

# **Rushcliffe Borough Council**

## **Mobile Homes Fees Policy**

**2024 - 2029**

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## **1. Introduction**

Rushcliffe Borough Council is required to grant caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) (CSCDA60) for sites that have planning permission for a caravan site unless they have an exemption under the Act.

The CSCDA60 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, the pitch fee review process, the deposit of site rules and from 1 July 2021 introduces an application process for site licence holders to register as fit and proper persons.

Local authorities must have a policy setting out how it will set and charge fees in order to comply with legislative requirements. 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.

This Policy will be used to determine fees that will be levied from 1 April 2024.

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

Local Authorities may charge fees to cover the costs of their licensing functions in respect of “relevant protected sites”. A relevant protected site is defined by Section 5A (5) and (6) of the Caravan Sites and Control of Development Act 1960.

Fees can be charged for:

- Applications for a new site licence
- Applications to transfer or amend an existing site licence
- Annual fee for administering and monitoring existing site licences
- Fee for Depositing site rules
- Applications to register as a fit and proper person (from 1 July 2021)
- Annual fee for monitoring the fit and proper person register

This policy details the fees to be charged for these functions. The fee levels are calculated based on the estimated average time and costs involved in undertaking the activities involved. Fees are payable at the application stage and are non-refundable.

### **3. Application for a new site licence**

All sites require a site licence to operate (subject to exemptions in the CSCDA60); failure to apply for licence is an offence under Section 1(2) of CSCDA60. 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 should be processed within 2 months of the licence application unless otherwise agreed.

The fee for a new site licence reflects the variation in the cost of processing the application according to the size of the site. See Appendix 1.

### **4. Transfer / amendment of an existing site licence**

Where a licence holder wishes to transfer the licence, an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence. Similarly, where a site owner requests an amendment to the site licence conditions the Council can charge a fee for this function. Where significant amendments to the site licence conditions are requested, this is likely to involve a site visit so the fee for this licensing activity will be slightly greater. Applications may also be made by licence holders to vary or cancel conditions; the fee is payable at the application stage.

If the Council deem it necessary to alter conditions, there will be no fee payable. See Appendix 2.

### **5. Annual fee for existing site licences**

All relevant protected sites must pay a licensing fee to the Council (subject to any exemptions stated in this policy). The annual fee covers the costs associated with site inspections and administration to ensure compliance with the site licence conditions. If there is a breach in site licence conditions, further charges may be payable to cover the cost of any enforcement action which may be taken.

Some sites will be exempt from the annual fee, these include:

- Sites for holiday use only or are only permitted to have caravans stationed on them at certain times of the year
- Sites with 3 units or less
- Sites where all caravans are occupied by members of the same family and not run commercially or for financial gain.

These categories of site are exempt from the annual licensing fee as the Council does not intend to carry out routine annual inspections of these sites, however, any complaints will be dealt with as appropriate. See Appendix 3.

## **6. Fees for depositing site rules**

Site Rules are different to the site licence conditions. They 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 states 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 them online.

Before publishing the site rules the Council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee is payable 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. See Appendix 4.

## **7. Application to register as a fit and proper person**

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. 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.

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. See Appendix 5.

## **8. Annual fee for inclusion in register**

There will be no annual fee for simple inclusion on the register. In the event that specific conditions are added to a fit and proper person determination, then the local authority may charge an annual fee due to the additional work relating to these matters. The Council does not intend to charge for this element.

## **9. 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 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 will be provided with the compliance notice. Charges will be based on an hourly rate in addition to any other costs incurred for example legal costs.

## **10. Publishing and revising the fee policy**

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically. The Council reserves the right to review and amend this Policy at any time, however it will be revised no later than 1 April 2029. Details of the actual fees to be charged can be found on our website in our fees and charges section.

## Appendix 1 - Calculating the Application Fee

To set the fee we can take into account the following matters to determine costs incurred. This charge will be in addition to the annual fee.

| <b>Application Fee</b>  | <b>Time (minutes)</b> |
|---|-----------------------|
| Log the application, Process Fee (Admin)                          | 30                    |
| Validate the application (Licensing Officer)                      | 60                    |
| Travel to site (Environmental Health Officer)                     | 30                    |
| Inspection of common parts of site (Environmental Health Officer) | 120                   |
| *Inspection time per plot*  | 10                    |
| Record details of inspection (Environmental Health Officer)       | 60                    |
| Prepare Draft Licence (Environmental Health Officer)              | 60                    |
| Liaison with Site Owner (Environmental Health Officer)            | 60                    |
| Issue Final Licence (Manager)                                     | 60                    |
| Subsequent Admin (Environmental Health Officer)                   | 30                    |

