

## **Brentwood Borough Council Mobile Homes Act 2013 Public Consultation**

The Mobile Homes Act 2013 has been introduced to enable local authorities to monitor residential park home and caravan site licence compliance more effectively to ensure that residents' health and safety is better protected. These changes apply to 'relevant protected sites' as defined in the legislation and guidance issued by the Department for Communities and Local Government (DCLG). Any licensable caravan site will be a 'relevant protected site' unless it is specifically exempted from being so, e.g. if it is for holiday use or there is a restriction on use as permanent residential.

The Council is proposing to introduce the licensing scheme in Brentwood, which will enable us to issue new site licences for mobile home sites in the Borough.

Existing caravan sites, licensed under the old legislation, will not need to apply for a new licence under the Mobile Homes Act 2013. The site licence will be deemed to have been transferred to come under the new Act. The Council may only issue a licence for a site with planning permission for the use.

The Council will be able to charge fees for applications for a site licence and for the administration and monitoring of site licences, which will include annual site inspections. 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.

Where a local authority decides to charge fees these must be published in its Fee Policy document and must be transparent and reasonable; the aim of this consultation is to seek your views on the proposed Fee Policy for Brentwood Borough.

Under the new Act a fee can be charged for

- applications to grant a new licence
- applications to transfer or amend an existing licence
- annual licence fees for administering and monitoring existing site licences
- depositing of site rules including first and subsequent deposits as a
- consequence of variations
- serving of enforcement notices and recovery of costs incurred

The Mobile Homes Act provisions allow a local authority to include all reasonable costs such as administrative costs, site visits, travelling, consultations, meetings etc. when determining fees. The fee levels have been calculated based on the estimated time and

cost in undertaking the activities involved and cover the period from 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2015.

The Council must review the costs of administering the licence scheme to ensure that all costs are covered by fees received; annual fees may be adjusted to take account of any surpluses or deficits – the Council can only pass on to the site owner their costs in carrying out its licensing functions.

In several other authority areas it was felt appropriate to make smaller sites exempt from annual fees (but no other licensing fees) as these lower risk sites were considered less onerous to inspect and collecting annual fees from them would not be cost effective; we are therefore also consulting on opinion whether charges should be made for sites occupied by a single pitch and/or by up to 5 pitches.

#### Charging for Site Licensing on Permanent Residential Sites

Officers have drafted a proposed fee structure for fees for new site licences, annual licences, transfers and amendments of existing site licences.

Sites are proposed to be 'banded' depending on the size of the site:

| Band | Number of pitches | Number of sites in Brentwood |
|------|-------------------|------------------------------|
| A    | 1                 | 5                            |
| B    | 2-10              | 3                            |
| C    | 11-50             | 1                            |
| D    | 51-100            | 0                            |

#### Application for a new site licence or transfer or amendment of an existing licence

Application fees will need to be submitted with any Site Licence application form and with any application to amend or transfer the site licence.

#### Annual fee

Annual fees shall become payable 12 months from the date of the grant of a new site licence or for existing licenses, on 1<sup>st</sup> April 2015.

#### Site rules

This is the charge for registering site rules with the council.

#### Enforcement costs

These are not included in the site fees but will be an additional charge to the site owner.

The proposed fees are indicated below; for detailed information on the fee structure please also refer to the Council's draft Fees Policy document.

|  | Band A  | Band B  | Band C   | Band D    |
|--|---------|---------|----------|-----------|
| Number of pitches                            | 1       | 2 to 10 | 11 to 50 | 51 to 100 |
| <b>Annual Fee</b>                            | £152.11 | £274.39 | £354.92  | £477.20   |
| <b>New site licence application fee</b>      | £316.15 | £393.69 | £474.22  | £566.68   |
| <b>Transfer of site licence fee</b>          | £125.27 | £134.21 | £143.16  | £152.11   |
| <b>Amendment of site licence fee</b>         | £175.97 | £199.83 | £217.72  | £247.55   |
| <b>Checking &amp; registering Site Rules</b> | £116.32 | £116.32 | £116.32  | £116.32   |

The above fees are the total fee for a site in each band, **not** per pitch.

If the charges are agreed it is recommended that they will be implemented from 1<sup>st</sup> April 2015.

Please contribute to our consultation by answering the questions overleaf and return to the Town Hall in the enclosed self addressed envelope or by email to [envhealth@brentwood.gov.uk](mailto:envhealth@brentwood.gov.uk) to reach us by the 31<sup>st</sup> October 2014.

Consultation questions

Please complete the details below; these will not be published but will be used for contact in the event of a query and will help us to assess the responses received

Name

Address

Postcode

Phone number

Email address

1. Are you a

Site owner

Site occupier

Other

2. Should the Council make a charge for mobile home site licenses?

Yes

No

If you answered no, please explain why not?

3. Should the fee policy be based on the size banding proposed (see above banding table)?

Yes

No

4. Is the proposed annual licence fee fair?

Yes  No

5. Do you think that residents of low risk sites with a single pitch occupied by the owner should pay a fee?

Yes  No

6. Do you think that residents of low risk sites with less than 5 pitches should pay a fee?

Yes  No

If you answered No to **either question 5 or 6**, please give the reason for your answer below:

7. Do you have any other comments to make?

Thank you for helping with this consultation. If you have any queries, or wish to discuss the proposals further please indicate below if you wish us to contact you about this, or contact us in the Environmental Health team at the Town Hall.

Please contact me further

|                          |                      |                      |
|--------------------------|----------------------|----------------------|
| Name                     | <input type="text"/> |                      |
| Preferred contact method | Phone                | <input type="text"/> |
|                          | Email                | <input type="text"/> |