-compliance;
- Re-inspection due to non-compliance;
- General administration - maintaining files, electronic records and cost accounting;
- Training and research;
- Maintenance and development of ICT systems;
- Support and shared services on costs e.g. HR and Legal
- Officer grade – Officers involved with caravan site licensing functions span Grades I to K (spinal column points 30 to 43). Therefore a midpoint grade J has been used to establish officer costs.

Caravan site fees and charges will be reviewed annually, taking into account the regulatory activity undertaken in the previous 12 months.

6.2 Annual Fee

The current fees proposed for 2016/17 are:

Band	Band A*	Band B	Band C	Band D	Band E	Band F	Band G	Band H
No. of Units	1-5	6-10	11-20	21-30	31-40	41-50	51-74	75+
Fee	£103.00	£194.00	£265.00	£333.00	£421.00	£509.00	£608.00	£745.00

* For Band A sites this amount is chargeable once every three years with a reduced inspection frequency to reflect the lower charge.

6.3 New Application Licence Fee

It is estimated that processing a new licence would not be considerably different to the work proposed for the annual licence thus we propose to duplicate the annual licence fee as the new licence fee in the first year of fee setting

Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
No. of Units	1-5	6-10	11-20	21-30	31-40	41-50	51-74	75+
Fee	£312.00	£360.00	£436.00	£536.00	£608.00	£690.00	£763.00	£917.00

6.4 Transfer Fee

A fee of £124 will be charged to process a transfer of licence.

6.5 Licence Amendments Application Fee

There is a statutory requirement to consult residents and any resident associations with regards to changes to any site licence conditions, which increases administration costs. Therefore, a midpoint of the banding scale for sites as set out previously will be used to set the licence amendment fee, which are set out below.

1. Licence amendment (simple) £68.00.
Simple amendments are those requested by the site to change non condition related details e.g. site name change or changes to registered offices or mail addresses.
2. Licence (condition etc) amendments application fee £250.
Changes to the condition(s) require resident and resident association consultation this greatly increases regulatory effort in the overseeing or undertaking of this role.
3. Changes imposed by Local Authority – no charges payable.

6.6 Fee Combination

New sites are required to apply for a site licence on a non refundable fee basis as this will cover the administration and verification of application documents, whether granted or refused. Where the licence is granted the annual fee is also payable within the same year.

In cases where both simple and condition amendments are requested the fees will be combined.

6.7 Fees and Charges Payment Time-frames

Annual Fees and Charges are to be levied from the 1st April each year and all other fees are per application or required function. Any new sites will pay a pro rata payment for annual fees on licensing.

7. Fees for Depositing Site Rules

Site rules are different to site licence conditions in that they are neither created nor enforced by the council. They are a set of rules created by the site owner with which residents have to comply, which may reflect the site licence conditions, but will also cover matters unrelated to licensing. The MHA13 amends the Mobile Homes Act 1983 and requires existing site rules to be updated and the new site rules were to be deposited with the local authority by 3rd February 2015.

Local Authorities will need to satisfy themselves that new rules deposited with them have been made in accordance with the statutory procedure. They will also be required to establish, keep up to date and publish a register of sites which have deposited their site rules. In doing so a Local Authority may levy a fee for the depositing of site rules, or the variation or deletion of site rules.

A fee of £51.00 will be made for the checking and depositing of site rules by site owners.

This fee would also be levied in the event that the posted site rules are amended and require updating.

8. Exemptions

Local Authorities can elect to exempt sites for reasons of risk and/or cost, scale etc.

- Any site that does not require a licence.
- Any site used exclusively for recreational type use.
- Any site exempted by legislation such as the Caravan Sites and Control of development Act 1960; Schedule 1.
- A recreational site where planning permission/Certificate of Lawful Use has been issued and the number of residential units on the site is 5% or less of the overall capacity.
- In accordance with the legislation Gypsy and Traveller sites owned by the Local Authority that do not require a site licence.

9. Charges for Enforcement Notices

From the 1st April 2014, Section 9A of the Mobile Homes Act 2013 allows Local Authorities to serve statutory notices on site owners for non compliance with licence conditions and such a Notice incurs a charge to the site owner. These notices will set out how the site owner needs to comply with the relevant licence condition and the timescales involved. In accordance with the legislation the site owner is not allowed to pass this charge on to the residents of the site.

Under section 9C of the Mobile Homes Act 2013, the council is entitled to recover costs associated with the service of a notice. This includes the costs incurred with inspections, preparing the notice and obtaining expert advice (including legal costs) and any interest the authority intends to charge. The demand for recovery is served with the notice and must clearly breakdown the costs. The right to recover costs is subject to appeal by the site owner in certain circumstances. These will therefore be calculated on a case by case basis.

This charge is only for the service of enforcement notices and costs associated with taking any action for non-compliance with such a notice would be recoverable through the courts. In addition, if compliance with such a notice is through works in default the costs for this would be as a charge against the site owner.

10. Review

This fees and charges policy will be published on the South Staffordshire Council website. The fees detailed in this policy have been determined based on experience of dealing with site licensing historically and with consideration of the changes the Mobile Homes Act 2013 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 time involved resulting in a revision to the proposed charges.

The initial policy will be revised no later than March 2017 in line with the Council's fee setting process.