### Fee Calculation

Admin Officer (AO) – 30 minutes

Licensing Officer (LO) – 60 minutes

Environmental Health Officer (EHO) – 360 minutes (+ 10 mins per plot)\*

Manager (MAN) – 60 minutes

**Application fee = (Hourly Rate of AO x 0.5) + (Hourly Rate of LO x 1) + (Hourly Rate of EHO x 6) + (Hourly Rate of MAN x 1) + ((Number of plots x (0.166 x Hourly Rate of EHO))**

## Appendix 2 - Calculating the Transfer / Amendment Fee

To set the fee we can take into account the following matters to determine costs incurred. This charge will be in addition to the annual fee.

| <b>Application Fee</b>  | <b>Time (minutes)</b> |
|---|-----------------------|
| Log the application, Process Fee (Admin)                          | 30                    |
| Validate the application (Licensing Officer)                      | 30                    |
| Travel to site (Environmental Health Officer)                     | 30                    |
| Inspection of common parts of site (Environmental Health Officer) | 120                   |
| Record details of inspection (Environmental Health Officer)       | 30                    |
| Prepare Draft Licence (Environmental Health Officer)              | 30                    |
| Liaison with Site Owner (Environmental Health Officer)            | 30                    |
| Issue Final Licence (Manager)                                     | 30                    |
| Subsequent Admin (Environmental Health Officer)                   | 30                    |

### Fee Calculation

Admin Officer (AO) – 30 minutes

Licensing Officer (LO) – 30 minutes

Environmental Health Officer (EHO) – 270 minutes

Manager (MAN) – 30 minutes

**Transfer fee = (Hourly Rate of AO x 0.5) + (Hourly Rate of LO x 0.5) + (Hourly Rate of EHO x 4.5) + (Hourly Rate of MAN x 0.5)**



### Appendix 3 – Calculating the Annual Site License Fee

To set the fee we can take into account the following matters to determine costs incurred.

| <b>Annual Fee</b>   | <b>Time (minutes)</b> |
|---|-----------------------|
| Process Fee (Admin)   | 15                    |
| Prepare / Review Case & Previous (Environmental Health Officer)   | 30                    |
| Travel to site (Environmental Health Officer)                     | 30                    |
| Inspection of common parts of site (Environmental Health Officer) | 120                   |
| *Inspection time per plot*  | 10                    |
| Record details of inspection (Environmental Health Officer)       | 30                    |
| Issue Letter (Environmental Health Officer)                       | 60                    |
| Follow Up (Environmental Health Officer)                          | 30                    |

#### Fee Calculation

Admin Officer (AO) – 15 minutes

Environmental Health Officer (EHO) – 300 minutes (+ 10 mins per plot)\*

**Annual fee = (Hourly Rate of AO x 0.25) + (Hourly Rate of EHO x 5) + ((Number of plots x (0.166 x Hourly Rate of EHO))**

## Appendix 4 – Calculating the Fee for Depositing Site Rules

To set the fee we can take into account the following matters to determine costs incurred.

| <b>Depositing Site Rules Fee</b>                              | <b>Time (minutes)</b> |
|---|-----------------------|
| Log the application, Process Fee (Admin)                      | 30                    |
| Validate the request (Licensing Officer)                      | 30                    |
| Update Records, Publish on Website & File (Licensing Officer) | 30                    |

### Fee Calculation

Admin Officer (AO) – 30 minutes

Licensing Officer (LO) – 60 minutes

**Fee = (Hourly Rate of AO x 0.5) + (Hourly Rate of LO x 1)**

## Appendix 5 – Calculating the Fee to Register as a Fit and Proper Person

To set the fee we can take into account the following matters to determine costs incurred.

| <b>Application Fee</b>                                      | <b>Time (minutes)</b> |
|---|-----------------------|
| Log the application, Process Fee (Admin)                    | 30                    |
| Validate the application (Licensing Officer)                | 60                    |
| Complete Checks (Environmental Health Officer)              | 150                   |
| Update records (Environmental Health Officer)               | 30                    |
| Issue Decision / Update Public Register (Licensing Officer) | 60                    |

### Fee Calculation

Admin Officer (AO) – 30 minutes

Licensing Officer (LO) – 120 minutes

Environmental Health Officer (EHO) – 180 minutes

**Fee = (Hourly Rate of AO x 0.5) + (Hourly Rate of LO x 2) + (Hourly Rate of EHO x 3)**