



Blaby District Council Mobile Homes Fees Policy

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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
- BDC Environmental Health 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
- 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

Blaby District Council (BDC) has granted Caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) (CSCDA) for sites that have planning permission for a caravan site. 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.

There was an expectation that following the introduction of the MHA 2013, BDC should inspect certain sites on a regular basis and use the additional powers to ensure compliance with site licence conditions. Fees can be charged for the licensing function, for enforcement where applicable and to publish site rules.

BDC first introduced a fees policy relating to the MHA 2013 in 2015. The Council have taken into account the experience and knowledge gained during the implementation of the Act to review that policy and produce this revised policy.

2. Fees charged for site 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 the Act 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 and Gypsy Roma and Traveller sites 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 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

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 from 1st April 2019.

Appendix 2 details how each of the following fees have been calculated.

Exemptions from Annual Fees

Blaby District Council will make sites that have three or fewer pitches exempt from annual 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 less than three pitches 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.

3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the CSCDA 1960); 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. The costs are shown in table 1 below:

Table 1: New licence application fees

	Size of site		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Fee	£455	£480	£500

4. 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 table 2 below:

Table 2: Transfer / Amendment of licence fees

	Size of site		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Transfer Fee	£190	£190	£190
Amendment of licence fee (no inspection)	£275	£275	£275
Amendment of licence fee (with inspection)	£315	£335	£360

5. 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.

The licensing fee covers the costs associated with administration and site inspections 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 (see Enforcement costs – section 6).

These fees will come into effect on 1 April 2019 and thereafter it will be charged at intervals of 12, 18, 24 or 36 months depending on the risk rating given to the site. The risk rating will be determined by a risk assessment carried out after an inspection of the site. This risk assessment takes into account the size of the site, the number of complaints investigated in the past year and general compliance with site licence conditions. The risk rating of A, B, C or D (A being the highest risk) will then determine the frequency of programmed inspections and when the fee is payable.

The risk assessment matrix used to determine the risk category (A to D) is included in this policy as Appendix 3.

For a new site, a site under new ownership or where there has been a significant change to the site, this will be charged the standard base annual fee (Category A) for the first year of operation. They will be risk rated in year one to determine the future inspection frequency and fee payable. Similarly for those rated as lower risk but standards subsequently deteriorate, inspections may be brought forward and the site re-rated accordingly.

Risk ratings and 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 they can make a representation in writing to the Environmental Health Manager or follow the Council's corporate complaints procedure.

Charging Arrangements

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

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. For the purpose of this policy the period covered by the licensing fee will be dependent on the site's risk rating (12, 18, 24 or 36 months from the date of the last inspection or granting of a new site licence). 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.

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 table 3 below:

Table 3: Licensing fees

	Size of site		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Fee	£175	£220	£265

The period covered by the licence fee is illustrated in table 4 below:

Risk Category	Period covered by the fee
A	12 months
B	18 months
C	2 years
D	3 years

6. 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. 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. Any costs awarded associated with this process would be at the discretion of the court.

If a prosecution was successfully taken, the Council would have the power to carry out the works in default of the licence holder, although this decision would be made on a case by case basis and dependent on a number of factors such as risk, impact etc.

7. 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 is **£140** and reflects the fixed costs for this function.

8. Publishing and reviewing the fee policy

This fees policy will be published on the Blaby District Council website at www.blaby.gov.uk. The fees detailed in this policy have been determined based on recent and historical experience of dealing with site licensing including consideration of the changes the MHA 2013 has introduced. This policy will be revised no later than April 2022.

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:

- 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

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.

Hourly rate for enforcement costs is set at the standard Environmental Health Officer rate of £45.84 (2018/19 financial year). The hourly rate for enforcement costs is subject to annual review and will be published in the schedule of fees and charges.

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

Appendix 2 Fee calculations

All fees to be charged have been rounded to the nearest £5 for simplicity and ease of processing.

New licence applications

Process / Action	Time (minutes)		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Examine application documentation to confirm that it is fully completed and the fee paid, check associated certificates and planning permissions.	120	120	120
Make assessment of site layout, provision of amenities/utilities, examine fire risk assessment	60	60	60
Finance receive payment of fee, process payment and issue receipt	30	30	30
Verification inspection of the site *	80	110	140
Review inspection findings	60	60	60
Prepare licence documents	60	60	60
Consultations with site owner, residents and other interested parties including Leicestershire Fire and Rescue Service	60	60	60
Review licence documentation following consultation	60	60	60
Issue licence and associated correspondence (or refusal)	30	30	30
Update database and public register	30	30	30
Total time (hours)	9.83	10.33	10.83
Officer hourly rate **	£45.84	£45.84	£45.84
Land Registry standard charge	£6	£6	£6
Total	£456.76	£479.68	£502.60
Fee to be charged	£455	£480	£500

