

Mobile Homes Act 2013 – Guidance Notes and Fee Setting Policy

Introduction

The Mobile Homes Act 2013 amends and strengthens the existing legislation in place relating to caravan sites and mobile homes. The main provisions of the Act became operable on 1 April 2014.

The Act gives greater protection to residents and increases the enforcement powers of the local authority. The requirement for site owners to approve a purchaser of a mobile home has been removed. It is now a criminal offence for site owners to 'block sales'.

Local authority powers include the serving of Compliance Notices, the introduction of an annual fee, registering site rules with the local authority and the service of statutory notices to remedy contraventions of site conditions. The local authority is also required to publish on its web-site, caravan site details and site licence rules.

Mobile Homes sites affected by the Mobile Homes Act 2013 are those sites which have planning permission to have residential mobile homes and are occupied by more than just the owner and their family within one mobile home. These sites are known as "relevant protected sites".

The Act does not apply to sites owned by the Local Authority.

Licences

All relevant sites must have a licence to operate and the Act allows the local authority to charge a fee for processing the licence. Charges will also be applied to cover costs of annual inspections.

The Act gives local authorities discretion when issuing new licences or transferring existing ones. This discretion relates to management structures, interests in the site, length of leases and finances. These new powers are intended to combat abuse where licences are transferred rapidly between closely associated people or companies.

Existing caravan sites, licensed under the old legislation, will not need to apply for a new licence. The site licence will be transferred under the new Act.

Site Rules

The Act also introduces new requirements concerning site rules. Owners need to consult with site occupants on site rules and lodge these rules with their local authority. Local authorities must ensure that there are no banned rules included and that the consultation process has been properly completed. Site rules will then be published on the local authority website. The Council has set a charge of £50 for this service. Until a site owner has gone through this process any previous site rules will cease to exist for his/her site from 3 February 2015.

Fees and Exemptions

In January 2014 regulations were issued by government on the detailed working of the new Act, followed by guidance in February 2014 on site licence fees. Following this guidance a new fee structure has been agreed. Sites where the current licence

is up to date will not need to pay the initial fee. Annual fees would be payable to cover the financial year 1st April to 31st March. Site owners will be invoiced during April for immediate payment.

Because many smaller sites in Dartford are for family use, it was agreed to exempt sites containing five pitches or fewer from being charged an annual fee or a fee for a new application.

Fee Policy and Fees 2016/2017

Dartford Borough Council, as the Licensing Authority under the Mobile Homes Act 2013, will charge fees to administer the licensing regime under the Act. These fees will only apply to relevant protected sites, as defined under the legislation. **Fees will not apply to sites with 5 or less pitches.**

Fees will be payable for the following:

- New licence applications
- Transfers or amendments of existing site licence
- Annual fees for licensed sites
- The depositing of site rules with the local authority

Fees are also payable for enforcement action i.e. the serving of a Compliance Notice, and expenses will be charged for works in default or emergency works.

Annual fees will not cover enforcement of breach of conditions, recovery of expenses, serving of legal notices and dealing with sites that do not need licensing.

New site licence application fees, amendment/transfer and deposit of rules fees are payable on application; cases will not be processed until payment is made.

Compliance notice charges will be sent within 30 days of the notice being issued and are payable immediately

Calculation of Fees - April 2016 to March 2017

Methodology

The calculation relating to the setting of fees involved a simple costing exercise. The calculation involved cost matrixes that break down the amount of time taken at various stages of the process by officers. Actions included are the cost of officer time for site visits and follow up inspections, travel mileage, officer time to draw up site conditions, licences, letters, and land registry checks.

The calculations were carried out with reference to 'The Mobile Homes Act 2013- A Guide for Local Authorities' on setting site licence fees. The fee structure was devised to be fair, transparent and an accurate reflection of reasonable costs for the Council to administer the process(es).

Calculated costs

A summary of the calculated costs are as follows:-

New Site Licence Application

0 to 5 Pitches	£0
6 to 25 Pitches	£473
26 to 99 Pitches	£606
100 to 199 Pitches	£786
200+ Pitches	£968

Annual Fees

0 to 5 Pitches	£0
6 to 25 Pitches	£174
26 to 99 Pitches	£307
100 to 199 Pitches	£487
200+ Pitches	£669

Amendment / Transfer (No Visit)

6 pitches and above	£152
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Amendments / Transfer (With Visit)

6 pitches and above	£242
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Cost of Deposit of Site Rules

6 pitches and above	£52
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Enforcement

Service of Compliance Notice	£339 plus VAT
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If you have any further questions concerning the Mobile Homes Act and how it may affect you, please call 01322 343037.