

Chichester District Council's Fees Policy for Relevant Protected Sites under the Mobile Homes Act 2013

The Caravan Sites and Control of Development Act 1960 (The Act) has been amended by the Mobile Homes Act 2013 (The 2013 Act).

As of 1st April 2014 Local Authorities were able to reclaim costs for administering and monitoring site licences for 'Relevant Protected Sites' only. This will allow for a fee to be levied in relation to the following:

- New Application for Site Licence;
- Transfer of Site Licence;
- Amendment of Site Licence;
- Annual Fee (To cover cost of annual inspection); and
- Depositing of park rules with Local Authority.

This policy has been developed with reference to the following documentation:

- Department for Communities and Local Government (DCLG) guidance document on setting fees published in Feb 2014.
- LGA Open for business - LGA guidance on locally set fees.
- DCLG Park Homes: Site Licensing - Definition of relevant protected sites.

This policy has also been framed in conjunction with the Pan Sussex Group, which comprises of most Local Authorities (LA) within the County and is attended by LA officers who deal with site licensing matters on a regular basis.

The policy relates to the following matters:

- The fee payable in each circumstance;
- The method of apportionment of those costs in setting those fees;
- If an annual fee is payable, when it is to be paid;
- Determine implementation date;
- How surpluses and deficits are to be treated; and
- Other matters that are deemed to be relevant.

1. Definition of Relevant Protected Site

Any licensable caravan site will be deemed to be a Relevant Protected Site unless exempted. A site is exempted if it has planning permission or a site licence for exclusive holiday use or there is a restriction on use as a permanent residential site. The aim of the new licensing provisions is to enable Local Authorities to better protect sites in residential use.

In addition, a site which has consent for holiday use and ancillary residential use, but that use is only by the owner or his employees working on the site, then their permanent occupation does not make the site a Relevant Protected Site.

If any doubt arises as to whether a site falls under the definition of a Relevant Protected Site, then the guidance issued by the Department for Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing - Definition of relevant protected sites' will be referred to by officers in order to clarify the status of the site.

2. Breakdown of Costs

The Mobile Homes Act 2013 enables a Local Authority to reclaim costs for administering and monitoring site licences, but prevents a local authority from:

- Making a profit;
- Recovering enforcement costs for a breach of condition etc, as separate provisions provided for under the Mobile Homes Act 2013; or
- Recovering costs associated with unlicensed sites.

Each application type and annual inspection has been broken down into its constituent parts in order to identify clearly:

- Each task involved in the process;
- The average amount of time taken to complete each task; and
- The job role of the officer completing the task.

The 'On-costs' (Salary of post holder + any additional costs incurred by the employer as a result of employing a person in that position) for each job role has then been applied to each template to determine the overall fee associated with each application type, as well as, calculate the annual fee due.

For a copy of these calculations please see **Appendix A**.

3. Fees payable

The fees are based upon the number of units located on each site, which are split into four individual bandings.

Below is a table stating the fee associated with each application type within each banding.

	Band				
Number of units on site	A (2 – 5)	B (6 - 24)	C (25 - 99)	D (100+)	E (Single unit sites and family sites)
New Application for Site Licence	£218	£296	£343	£406	£100

Transfer of Site Licence	£77	£77	£77	£77	£25
Variation of Site Licence	£125	£125	£125	£125	£75
Annual Fee	£147	£175	£220	£272	Exempt
Depositing of park rules with Local Authority	£75	£75	£75	£75	N/A

The fees stated above are subject to change for the reason outlined in the paragraph below.

A Local Authority cannot make a profit from the proceeds raised, in respect of the Relevant Protected Site licensing fees. Therefore, at the start of each financial year the Local Authority will need to assess the revenue raised in the previous financial year against the costs accrued, in respect of administering the regime in relation to Relevant Protected Sites. If a surplus is being made then the fees will need to be adjusted accordingly. If a deficit is being made then the Council reserves the right to increase the fees in order to recover costs. In order to ensure that any surplus or deficit can be responded to quickly, Officers, in conjunction with the Head of Service, are authorised to amend the calculation of fees if the need were to arise.

4. Single unit sites and family sites

The following sites are exempt from having to pay an annual fee:

- Site consisting of 1 unit; and
- Site occupied solely by the owner and their family and not run for financial gain (This would include Gypsy Roma & Traveller Sites).

The above sites have been exempted as it is not intended to undertake annual inspections of these sites due to the following reasons:

- The majority of small sites are family run;
- Where a holiday site also has permission for residential use, and where that use is only by the owner of the site (including family members) or employees working on the site, then their permanent occupation does not make the site a Relevant Protected Site;
- The cost of inspection is outweighed by the cost of administering any charges; and
- It will also lessen expectation amongst the smaller site owners requiring the local authority to undertake annual inspections.

Any complaints received will be responded to in accordance with our complaints procedure.

A nominal fee for the other application types will be charged in respect of single unit site occupiers and family sites, including Gypsy Roma and Traveller sites to reduce the financial burden upon these groups.

If the applicant claims to qualify for Band E due to being a family site or Gypsy Roma and Traveller Site, then additional information may be requested by officers in order to verify this claim. If there is any doubt as to the legitimacy of the claim then the matter will be referred to the Licensing Manager or another manager in Environmental Health to determine what banding the site falls into and therefore the appropriate fee that needs to accompany the application.

5. Fees for depositing Site rules

Site Rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the council must ensure that the rules deposited with them have been made in accordance with the statutory procedure. A fee can be charged for this function, which is shown in the table at paragraph 3.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

6. Enforcement costs

Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice.

The 2013 Act has amended the CSCDA60, so that it now details the elements which a local authority 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 would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred for example legal costs.

Charges for enforcement costs cannot be passed onto the residents 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.

7. Implementation date

The Fees Policy will come into force on the 30th November 2014.

8. Charging arrangements for annual fee

The annual fee will be due on the 31st January 2015 for any existing sites and annually thereafter. Any sites licensed for the first time after the implementation date will attract an annual fee on the anniversary of grant.

9. How surpluses and deficits are to be treated

A local authority can only charge in order to recover costs. Therefore, the fees will need to be reviewed annually and adjusted accordingly if a surplus or deficit has inadvertently been made. Any changes to the calculation of fees will be made by officers in conjunction with the Head of Service. Any change to the fees policy itself must be approved by the General Licensing Committee.

10. Publishing and reviewing the fees policy

This fees policy will be published on Chichester District Council's website at www.chichester.gov.uk.

A review of the fees policy will be undertaken by officers the first year after its implementation and every three years thereafter, the findings of which will be presented to the General Licensing Committee for their consideration. Any change to the fees policy itself must be approved by the General Licensing Committee. If officers identify a need to amend the fees policy during the intervening period, then the Committee will be convened in order to consider the proposed changes and make a determination.

11. Other matters

Please note that a Local Authority is not required to consider any application made in relation to a Relevant Protected Site unless that application is accompanied by the correct fee. This also applies to fees due when park rules are being deposited with the Local Authority.

If the application is not approved then the applicant is **NOT** entitled to a refund, as the application has been processed.