Fees and charges policy document

Application For New Site Licence								
Site size	75+	51-74	41-50	31-40	21-30	11-20	6-10	1-5
Initial enquiry and correspondence to facilitate application (mins)	60	60	60	60	60	60	60	60
Receipt of application and validation checks (mins)	90	90	90	90	90	90	90	90
Preparation for site visit (mins)	30	30	30	30	30	30	30	30
Site Inspection (mins)	300	240	180	150	120	90	60	30
Travel time (mins)	60	60	60	60	60	60	60	60
Draft Licence (incl. Conditions) (mins)	240	180	150	120	90	60	45	30
Licence review and correspondence with site owner & other interested parties (mins)	150	120	120	120	90	60	30	30
Manager review (mins)	30	30	30	30	30	30	30	30
Issue licence & register (mins)	30	30	30	30	30	30	30	30
Preparation for revisit (mins)	75	60	60	45	45	30	30	30
Re-visit (total mins)	240	180	150	120	90	60	30	15
Travel time (mins)	60	60	60	60	60	60	60	60
Secondary review & correspondence (mins)	150	120	120	90	90	60	40	20
Total time (mins)	1515	1260	1140	1005	885	720	595	515
Total time (hours)	25.25	21.00	19.00	16.75	14.75	12.00	9.92	8.58
Hourly rate (£)	36.32	36.32	36.32	36.32	36.32	36.32	36.32	36.32
Total fee	£917.14	£762.77	£690.13	£608.40	£535.76	£435.87	£360.20	£311.77
Rounded	£917	£763	£690	£608	£536	£436	£360	£312

Annual Site Licence Fee								
Process	75+	51-74	41-50	31-40	21-30	11-20	6-10	1-5
Preparation for site visit (mins)	180	140	120	100	80	60	40	30
Site inspection (mins)	240	210	180	150	120	90	60	30
Travel time (mins)	30	30	30	30	30	30	30	30
Correspondence with site owner & other interested parties (mins)	150	120	90	75	60	45	30	20
Preparation for revisit (mins)	180	140	120	100	80	60	40	30
Re-visit (total mins)	180	140	120	100	80	60	40	30
Routine monitoring visit (mins)	90	75	60	50	40	30	20	0
Travel time (mins)	30	30	30	30	30	30	30	0
Work arising from routine monitoring (mins)	150	120	90	60	30	30	30	0
Total time (mins)	1230	1005	840	695	550	435	320	170
Total time (hours)	20.50	16.75	14.00	11.58	9.17	7.25	5.33	2.83
Hourly rate (£)	36.32	36.32	36.32	36.32	36.32	36.32	36.32	36.32
Total fee	£744.61	£608.40	£508.51	£420.74	£332.96	£263.34	£193.72	£102.91
Rounded	£745	£608	£509	£421	£333	£263	£ 194	£103

Application to Transfer/Amend Site Licence	
Process	Mins.
Receipt of application and validation checks	120
Review information & determine licence	30
Manager review	10
Issue licence & register	45
Total time (mins)	205
Total time (hours)	3.42
Hourly rate (£)	£ 36.32
Total fee (£)	£ 124.10
Rounded	£ 124.00

Deposition of Site Rules	
Process	Mins.
Receipt of site rules	15
Acknowledgement letter	30
Scan & Upload to website	20
Verify uploaded file	20
Total time (mins)	85
Total time (hours)	1.42
Hourly rate (£)	£ 36.32
Total fee (£)	£ 51.46
Rounded	£ 51.00

Costs Associated with Fit & Proper person applications	Mins
Pre application advice	30
Receipt of application and recorded on EH Systems. Acknowledgement email sent	15
Review application and make enquiries re FPP documents and declarations (including management and finances). Check documents and certificates	120
Update EH Systems	30
Time for reviewing any representations from applicant or third parties, including reviews carried out by manager or legal	30
Application of any conditions	30
Grant of application (Final Notice) or serve Preliminary Notice (approved by Team Manager)	30
Add relevant person's details onto public register	15
Review Appeal paperwork (assume 1 every 10 applications) Produce appeal response and relevant Notice, issue final decision	30
Enforcement- removal from register or in relation to conditions (assume 1 every 10 applications)	30
Total Time per Application (mins)	360
Total Time per Application (hrs)	6
Hourly Rate	£36.32
TOTAL COST PER APPLICATION	£217.92
ROUNDED	£218.00

Costs Associated with Fit & Proper Person annual fee	Mins
Correspondence to review fit and proper conditions included in grant of application.	15
Handling enquiries and complaints	15
Process of annual fee	15
Reviewing requirements of conditions set for fit and proper person. Check documents and certificates. Consultations, meetings and advice to site owner	60
Updating EH Systems	15
Enforcement & monitoring of FPP condition requirements	30
Total Time per application (mins)	150
Total Time per application (hrs)	2.5
Hourly Rate	£36.32
TOTAL COST PER APPLICATION	£90.80
ROUNDED	£91.00

Calculation of Officer Hourly Rate

Based on Spinal Column point 37 - £31,846

Salary	£ 31,846.00
on cost (NI, Pensions)	£ 9,600.00
Service Unit support	£ 28,438.48
Total	£ 69,884.48
Number of hours per year	1,924
Hourly Rate	£ 36.32

