

Mobile Homes Act 2013

Joint fees policy – 01 April 2020

INTRODUCTION

- 1) South Oxfordshire District Council and Vale of White Horse District Council ('the councils') have powers under the Caravan Sites and Control of Development Act 1960 (the Act) as amended by the Mobile Homes Act 2013 (the 2013 Act) to issue licences in respect of 'relevant protected sites' and to charge a number of different fees for the provision of our licensing functions. This power came into force on 01 April 2014.
- 2) This document outlines the policy adopted by South Oxfordshire District Council and Vale of White Horse District Council and replaces an earlier policy dated October 2014.
- 3) All of the residential mobile home parks currently licensed by the councils come under the new licensing regulations; these sites are referred to as "relevant protected sites". The following sites are exempt:
 - sites granted planning permission for holiday use only
 - sites which have planning restrictions limiting their use to certain times of the year
 - sites owned by local authorities.
- 4) The councils can charge:
 - a licence fee for applications to grant or transfer a licence or an application to alter the conditions on a licence
 - an annual licence fee for administering and monitoring licences
 - a fee for depositing of site rules.
- 5) The legislation allows the site owner to pass on each year to residents, through their annual 'pitch fees', the annual licence fee imposed by the council in the first year.
- 6) Before the council can charge a fee, it must prepare and publish a fees policy. When fixing a fee, the local authority:
 - must act in accordance with their fees policy
 - may fix different fees in different cases

- may determine that no fee is required in some cases.
- 7) Any fees charged must fairly cover the costs (or part of the costs) incurred by the council under its functions in Part 1 of the Act, other than the costs of enforcement action. They must be reasonable and transparent and whilst different fees can apply to different types of cases, there must be consistency in the fee structure and its application.

POLICIES

- 8) This legislation requires any person who operates a business of owning/managing a “relevant protected site” in South Oxfordshire District Council or Vale of White Horse District Council areas must apply to the relevant council for a site licence.

NEW APPLICATIONS, TRANSFERS AND ALTERATION FEES

- 9) Applications for a new site licence, to transfer a licence or to alter a site licence must use the prescribed form, enclose a copy of all relevant documentation and be submitted with the correct fee for the application to be accepted and processed by the councils.

POLICY MH 1: Incomplete applications

Incomplete licence applications, including those not accompanied by the correct fee, requested supporting documentation or all relevant disclosure certificate/s will not be processed. Incomplete applications will be returned to the applicant.

EXISTING SITE LICENCE FEES

- 10) The annual licence fee is calculated to establish the councils’ reasonable costs in officer time and administering the licence and shall in part be based on the number of mobile home units on the park. These ‘*inspection costs*’ include time taken inspecting the parks, associated time for staff travel to and from site and compiling inspections reports and follow-up correspondence (if necessary).
- 11) This risk rating score (Appendix 1) dictates subsequent inspection frequency and considers the level of compliance and management of a mobile home park. This means that a park which is problematic and requires significant officer involvement pays a higher annual licence fee than other compliant sites licensed by the councils. (I.e. If the calculated risk rating score comes out with an inspection frequency of once every three years, the annual licence fee is the inspection cost is split over the three years).

The inspection costs and annual licence fees are set in accordance with the provisions of the 2013 Act and with the regulators code.

- 12) The councils, in setting their fees policy, can exempt certain types or categories of sites from licence fees. They have therefore determined that the fee policy shall exempt from licence fees those sites that have three units or less. These sites generally require little or no council involvement beyond issuing the licence.
- 13) The councils shall invoice mobile home park owners their annual licence fee by 31 July of each year of the specific licensing period. The fee shall be paid in line with the councils' invoicing policies.

POLICY MH 2: New and existing site licence fees for less than three units.

No licence fee shall be charged for mobile home parks with less than three units.

POLICY MH 3: Existing site licence fees for three or more units

Existing sites shall be issued with an annual invoice for their licence fee by the 31 July of each year.

POLICY MH 4: Fee reviews

Application fees will be reviewed annually and will be published on the councils' websites.

APPEALS AGAINST THE FEES CHARGED

- 14) A licence holder has the right to apply to the First Tier Tribunal if they disagree with the licence fee being charged.

FEES FOR DEPOSITING SITE RULES

- 15) Site rules are different to the site licence conditions and are put in place by the owner of the site to ensure acceptable standards are maintained. The new Act has changed the way site rules must be agreed between the park owner and residents. Councils are now required to keep a register of site rules deposited from the park owner.
- 16) The councils will charge a fee to cover the councils' costs for depositing site rules.

POLICY MH 5: Depositing site rules.

The councils will keep an up to date register of site rules deposited by park owners.

The councils will charge a fee calculated to recover our costs for receiving and publishing the mobile home park's site rules.

END OF POLICY

APPENDIX 1 – RISK SCORE INSPECTION FREQUENCY

Element	Guidance	Scoring options	Score
Size of Park	< 3 Homes 3 – 10 Homes 11 – 50 Homes 51 – 100 Homes 101+ Homes	5 10 15 20 30	
Density/Fire safety: <ul style="list-style-type: none"> • Spacing /Hardstandings • Sheds/ exposed LPG in 6m² • Combustible material 	0 No problems 1 Density/Fire Safety issue 2 Density/Fire Safety issues 3 Density/Fire Safety issues 4 Density/Fire Safety issues 5+ Density/Fire Safety issues	0 10 25 50 75 100	
Roads and paths <ul style="list-style-type: none"> • Condition • Width 	No problems Some minor ruts/potholes Moderate disrepair/path widths incorrect Width too narrow Inaccessible to emergency vehicles	0 5 10 20 50	
Water Supply <ul style="list-style-type: none"> • Water pressure • Wholesome 	No problems Minor pressure issues Very low of pressure Unwholesome supply	0 10 25 50	
Drainage <ul style="list-style-type: none"> • Foul Water • Surface water 	No problems Occasional blockages/shallow pooling Regular blockages/shallow pooling Frequent blockages/deep pooling Defective drainage/flooding	0 10 25 50 75	
Electric Supply <ul style="list-style-type: none"> • Adequate supply • Certificate up to date • Maintained 	No problems Electrical certificate out of date Faults identified or suspected, but not remedied Poor/unsafe supply	0 10 50 75	

Signage • Name of site • Notice and plan • Overhead cable warning	No problems	0	
	not prominent	5	
	Some missing	10	
	No signage present	15	
Facilities • Parking • Recreation ground • Refuse disposal	No problems	0	
	Minor problems (small repairs etc.)	10	
	Problems affecting up to half the park	25	
	Major issue	50	
Enforcement	No action/no historic issues	0	
	Case pending (Tribunal or Courts)	30	
	Successful Prosecution (Tribunal or Courts)	50	
Confidence in management	Excellent	0	
	Good	25	
	Average	50	
	Below average	75	
	Poor	100	
Total			
Final score >180 90– 179 40 – 89 5 – 39	Risk rating score A B C D	Inspection frequency (12 Months) (18 Months) (2 Years) (3 Years)	