

**Rushcliffe Borough Council**  
**(Draft) Mobile Homes Fees Policy**  
**2021- 2024**

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## Related documents

The following documents have been consulted in drafting this policy

The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)

Mobile Homes Act 2013 (MHA 2013)

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

Regulators Compliance Code

RBC Corporate Enforcement Policy

DCLG Guidance on Site Licensing Fee Setting

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/285926/140227\\_A\\_guide\\_for\\_Local\\_Authorities\\_on\\_setting\\_site\\_licensing\\_fees.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285926/140227_A_guide_for_Local_Authorities_on_setting_site_licensing_fees.pdf)

DCLG Guidance on Enforcement

<https://www.gov.uk/government/publications/mobile-homes-act-2013-a-best-practice-guide-for-local-authorities-on-enforcement-of-new-site-licensing-regime>

## **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<sup>st</sup> 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 fees will be assessed each year and adjusted accordingly depending on whether there is any surplus or deficit.

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**

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.

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

Fees can be charged for:

- Applications for a new site licence
- Applications to transfer or amend an existing site licence
- Licensing fees for administering and monitoring existing site licences.
- Depositing site rules
- Applications to register as a fit and proper person (from 1<sup>st</sup> July 2021)
- Annual fee for monitoring the fit and proper person register

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

Appendix 1 details the activities that the Council can consider in calculating fee levels.

### **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 must be processed within 2 months of the licence application.

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

### **4. Transfer/amendment of 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.

### **5. Licensing fees 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.

Appendix 2 details the formula used to calculate the unit fee and shows how this is used to calculate the annual fee.

The fee payable is then determined by a risk rating assessment carried out on each site following inspection. This risk assessment takes in to account the size of site, the number of justified complaints investigated in the past year and the general level of compliance with site licence conditions. The risk is rated as low, medium or high which will then determine the frequency of inspection and the amount of fee payable.

This means that a site which is historically more problematic than another site and therefore requires more officer involvement and more monitoring, would pay a higher licence fee than a well managed site that requires very little local authority involvement.

The risk rating matrix is included in this policy in Appendix 3.

Risk	Score from matrix	Inspection frequency	Risk factor	Annual fee payable
Low	0-30	2 years	2	<u>Unit cost x No. of units</u> 2
Medium	31 – 50	1.5 years	1.5	<u>Unit cost x No. of units</u> 1.5
High	>51	1 year	1	<u>Unit cost x No. of units</u> 1

For a new site, a site under new ownership or where there has been a significant change to the site, this will be rated as high risk for the first year of operation. They will be risk rated accordingly in year two to determine future inspection frequency and fee payable.

Similarly, for those rated as low and subsequently standards deteriorate, inspections may be brought forward and the site re-rated accordingly.

Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

If a site owner does not agree with their risk rating assessment, they may make a representation in writing to the Environmental Health Service Manager or follow the Council's corporate complaints procedure.

#### **Sites exempted from Annual Licensing fees**

- 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 do not intend to carry out annual inspections of these sites, however, any complaints will be dealt with as appropriate.

#### **Charging Arrangements**

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

In the event the 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. If the arrears have not been paid after 3 months the Council may apply to the Tribunal for an Order revoking the site licence.

## **6. 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 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 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 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.

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

From 1<sup>st</sup> 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.

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.

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.

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

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.

## **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.

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

If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process will be at the discretion of the court.

If a prosecution is successfully taken, the Council will have the power to carry out the works in default of the licence holder and recover these expenses.

## **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 April 2024. Details of the individual fees charged can be found on our website:

<https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/otherlicences/caravansandmobilehomes/>

## **Appendix 1**

### **Elements included in setting the annual site licence fee**

The DCLG guidance sets out the activities that the Council can include when calculating its annual fee, these include:

- Emails/ letters/ 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 website
- processing the licensing fee
- time for reviewing necessary documents and certificates
- downloading photographs
- preparing reports on contraventions
- review by manager and/or the legal team
- 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

### **Elements included in setting the fee for applications to the fit and proper person register**

It is recommended that the Council take into account the following matters when determining its fee policy for consideration of applications for entry on a fit and proper register:

- Initial enquiries;
- Emails/ letters/ 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 fit and proper process;
- sending out forms;



- updating files/ computer systems and websites;
- processing the application fee;
- land registry searches;
- time for reviewing necessary documents and certificates;
- preparing preliminary and final decision notices;
- review by manager or legal;
- review any representations made by applicants or responses from third parties;
- updating the public register;
- carrying out any risk assessment process considered necessary;
- reviews of decisions or in defending appeals.

#### **Elements included in setting the annual fee for monitoring the register**

- Emails/ letter/ 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 fit and proper process;
- handling enquiries and complaints;
- updating files/ computer systems and website
- processing the annual fee;
- time for reviewing necessary documents and certificates
- preparing reports on breaches of conditions attached to an entry
- review any representations from an applicant or third parties, including reviews carried out by manager or legal
- carrying out risk assessment where considered necessary
- time spent on consulting the site owner and third parties
- time spent on meetings/discussions and in giving informal advice and assistance to site owners

Please note the above lists are not exhaustive.

## Appendix 2

### Annual Fee setting template

$$(((A - 1) \times B) + C) / 60 \times D$$

A = Number of pitches

B = Time taken to inspect additional units (minutes) – estimated as 10 mins

C = Fixed admin time (minutes) for one unit – this also includes inspection of the one unit (that is why it is -1).

D = Officer hourly rate

Annual licence time calculation	
	Time (minutes)
Put on service request, letter to site owner (Admin)	10
Liaison with Site owner (Officer)	15
Records check on Uniform and idox/Site file (Officer)	15
Travel to site (Officer)	30
Inspection of common parts and one unit (Officer)	60
Record details of inspection (Officer)	30
Follow up letter and phone call (Officer)	30
Annual fee processing (Admin)	20
Revisit travel (Officer)	30
Revisit and subsequent admin (Officer)	60
Total (C)	300

### Appendix 3

#### Risk Rating Matrix

##### Occupancy

Number of units	Score	Total
1 - 5	0	
6 - 20	5	
21-50	10	
51-100	15	
>100	20	

##### Complaints

Number of substantiated complaints in 12 months	Score	Total
No complaints	0	
1 complaint	10	
Up to 3 complaints	20	
> 3 complaints	30	

##### Compliance with site licence conditions

	Score	Total
Full compliance with conditions	0	
Non-compliance with 1 condition	10	
Non-compliance with 1-3 conditions	20	
Non-compliance with >3 condition	Additional 10 per condition	

**Enforcement action**

	<b>Score</b>	<b>Total</b>
<b>Advisory letter sent</b>		
<b>Compliance notices served</b>		
<b>Prosecution in past 5 years</b>		
<b>Total score</b>		

<b>Risk</b>	<b>Score from matrix</b>	<b>Inspection frequency</b>
<b>Low</b>	<b>0-25</b>	<b>24 months</b>
<b>Medium</b>	<b>26 - 55</b>	<b>18 months</b>
<b>High</b>	<b>&gt;56</b>	<b>12 months</b>

**Site:**

**Date:**

**Officer:**