

# **MOBILE HOMES ACT 2013**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### *Licensing*

##### *Section 1: Fees*

7. This section amends the CSCDA 1960 to allow local authorities to charge fees in relation to the licensing of “relevant protected sites” in England and to enable them to recover the costs incurred in operating licensing schemes. The definition of ‘relevant protected site’ is inserted into Part 1 of the CSCDA 1960 by subsections (3) and (7) of this section. A relevant protected site is a site requiring a licence other than one which is for holiday use only or is otherwise not capable of being used all year round. This is similar to the definition of a ‘protected site’ provided in the CSA 1968, although the definition of a ‘protected site’ includes local authority sites, which are excluded from the definition of a ‘relevant protected site’, as such sites are exempt from the licensing regime. New section 5A(6), inserted into the CSCDA 1960 by subsection (3) of this section, provides for the case where the planning permission or site licence for a site specifies that it is for holiday or seasonal use only, but there are also conditions which allow the occupier or an employee of the occupier (who does not occupy the caravan under an agreement to which the Mobile Homes Act 1983 applies), to live on the site all year round. These conditions are to be disregarded for the purpose of determining whether a site falls within the definition of ‘relevant protected site’.
8. Subsection (2) inserts subsections (2A) and (7) and (8) into section 3 of the CSCDA 1960. Subsection (2A) allows a local authority to require that an application for a site licence for land to be used as a relevant protected site is accompanied by a fee, the amount of which is fixed by the local authority.
9. Subsection (3) inserts section 5A of the CSCDA 1960. Section 5A applies to a site licence for a relevant protected site. This section provides that the local authority who issued the licence may fix an annual fee which they require the licence holder to pay and must inform the licence holder of the matters to which they have had regard when fixing the fee for the year in question, including in particular the extent to which they have taken account of deficits or surpluses from previous years. The provisions set out that where an annual fee under this section has become overdue, the local authority may apply to a residential property tribunal for an order requiring the licence holder to pay by the date and in the manner specified. Where a licence holder fails to comply with an order from the tribunal made under this section within 3 months, the local authority may apply to a residential property tribunal for an order revoking the site licence.
10. Subsection (4) inserts subsection (1B) into section 8 of the CSCDA 1960. This subsection provides that where the holder of a licence for a relevant protected site in England makes an application to alter the conditions attached to the licence, a local authority can require the application to be accompanied by a fee, which is fixed by the local authority.

*These notes refer to the Mobile Homes Act 2013 (c.14)  
which received Royal Assent on 26 March 2013*

11. Subsection (5) inserts subsection (1A) into section 10 of the CSCDA 1960. This subsection provides that where an application is made for consent to the transfer of a site licence of a relevant protected site in England, a local authority can require the application to be accompanied by a fee, which is fixed by the local authority.
12. Subsection (6) inserts section 10A into the CSCDA 1960. This section applies where a local authority proposes to exercise the power to charge a fee under section 3, 5A, 8 or 10 of the Act. Subsection (2) of section 10A provides that a local authority must prepare and publish a fees policy before charging any fee under these sections. The intention is that the new powers to charge fees will be used by local authorities in a way limited to recovering the costs of exercising their licensing functions as they relate to relevant protected sites. Subsection (3) requires local authorities to have regard to the fees policy but also enables them to grant exemptions from the fees and to set different fees in different cases. For example, a local authority may decide to provide an exemption for owners of small family sites that are not run for commercial gain. Subsection (4) sets out certain costs that the local authority may not take into account when fixing a fee for the purpose of this section. Subsection (5) provides that if the local authority propose to charge an annual fee under section 5A, the fees policy must include provision about the time at which any such fee is payable. Subsection (6) provides that the local authority may revise their fees policy, and where they do so they must publish their revised policy.
13. Subsection (8) inserts sub-paragraph (3) into paragraph 19 of Chapter 2 of Part 1 of Schedule 1 to the MHA 1983. Sub-paragraph (3) provides that for protected sites in England, when determining the amount of the new pitch fee, no regard may be had to any fees paid by the site owner to accompany an application for site licence conditions to be altered or an application for consent to transfer a site licence. However, site owners will be able to recover the cost of the annual licence fee through the pitch fee review, by adding this to the pitch fee in the first year that the licence fee is introduced. The cost of the licence fee will then remain part of the pitch fee and any subsequent RPI increases will be applied to it.