



Portsmouth
CITY COUNCIL

HOUSING, NEIGHBOURHOOD & BUILDING SERVICES

Private Sector Housing
Park Homes Management Team
1st Floor Civic Offices, Guildhall Square
Portsmouth PO1 2AL

Phone: 023 9260 6193
email: parkhomes@portsmouthcc.gov.uk
Website: www.portsmouth.gov.uk

Your ref:PAYMENTREF

TCY_NAME	
CORRADDR1	
CORRADDR2	
CORRADDR3	
CORRADDR4	
CORRADDR5	
CORRPOSTCODE	SEQNO

02 March 2022

Dear TCY_NAME

Notice of Proposed Pitch Fee for the year 2022-23

Property: PROP_ADDR

This letter acts as formal notification of the proposed increase to your pitch fee.

You currently pay £CURRENT_RENT per week.

With effect from **Friday 1st April 2022** the proposed weekly charge will be:

	£	P
Pitch Fee	NEW_RENT	
TOTAL PAYABLE:	NEW_TOTAL	

Please note that pitch fees are usually increased by the latest published Retail Price Index (RPI) figure in accordance with the Mobile Homes Act 1983. However, as at January 2022 the RPI is 7.8%. The Council have taken the view that this is an exceptional situation whereby the RPI increase is such that we feel it would be unreasonable to apply this amount this year and therefore propose to increase the pitch fee by 3%, substantially lower than the latest RPI figure. The council reserves the right in future annual pitch fee reviews to apply the RPI and set the fees in accordance with it.

Please see the reverse of this letter for more information about how this affects you

All enquiries about this notice should be directed to Park Homes Management Team on 023 9260 6193.

Yours sincerely

Clare Hardwick
Head of Private Sector Housing

Payment Frequency

For the first week (28 March 2022 until 3 April 2022) you will be charged 4 days at last year's charge (2021/2022) and 3 days at the new year's charge (2022/2023)

Your payments can be made:

- Weekly
- Fortnightly
- 4 Weekly
- Monthly

If you receive Housing Benefit

If there is a Housing Benefit award the amount of the charge that you are required to pay will be affected. Details of the award will be sent separately.

1. If Housing Benefit is paid directly to your Landlord, there is no need to forward this letter to your Local Authority as they will be informed about the new rent and service charges.
2. If you receive Housing Benefit directly, please provide your local Housing Benefit Office with a copy of this letter.
3. You will receive a benefit notification letter from the Local Authority which will tell you how much your new entitlement will be.

For all other changes that affect Housing Benefit entitlement it is important that you contact your local Housing Benefit Office directly.

Direct Debit

If you already pay by Direct Debit you will receive a separate letter advising of the new amount.

If you are interested in paying by Direct Debit, please contact the Park Homes Management Team on 023 9260 6193.

If you receive Universal Credit

In April you will get an action on your To Do list asking you if your housing costs have changed. The figures on the first page need to be entered.

This is your responsibility, if you are unsure please contact Park Homes Management Team on 023 9260 6193.

Other Payment Methods

To pay online visit www.portsmouth.gov.uk or via Automated Payment on 0800 8766576 using your pay reference number PAYMENTREF.

Any questions or struggling to pay?

It is important that you tell us straight away so we can support you. You can contact us using the details at the top of this letter.

We are legally required to let you know that if this increase means that you do not wish to rent this plot any longer, you have the right to end your licence. To do this you must let us know in writing by 1st March 2022 that you intend to leave by 1st April 2022 at the latest.

Pitch Fee Review Form

[The Mobile Homes (Pitch Fees)(Prescribed Form)(England) Regulations] SI 2013/1505

FORM TO ACCOMPANY A PITCH FEE REVIEW NOTICE

Form prescribed under paragraph 25A(1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983

Important note: This form, or a form substantially to the like effect, must be sent with the Pitch Fee review notice where the site owner proposes to increase the pitch fee otherwise the pitch fee review will not be valid. This form may also be used if the site owner is proposing to reduce the pitch fee. Both the site owner and the occupier(s) should read the notes at the end of this form as they contain important information about pitch fee reviews.

Section 1: Parties

From: **Portsmouth City Council**

To: **TCY_NAME**

Section 2: Proposed new pitch fee

We propose to increase your pitch fee for:

PROP_ADDR

The last review date was **Thursday 1st April 2021**

The current pitch fee is: **£CURRENT_RENT** per week

The proposed new pitch fee is **£NEW_RENT** per week

Section 3: Date new pitch fee proposed to take effect (effective date)

The review date is **Friday 1st April 2022**, which is twelve months after the last review date.

