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Adopted by Licensing Committee 13 June 2018
1.0 Purpose of Policy

1.1 This policy establishes the principles and methods of calculation for fees and charges permitted to be charged under the Mobile Homes Act 2013 (and related regulations).

1.2 The Council has a duty to grant licenses for caravan sites under the Caravan Sites and Control of Development Act 1960 for sites that have been granted planning permission. The Control of Development Act 1960 has now been amended by the provisions of the Mobile Homes Act 2013. The Mobile Homes Act 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.

1.3 The Mobile Homes Act 2013 introduces important changes to the buying, selling or gifting of a park home and the pitch fee review process.

1.4 There is an expectation that Councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions.

1.5 Councils can now charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site.

2.0 Scope and Application

2.1 This policy details all fees and charges permitted to be made under the Mobile Homes Act 2013 (“the Act”).

2.2 Any review of fees shall have regard to this policy.

2.3 This policy shall not take precedent over any legislation or statutory guidance where it exists.

2.4 The changes introduced by the Act, in respect of Site Licensing, came into force on 1st April 2014. The powers in the Act include powers for local authorities to charge fees for their licensing functions in respect of “Relevant Protected Sites”.

2.5 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 although the new requirements DO apply to sites which have a mix of holiday and residential units
- 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).
- It does not include sites that are owned by the Local Authority, a caravan occupied by the owner of the land, or person employed by the occupier of the land who does not occupy the caravan under an agreement which the Mobile Homes Act 1983 applies

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks and/or Gypsy Roma and Traveller sites.
3.0 The Fee Structure

3.1 In setting this fee policy and the fees to be charged the Council has had regard to the Guide for Local Authorities on Setting Site Licensing Fees issued by the Department for Communities and Local Government (2014)

3.2 Local Authorities can charge:

3.2.1 A licence fee for applications to grant or transfer a licence or application to alter the conditions of a licence and;

3.2.2 An annual fee for administering and monitoring licences

3.2.3 A deposit fee for site rules

3.3 Site owners may recover the cost of an annual licence fee only through the pitch fee review, by adding this to the pitch fee in the first year the licence is introduced. The cost of the licence fee will then remain part of the pitch fee

3.4 In calculating the fee structure the Council will calculate is fees in accordance with Mobile Homes Act 2013 which allows the Council to include all its reasonable costs, including administrative costs, officer visits to the site, consultations, meetings, informal advice and updating the public register

4.0 Review of the Fee Structure

4.1 A review of the fees structure may be carried out annually
5.0 Payment of Fees

5.1 All fees are to be included with the application for a new site licence, for amending a site licence, for transferring a site licence or the deposit of site rules.

5.2 In the case of exiting sites where an annual site licence fee is payable it shall be due on 1 July of each year.

5.3 Where customers fail to pay for fees and charges, they will be made liable for the additional costs of enforcement and collection where possible.

5.4 For the purpose of this policy the period covered by the annual fee will be 1 July to 30 June each year. The fee will be charged to the site owner/license holder by invoices with payment due within 30 days.

5.5 Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro-rata amount.

5.6 Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following years annual fee.

5.7 Legislation allows the license holder to pass on the annual fee cost for 2014/15 to the resident’s pitch fee.

5.8 In the event that an 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.

6.0 Application Fee

6.1 All sites require a site licence to operate (subject to exemptions in the Caravan Sites and Control of Development Act 1960); failure to apply for licence is an offence under Section 1(2) of the Caravan Sites and Control of Development Act 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.

6.2 The size of the site will be taken as the maximum amount of caravans permitted under the planning consent for the site not the amount of caravans on the site at the time of the application.

6.3 An additional time factor may need to be added if a ‘fit and proper’ person test is introduced.

6.4 The fee for a new site licence is £633.16 plus £19 per additional pitch on the site. This is to reflect the variation in the cost of processing the application depending on the size of the site.

6.5 See Appendix A for information relating to the calculation of fees.
7.0 Annual Fee

7.1 All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy).

7.2 The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any outstanding works required. If there is still a breach in site licence condition at the point of the revisit further charges may be payable to cover the cost of any enforcement action which may be taken.

7.2 The following formula shall be used to calculate the base fee for the annual fee.

\[(A - 1) \times 10 = B\]

\[((B+C)/60) \times D = Z\]

\[A = \text{number of pitches}\]
\[B = \text{time spent inspecting total number of pitches}\]
\[C = \text{average calculated time for inspection admin}\]
\[D = \text{officer hourly rate}\]
\[Z = \text{Fee to be charged}\]

7.3 The fee guidance issued by the government suggests that the Annual Fee needs to reflect the cost of providing this service averaged across all the sites within a district.

7.4 The Annual Fee shall be payable on the 1 April each year.

7.5 The Annual Fee shall be £13.52 per pitch

7.6 See Appendix C for information relating to the calculation of Annual Fees.
8.0 Transfer/Amendment of Site Licence

8.1 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.

8.2 Similarly where a site owner requests an amendment to site licence conditions the council can charge a fee for this function.