* Inspection time includes notional travel time of 20 minutes

** Officer hourly rate for Environmental Health Officer provided by Finance Department at BDC

Transfer of licence

Process / Action	Time (minutes)		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Examine application documentation to confirm that it is fully completed and the fee paid, check associated certificates and information supplied.	120	120	120
Finance receive payment of fee, process payment and issue receipt	30	30	30
Prepare transfer licence documents	30	30	30
Issue licence and associated correspondence (or refusal)	30	30	30
Update database and public register	30	30	30
Total time (hours)	4.00	4.00	4.00
Officer hourly rate **	£45.84	£45.84	£45.84
Land Registry standard charge	£6	£6	£6
Total	£189.36	£189.36	£189.36
Fee to be charged	£190	£190	£190

** Officer hourly rate for Environmental Health Officer provided by Finance Department at BDC

Variation of licence (no inspection)

Process / Action	Time (minutes)		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Examine application documentation to confirm that it is fully completed and the fee paid.	120	120	120
Finance receive payment of fee, process payment and issue receipt	30	30	30
Decision to accept application to amend licence	30	30	30
Prepare amended licence documents	30	30	30
Consultations with site owner, residents and other interested parties	60	60	60
Review licence documentation following consultation	30	30	30
Issue amended licence and associated correspondence (or refusal)	30	30	30
Update database and public register	30	30	30
Total time (hours)	6.00	6.00	6.00
Officer hourly rate **	£45.84	£45.84	£45.84
Total fee	£275.04	£275.04	£275.04
Fee to be charged	£275	£275	£275

** Officer hourly rate for Environmental Health Officer provided by Finance Department at BDC

Variation of licence (with inspection)

Process / Action	Time (minutes)		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Examine application documentation to confirm that it is fully completed and the fee paid.	120	120	120
Finance receive payment of fee, process payment and issue receipt	30	30	30
Verification inspection of the site * and ***	50	80	110
Decision to accept application to amend licence	30	30	30
Prepare amended licence documents	30	30	30
Consultations with site owner, residents and other interested parties	60	60	60
Review licence documentation following consultation	30	30	30
Issue amended licence and associated correspondence (or refusal)	30	30	30
Update database and public register	30	30	30
Total time (hours)	6.83	7.33	7.83
Officer hourly rate **	£45.84	£45.84	£45.84
Total	£313.24	£336.16	£359.08
Fee to be charged	£315	£335	£360

* Inspection time includes notional travel time of 20 minutes

** Officer hourly rate for Environmental Health Officer provided by Finance Department at BDC

*** Decision made by receiving officer at time of application depending on what amendments are requested

Annual fees

Process / Action	Time (minutes)		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Review history of the site including any complaints, contact with owner / residents	60	60	60
Site inspection *	80	110	140
Review inspection findings, complete risk matrix and report to owner / residents as required	60	90	120
Update database	30	30	30
Total time (hours)	3.83	4.83	5.83
Officer hourly rate **	£45.84	£45.84	£45.84
Total	£175.72	£221.56	£267.40
Fee to be charged	£175	£220	£265

* Inspection time includes notional travel time of 20 minutes

** Officer hourly rate for Environmental Health Officer provided by Finance Department at BDC

Fees for depositing and publishing site rules

Process / Action	Time (minutes)		
	Band 1 (0 – 10 units)	Band 2 (11 – 40 units)	Band 3 (41+ units)
Receipt of application and fee, checking that correct statutory process followed including any pending appeals	60	60	60
Finance receive payment of fee, process payment and issue receipt	30	30	30
Consultation with site owner and residents	45	45	45
Update database, publish site rules on website, confirmation to owner	45	45	45
Total time (hours)	3.00	3.00	3.00
Officer hourly rate **	£45.84	£45.84	£45.84
Total	£137.52	£137.52	£137.52
Fee to be charged	£140	£140	£140

** Officer hourly rate for Environmental Health Officer provided by Finance Department at BDC

Appendix 3 Risk Rating Matrix

Occupancy

Number of units	Score	Total
1-50	5	
51-99	10	
100+	15	

Complaints

Number of substantiated complaints in 12 months	Score	Total
No complaints	0	
Up to 3 complaints	10	
More than 3 complaints	15	

Compliance with site conditions

Spacing	Score	Total
All park homes spaced correctly	0	
Less than 10% closer than 6m (new homes)	10	
More than 10% closer than 6m (new homes)	15	
Combustible items in spacing	Additional 15	

General Conditions	Score	Total
Roads, Footpaths and communal areas	5	
Defective road, path surfaces	5	
Insufficient lighting	5	
Infringement of road/path width	5	
Insufficient emergency vehicle access	5	
Inadequate refuse containers	5	
Trees/hedges/vegetation not maintained	5	
Inadequate/defective Water supply	5	
Inadequate/defective drainage	5	

Fire Safety	Score	Total
Lack of Fire Risk Assessment	10	
Lack of test certificates on equipment	5	
Lack of fire notices	5	

Site information	Score	Total
Lack of site plan on display	5	
Lack of license holder information/site license on display	5	

Other	Score	Total
Total number of homes above permitted number	10	
Unsafe storage of gas/oil	10	
Electrics not maintained in accordance with current statutory requirements	10	
		Total Score:

Risk	Score from matrix	Inspection frequency
A	80+	12 months
B	65+	18 months
C	36 – 64	2 years
D	0-35	3 years