

Gedling Borough Council
Mobile Homes Fees Policy



Contents

1. Introduction
2. Applications to grant or transfer a licence
3. Transfer/amendment of existing licence
4. Setting annual fees for existing site licences
5. Sites exempted from annual licensing fees
6. Charging arrangements
7. Enforcement costs
8. Publishing the fee policy

APPENDIX 1 – Fees and charges

Mobile Homes Fees Policy

1. Introduction

The Caravan Sites and Control of Development Act 1960 ('the Act') was amended by the Mobile Homes Act 2013. The changes by the 2013 Act come into force on 1st April 2014. These include powers for local authorities to charge fees for licensing functions in respect of "*relevant protected sites*" which includes residential parks, mobile home parks, Gypsy Roma and Traveller sites.

Gedling Borough Council ('the Council') has within the Borough two Mobile Home Parks. This Policy sets out the fees which will charge for licensed Mobile Homes Parks, and how they will be calculated.

The level of fees and how they are charged are at the discretion of the Council. They are calculated on a 'costs recovery' basis and there will be no profit made by the Council.

2. Applications for the grant a new licence

All sites require a site licence to operate (subject to exemptions in Caravan Sites and Control of Development Act 1960 – see section 5 below). The appropriate fee has to be submitted with the application form.

When determining the fee for the grant or transfer of a site licence the Council will take into account the cost of the following activities:

- Initial enquiries;
- 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;
- Sending out forms;
- Updating hard files / computer systems;
- Processing the licensing fee;
- Land registry searches;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports on contraventions;
- Preparing draft and final licences;
- Review by manager or solicitor; review any consultation responses from third parties;
- Updating public register;
- Carrying out any risk assessment process considered necessary;
- Reviews of decisions or in defending appeals.

In addition the Council will need to make such inquiries as are necessary in connection with the application, such as:

- Management and financial standing;
- Outstanding licensing issues and debts; and
- Undertakings

All time taken in establishing the information required to make an informed decision will be included in the licence fee, whether or not the transfer or new licence is allowed.

3. Applications for the transfer/amendment of existing 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 site licence conditions the Council will charge a fee for this function.

In setting the fees the Council will take into account the following costs:

Sending out and processing the application (including dealing with initial enquiry);

- Site inspections;
- Third party consultation;
- Consultation with the site owner;
- Preparing draft licences (with altered conditions);
- Review by manager or solicitors; review any consultation responses from third parties;
- Notification of decision (including where appropriate the updated final licence).

4. Annual fees for existing site licences

The Council will charge an annual fee from 1st April 2014 and annually thereafter.

The annual fee will be calculated on a price per pitch which will be multiplied by the number of pitches on the site.

In setting the level of annual fee the Council may take into account the following matters on which costs are incurred:

- 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;
- Processing the licensing fee;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports on contraventions;
- Review by manager or solicitor; review any consultation responses from third parties;
- Carrying out risk assessment process considered necessary.

In terms of officer time the following may be considered –

- i) A pre-programmed full site inspection;

- ii) A follow up inspection to check compliance following programmed inspection.

The Council may also take into account the time spent consulting the site owner and third parties such as the Planning Services, Fire and Rescue Services and HSE, can be taken into account in setting fees as can time spent on meetings and discussions with the site owner.

The Council will not make any profit. All charges will be limited to recovering the costs of exercising the licensing function. The fees will be calculated on a price per unit based on the total estimated cost to the council of carrying out its annual licensing function for all sites in the Borough.

5. Sites exempted from annual licensing fees

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 would be dealt with as appropriate.

- Sites that are not relevant protected sites
- Sites with less than 3 mobile homes are considered small enough to be considered a single unit and are exempt from this charging policy.
- Sites that are for the site owner and their family (does not include sites that are run for financial gain)

6. Charging arrangements

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/licence holder and invoices will be sent at the start of the financial year with payment due within 30 days.

In the event 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.

7. Enforcement costs

Where there has been a breach of 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 the Council 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 for example legal costs.

Charges for enforcement costs cannot be passed onto the resident's 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 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.

8. Publishing the fee policy

This fees policy will be published on the Gedling Borough Council website at www.gedling.gov.uk (page to be determined). The fees detailed in this policy have been determined taking into account the Department for Communities and Local Government, The Mobile Homes Act 2013 Guide for Local Authorities on setting site licensing fees.

Appendix 1

Fees and Charges

	£
New Site Licence Fee	450.00
Transfer or Amendment of an Existing Licence	150.00
Annual fee - Pitch Fee	5.00