The effective date is the date when it is proposed the new pitch fee is payable from, which may be on the review date or, in the case of a late review, a later date.

- The proposed pitch fee will take effect on the review date of **Friday 1st April 2022**

Note: For further information on the review, late reviews and effective dates see the notes at the end of the form.

Section 4: Calculation of the proposed new pitch fee

The proposed new pitch fee has been calculated as **(A) + (B) + (C) - (D)** where:

(A) is the current pitch fee of **£CURRENT_RENT**

(B) is the Retail Prices Index (RPI) Adjustment **£RENT_INCREAS** calculated from a percentage increase of 3%

(C) is the recoverable costs of **£0.00**

(D) is the relevant deductions of **£0.00**

(B) The RPI adjustment

In accordance with paragraph 20(A1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983, we have calculated the RPI adjustment as the percentage increase in the Retail Prices Index (RPI) over 12 months by reference to the RPI published for January 2022 which was 7.8%.

Note: For further information on the correct RPI figures to use refer to the section on the RPI adjustment in the notes at the end of this form.

(C) Recoverable costs

There are no relevant recoverable costs to be taken into account

(D) Relevant deductions

There are no other relevant deductions taken into account

Section 5: What to do if you disagree with the proposed new pitch fee

If you do not agree to the proposed pitch fee you do not have to pay the proposed new amount from the effective date, but you must continue to pay the current pitch fee. You will not incur arrears. We may, however, apply to a tribunal for it to decide what the new pitch fee should be. You also have the right to apply to the tribunal. If the tribunal decides that a new pitch fee is payable it shall be payable as from the effective date. (The notes accompanying this form contain further information).

Section 6: Signature of site owner(s)

Clare Hardwick - Head of Private Sector Housing

Date: 02 March 2022

Name and address of the site owner(s) (for the purpose of serving notices):

Portsmouth City Council, Private Sector Housing, 1st Floor Civic Offices, Guildhall Square, Portsmouth PO1 2AL

Section 7: Notes: *You should read these notes carefully as they contain important information about the pitch fee review. You should note, however, that these notes are for guidance only and do not purport to provide a definitive statement of the law.*

General

- This form should be used if the site owner is proposing to change the pitch fee.
- This form must be served on the occupier with the pitch fee review notice at least 28 days before the date on which it is proposed to change the pitch fee.
- This form sets out the proposed new pitch fee, the date from which it is proposed the new pitch fee will take effect and how it has been calculated. This form should be sent to the occupier(s) with the pitch fee review notice.
- The new proposed pitch fee cannot be imposed on the occupier. It must be agreed or determined by a tribunal.

Reviews and late reviews

- A change in pitch fee is normally proposed to be effective from the review date. A minimum notice period of 28 days prior to the review date must be given.
- The review date is the date specified in the written statement as the date on which the pitch fee will be reviewed in each year. If no date is specified it is likely to be each anniversary of the date the agreement commenced.
- If the site owner misses the review date a proposed change to the pitch fee can be made to take effect at a later time. Provided a minimum notice period of 28 days is given a late review can be proposed to take effect at any time after the review date and before the next review date.
- The "next review date" is the date twelve months from the review date. This applies whether or not the current review is late. It means, for example, if the review date is 1st April 2014, but the review is late and doesn't take effect until 1st July, the next review date will be on 1st April 2015, rather than 12 months from the effective date of the current review.
- As reviews are conducted annually, if the site owner does not propose a change in the pitch fee on the review date or before the next review date (in the case of a late review) the review is deemed to have been conducted for the year in question. This means, for example, that if a review date was 1st April 2014, but the site owner did not initiate a review before 1st April 2015, any charges (including RPI) attributable to the 2014 review cannot be included in the 2015 review.

The effect of the pitch fee review notice & making an application to the tribunal

- If the occupier accepts the new pitch fee they can let the site owner know or simply pay the proposed amount from the effective date.
- The occupier is not obliged to accept the proposal or pay the proposed amount. Failure to pay the new pitch fee will not result in the occupier being in arrears.
- If the occupier does not accept the proposed pitch fee they can let the site owner know, but the occupier does not have to do so. Provided the current pitch fee continues to be paid that is the maximum amount payable unless the tribunal decides a different figure.
- If there is no agreement as to the new pitch fee the site owner or the occupier may make an application to a tribunal for it to make a determination.
- Where the pitch fee review notice was served at least 28 clear days before the review date, an application to the tribunal may be made after the end of the period of 28 days beginning with the review date but not later than three months after the review date.
- Where the pitch fee review notice was served later, an application to the tribunal may be made after the end of the period of 56 days beginning with the date on which the site owner serves the notice but not later than four months after that date.
- In either case, a late application to the tribunal is permitted only if there are good reasons for the failure to apply within the time limit and for any delay since then in applying for permission to apply out of time.

