

Mobile Homes Act 2013

Fees Policy

The Mobile Homes Act 2013 introduced changes to the law affecting park homes. As part of the changes a new licensing scheme came into force that enables local authorities to monitor site licence compliance and take enforcement action where owners are not managing and maintaining their sites and its services. Local authorities are also able 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 used as a caravan site 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.

Relevant protected sites are typically known as residential parks, mobile home parks and Gypsy & Traveller residential sites.

In summary, local authorities can charge a fee for

- Considering applications for the issue or transfer of a site licence;
- Considering applications for altering conditions in a site licence and
- Administration and monitoring of site licenses.

The fee for administration and monitoring of licences is an annual fee, the current fees can be found on the council's fees and charges web page,

The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. This includes administering applications, issuing licences, officer time, annual inspections, stationery costs, consultations with other organizations, legal advice, preparing reports and updating the public register.

Surpluses and Deficits

In determining its annual fee the local authority will advise the site owner of any surpluses or deficits in costs from the previous year when issuing invoices for the following year.

Sites exempted from annual licensing fees

Certain sites are currently exempt from annual site fees as they are not run as a business and are solely occupied by the site owner and their family with no element of financial gain. These sites though, will be subject to a fee for the issue or transfer of a site licence and the sites will still be subject to the licence conditions and powers of enforcement.

Fee Payment

The local authority is not required to consider an application for the grant of a licence, a transfer of a licence or an application to alter conditions unless that application is accompanied by the correct fee.

If the local authority decides not to approve the application the applicant is not entitled to a refund of the fee paid.

When requiring the annual fee, the local authority will invoice the site owner with payment due within 30 days. Where a fee is overdue, the local authority may apply to a tribunal for an order requiring payment. The order must specify when the fee must be paid and ultimately if the fee is not paid, the local authority may apply for an order to revoke the site licence.

Enforcement Costs

If formal enforcement action is required, the Council may serve a compliance notice. Any costs incurred in inspections, preparing the notice and obtaining expert advice on it will be charged based on an hourly rate. A detailed breakdown of the charge will be provided with the compliance notice.

Depositing of Site Rules

Site rules are made by the owner in accordance with the procedure outlined in the Act and a copy of the rules is deposited with the local authority. The Council will keep an up to date register of site rules and publish the register on its website <http://www.swale.gov.uk/mobile-home-parks/> . Before publishing the site rules, the Council will ensure the rules deposited have been made in accordance with the statutory procedures and a fee will be charged to cover the costs incurred in undertaking that function. The fee will be payable when a site owner sends the site rules for deposit or notifies the council of any changes to the rules.