8.3 Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

8.4 This fee is based on the estimate of time that it is considered a transfer of a licence will take. An additional time factor may need to be added if the ‘fit and proper’ person test is introduced.

8.5 Transfer of Licence fee shall be £152.42

8.6 Where significant amendments to the site license conditions are requested this is likely to involve a site visit, so the fee for this licensing activity will increase to £254.27

8.7 See Appendix B for information relating to the calculation of fees

9.0 Enforcement Costs

9.1 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 Caravan Sites and Control of Development Act 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.

9.2 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 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.

9.3 Charges for enforcement costs cannot be passed onto the residents via the pitch fee.
10.0 Fees for Depositing Site Rules

10.1 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 Mobile Homes Act 2013 changes the way site rules must be agreed between both parties. The Local Authority must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

10.2 Before publishing the site rules the Local Authority will ensure the rules deposited have been made in accordance with the statutory procedure and a fee can be charged for this function.

10.3 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.

10.4 The fee is £111.29 this reflects the fixed cost for this function.

10.5 See Appendix D for information relating to the calculation of fees.

11.0 Exemptions

11.1 Sites which meet the following criteria will not be subject to the fees set out in this policy.

11.1.1 Exemption One

Sites that are not relevant protected sites

11.1.2 Exemption Two

Sites with five or less caravans as they are considered low risk and the cost of inspection is outweighed by the cost of the administration charges.

11.1.3 Exemption Three

Sites with caravans all occupied by members of the same family and not run for financial gain.

11.2 The Local Authority may request evidence from a site owner in connection with an exempt site to ascertain the site qualifies for an exemption.
12.1 The fees detailed in this policy have been determined based on historical experience of dealing with site licensing. 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.

12.2 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 the time involved.

12.1 The Council reserves the right to review and amend this Policy at any time.
# Applications for grant of a new licence

In order to set the fees for these applications we can take into account the following matters on which costs are incurred. This charge will be in addition to the annual fee.

<table>
<thead>
<tr>
<th>Initial Licence Fee Time Calculation</th>
<th>Time (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enquiry received and service requested. Opening a new license file</td>
<td>10</td>
</tr>
<tr>
<td>Obtain planning documents and liaise with Planning.</td>
<td>30</td>
</tr>
<tr>
<td>Send out site application form with covering letter</td>
<td>15</td>
</tr>
<tr>
<td>Contact applicant and make an appointment to carry out an initial site inspection</td>
<td>15</td>
</tr>
<tr>
<td>Travel Time of Licensing Officer and Environmental Health Officer</td>
<td>60 x2</td>
</tr>
<tr>
<td>Conducting the initial site inspection (Licensing Officer and Environmental Health Officer)</td>
<td>75 x2</td>
</tr>
<tr>
<td>Check application valid e.g. all compulsory questions completed and correct fee included.</td>
<td>30</td>
</tr>
<tr>
<td>Carry out Land Registry Search to verify applicant is owner of land</td>
<td>10 + cost of search</td>
</tr>
<tr>
<td>Examine electrical certificate and any other documentation submitted with licence for validity.</td>
<td>20</td>
</tr>
<tr>
<td>Prepare site licence and send to applicant with covering letter</td>
<td>60</td>
</tr>
<tr>
<td>Discuss with applicant proposed site licence conditions</td>
<td>30</td>
</tr>
<tr>
<td>Scan documents in to electronic format and update public register</td>
<td>30</td>
</tr>
<tr>
<td>Upon occupation of site contact site owner to make appointment for licensing inspection</td>
<td>10</td>
</tr>
<tr>
<td>Travel time of Licensing Officer and Environmental Health Officer</td>
<td>60 x2</td>
</tr>
<tr>
<td>Carry out full site inspection.</td>
<td></td>
</tr>
</tbody>
</table>
Initial Licence Fee Time Calculation

<table>
<thead>
<tr>
<th>Activity</th>
<th>Time (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carry out full site inspection.</td>
<td></td>
</tr>
<tr>
<td>Make note of any breaches of site licence conditions/works required</td>
<td>90 x2</td>
</tr>
<tr>
<td>(Licensing Officer and Environmental Health Officer)</td>
<td></td>
</tr>
<tr>
<td>Complete record of visit (Licensing Officer and Environmental Health</td>
<td>20 x2</td>
</tr>
<tr>
<td>Officer)</td>
<td></td>
</tr>
<tr>
<td>Obtaining Legal Advice on any issues which arise (Solicitor)</td>
<td>45 x2</td>
</tr>
</tbody>
</table>

**Total fixed time (minutes)**

610 – Licensing Officer  
305 – Environmental Health Officer  
45 – Solicitor

Additional inspection time for all pitches in addition over and above the first (Full Inspection) by Licensing Officer and Environmental Health Officer  

15 x 2

**Fee estimation**

610 minutes Licensing Enforcement Officer - @ £40.47 per hour = £411.44  
305 minutes Environmental Health Officer @ £34.00 per hour = £172.83  
45 minutes Solicitor @ £61.19 per hour = £45.89  
Land Registry Search = £3.00