- Before deciding a case the tribunal will invite representations from the parties and may hold a hearing and inspect the site.
- If you act unreasonably in connection with an application the tribunal can impose a costs order against you.
- If the tribunal makes a determination its decision will apply from the effective date. This means any proposed increase could be backdated by several months. However, the occupier shall not be treated as being in arrears until 28 days after the date of the order made by the tribunal determining the new pitch fee.
- If no agreement as to the pitch fee is reached and the tribunal does not make a determination (i.e. because the site owner has not made an application or because an application is refused or withdrawn) the occupier must continue to pay the existing pitch fee, but the proposed pitch fee cannot be charged, there are no arrears and the review process has ended for the year to which the notice refers.
- If, on the application of the occupier, a tribunal is satisfied that a notice of pitch fee review is of no effect due to the failure to serve this form with the notice of pitch fee review, but the occupier has nevertheless paid the pitch fee proposed in the notice, the tribunal may order the site owner to pay back the difference between the amount which the occupier was required to pay for the period in question and the amount which they have actually paid.

Matters that can and cannot be taken into account on a proposed review

- The law says¹ there is a presumption that the pitch fee cannot be changed by more than the annual change in Retail Price Index (RPI), unless this would be unreasonable having regard to the matters set out in paragraph 18(1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.
- This part of the notes explains how the RPI adjustment is worked out and what other matters can be taken into account as part of the review.

RPI adjustment

- How the RPI adjustment has been worked out is in section 4 (B) of the form.
- The maximum RPI adjustment is limited to the RPI change in the previous year, even if the pitch fee has not changed for a number of years. (See above in the reviews and late reviews section for further details.)
- When applying the RPI adjustment to a pitch fee review which is proposed to take effect on the review date, the figure that must be used in the calculation is the latest published 12 month RPI figure available before the notice of review is served. The notice must be served at least 28 clear days before the review date.
- When applying the RPI adjustment to a pitch fee review which is proposed to take effect at a date later than the review date (a late review), the RPI figure that must be applied is the last 12 month RPI figure that was published before the day by which the site owner(s) should have served the review notice had the review taken place on time – i.e. the last 12 month RPI figure published prior to the day which was 28 clear days before the review date. So, if the review date is the 1st April 2014, the RPI figure to be applied would be the last RPI figure published before 4th March 2014.
- No other date or method for calculating the RPI adjustment is permitted.

¹ Paragraph 20 of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. For matters that can be taken into account on a review more generally see paragraph 18 (as amended by the Mobile Homes Act 2013)

Other matters that can be included in a review

- Costs incurred by the site owner, which are proposed to be recovered from the occupier, are shown in section 4 (C) of the form.
- Matters to which such costs relate that are recoverable through the pitch fee include:
 - A change in the law since the last review date, other than one which is specifically prohibited from being included, which has directly affected the cost of the management or maintenance of the site.
 - The costs of certain “improvements” to the site (see below for details on improvements).
- A deduction from the pitch fee should be made and shown in section 4 (D) of the form if it relates to a matter set out below:
 - The deduction of any charges included in previous reviews relating to the cost of improvements which have already been recovered through the pitch fee.
 - A reduction in costs as a result of the change in the law since the last review date, which has directly affected the cost of the management or maintenance of the site.
 - A deduction to reflect any deterioration in the condition or decrease in the amenity of the site or any adjoining land occupied or controlled by the site owner which has occurred since 26 May 2013 and which has not been taken into account in a previous pitch fee review.
 - A deduction to reflect any reduction in the services that the owner supplies to the site, pitch or mobile home, or any deterioration in the quality of those services which has occurred since 26 May 2013 and which has not been taken into account in a previous review.

Improvements

The cost of an improvement can only be recovered in a pitch fee review if:

- a) the improvement is for the benefit of the occupiers of the site;
- b) there has been consultation with the occupiers and any qualifying residents’ association, and
- c) the majority of occupiers have not disagreed in writing to the improvements being carried out or where the majority have disagreed, a tribunal has ordered that the costs can be included in the pitch fee.²

Matters that cannot be included in a pitch fee review

Any costs relating to the following matters cannot be included in a pitch fee review:

- costs in complying with changes to the Mobile Homes Act 1983 introduced by the Mobile Homes Act 2013, including any cost relating to the preparation and serving of this form³;
- costs incurred as a result of any action taken by the local authority in licensing enforcement under sections 9A to 9I of the Caravan Sites and Control of Development Act 1960 and as a result of being convicted for an offence under section 9B⁴;
- fees paid by the site owner for an application to the local authority for site licence conditions to be altered⁵ or for consent to transfer the site licence⁶;
- any costs incurred by the site owner in connection with expanding the protected site
- any costs incurred by the site owner in relation to the conduct of proceedings under the Mobile Homes Act 1983 or under agreements made between the site owner and occupiers under that Act.

² Paragraph 18 (1) (a) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

³ Paragraph 18(1A) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

⁴ Paragraph 19(4) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

⁵ Paragraph 19(3) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

⁶ Paragraph 19(3) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

Site owner's consultation obligations

- The site owner is required to consult the occupiers on any improvements to the site in general and in particular those where the owner proposes to recover the cost of the works through the pitch fee⁷ (see improvements above.)
- In addition, the site owner must consult with any qualifying residents' association⁸ of the site on matters relating to the operation and management of the site and any improvements to the site that might affect the occupiers of the site directly or indirectly.⁹
- In consulting the site owner must give at least 28 days notice of the improvement in writing. The consultation document must describe the proposed improvement and explain how it will benefit the occupiers in both the short and long term. The document must provide details about how the pitch fee will be affected by the proposed improvement at the next review date and it must state when and where representations can be made about the proposal.¹⁰
- Before undertaking any improvements to the site the owner must take account of any representations received from the occupiers.¹¹ But the site owner cannot undertake any works the cost of which is proposed to be recovered through the pitch fee if the majority of occupiers have disagreed to the works by notification in writing, unless a tribunal has authorised in default that the costs can be recovered in the pitch fee.¹²

Site Owner's Repairing and maintenance liabilities

- Paragraph 22 (c) and (d) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 sets out the site owner's repairing liabilities. These are that the owner:
 - be responsible for repairing the base on which the mobile home is stationed and for maintaining any gas, electricity, water, sewerage or other services supplied by the owner to the pitch or to the mobile home
 - maintain in a clean and tidy condition those parts of the protected site, including access ways, site boundary fences and trees, which are not the responsibility of any occupier of a mobile home stationed on the protected site.
- Examples of such repairs and maintenance that fall within paragraph 22 may include repair and maintenance of pipes, conduits, wires, structures, tanks or other equipment provided by the site owner and of the parts of the site that are under the control of the site owner; including access ways, roads, pavements, street furniture and lighting, boundary fences, buildings in common use, drains and the drainage system and any open spaces or facilities in common.
- The site owner is also obliged to provide the occupier, free of charge, on request, documentary evidence in support and explanation of:
 - any new pitch fee;
 - any charges for gas, electricity, water, sewerage or other services payable by the occupier to the owner under the agreement and
 - any other charges, costs or expenses payable by the occupier to the owner under the agreement.¹³

⁷ Paragraph 22 (e) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

⁸ For the definition of a qualifying residents' association see paragraph 28 of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. More information on setting up and the role of residents' associations are available in the DCLG fact sheet which can be downloaded from www.gov.uk/park-homes-guidance

⁹ Paragraph 22(f) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

¹⁰ Paragraph 24 (a) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

¹¹ Paragraph 24 (b) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

¹² Paragraph 18 (1) (a) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. For definition of "majority" see paragraph 18 (2).

¹³ Paragraph 22(b) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

Occupiers' Repairing Liabilities

- The occupier is required to
 - a) keep the home in a sound state of repair and
 - b) maintain the outside of the home and the pitch, including all fences and outbuildings belonging to, or enjoyed with, the pitch and the mobile home and ensure the same are kept in a clean and tidy condition¹⁴
- Where the occupier is seeking the reimbursement of any costs or expenses from the site owner, if requested the occupier must supply to the owner documentary evidence in support of the claim.¹⁵

Further information

Further information on pitch fee reviews and other charges can be downloaded from the Fact Sheet at www.gov.uk/park-homes-guidance

Or by contacting LEASE on 020 7383 9800.

¹⁴ Paragraph 21(c) and (d) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

¹⁵ Paragraph 21(e) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.