**Pitch inspection**

15 minutes Licensing Enforcement Officer @ £40.47 per hour = £10.11  
15 minutes Environmental Health Officer @ £34.00 per hour = £8.50

**Total fee = £633.16 plus £19 per additional unit on site**
# Applications for Amendment or Transfer of a license

<table>
<thead>
<tr>
<th>Amendment or Transfer Fee Time Calculation</th>
<th>Time (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enquiry received and service requested.</td>
<td>10</td>
</tr>
<tr>
<td>Send out site application form with covering letter</td>
<td>10</td>
</tr>
<tr>
<td>Processing application form including checking application valid e.g. all compulsory questions completed and correct fee included.</td>
<td>30</td>
</tr>
<tr>
<td>Carry out Land Registry Search to confirm applicant is new owner of the site</td>
<td>10 + Land Registry Fee</td>
</tr>
<tr>
<td>Liaising with financial service to ascertain records of outstanding historic breaches, outstanding notices etc.</td>
<td>25</td>
</tr>
<tr>
<td>Amending site licence and site file</td>
<td>60</td>
</tr>
<tr>
<td>Amended site licence to be checked by Solicitor</td>
<td>30</td>
</tr>
<tr>
<td>Send amended site licence to site owner with covering letter.</td>
<td>10</td>
</tr>
<tr>
<td>Amend public register</td>
<td>20</td>
</tr>
</tbody>
</table>

**Total fixed time (mins)** 205

**Fee estimation**

175 minutes Licensing Enforcement Officer @ £40.74 per hour = £118.82  
30 minutes Solicitor @ £61.19 per hour = £30.60  
Land Registry Search Fee = £3.00  

**Total fee = £152.42**

**Where necessary the following cost may be added.**

Additional site visit required to verify amendments  
150 minutes Licensing Enforcement Officer @ £40.74 per hour = £101.85  

**Total fee = £101.85**
# Annual Fee setting template

<table>
<thead>
<tr>
<th>Annual license admin/monitoring time calculation – cost C</th>
<th>Time (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service requested and letter sent to site owner</td>
<td>10</td>
</tr>
<tr>
<td>Liaison with site owner</td>
<td>60</td>
</tr>
<tr>
<td>Records check of site file</td>
<td>30</td>
</tr>
<tr>
<td>Travel to site for Licensing Officer and Environmental Health Officer</td>
<td>60 x2</td>
</tr>
<tr>
<td>Inspection common parts and one unit by Licensing Officer and Environmental Health Officer</td>
<td>60 x2</td>
</tr>
<tr>
<td>Record details of inspection by Licensing Officer and Environmental Health Officer</td>
<td>50 x2</td>
</tr>
<tr>
<td>Follow up letter and phone call</td>
<td>30</td>
</tr>
<tr>
<td>Annual fee processing</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>490 minutes = cost of one site</strong></td>
</tr>
</tbody>
</table>

The following formula is used to calculate the fee.

\[
(N - 1) \times A = B
\]

\[
(B + C/60) \times D = Z
\]

- **N** = Number of pitches (currently 320)
- **A** = Time spent inspecting each pitch (minutes) 20
- **B** = Time spent inspecting total number of pitches
- **C** = Average calculated time for inspection admin (490 minutes)
- **D** = Officer hourly rate (£37.37)
- **Z** = Fee to be charged

**Assumptions**

- **N** - A fixed calculated time is applied including the inspection of the first unit hence N – 1.
- **A** - Each pitch is allocated an inspection time of 20 minutes
- **C** – Is made up of the elements shown below
- **D** - Officer hourly rate is the average rate of Environmental Health Officer and Licensing Enforcement Officer
APPENDIX C

Annual fee based on 12 sites with a total of 320 pitches

\[(320 - 1) \times 20 \text{ minutes} = 6380 \text{ minutes}\]

\[(6380 + 490 / 60) \times £37.77 = £4324.67\]

\[£324.67 / 320 = £13.52 \text{ per pitch}\]

APPENDIX D

Site Rules Deposit Fees

<table>
<thead>
<tr>
<th>Site rules Deposit Fee calculation</th>
<th>Time (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for site rules deposited and service request</td>
<td>15</td>
</tr>
<tr>
<td>Check application is valid and site rules have been made in accordance with statute, consultation carried out, no banned rules, no appeals to first tier tribunal outstanding</td>
<td>120</td>
</tr>
<tr>
<td>Amend public register and deposit rules on website</td>
<td>30</td>
</tr>
</tbody>
</table>

**Total fixed time (mins)** 165

Fee estimation

165 minutes and Licensing Enforcement Officer @ £40.47 per hour = £111.29

**Total fee = £111.29**
Contact us

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If you need any help communicating with us or understanding any of our documents, please contact us on 01909 533 533.

We can arrange for a copy of this document in large print, audiotape, Braille or for a Language Line interpreter to help you.