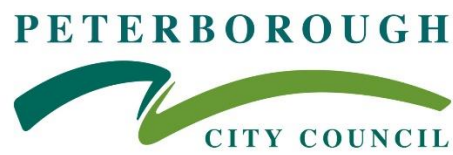




Rutland
County Council



Licensing of Residential Park Homes Sites

Fees Policy

2024-2029

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1. INTRODUCTION

Peterborough City Council has granted Caravan site licences under The Caravan sites and Control of Development Act 1960 (as amended) for sites that have valid planning permission.

The Caravan sites and Control of Development Act 1960 (CSCDA) has now been amended by the Mobile Homes Act 2013 (MHA). The MHA 2013 was introduced to provide greater protection to occupiers of residential caravans and mobile homes.

The MHA 2013 has introduced some important changes to park home site licensing. The Act authorises Local Authorities to issue licences in respect of “relevant protected sites” and to require applications for such licences to be accompanied by a fee. Fees may also be charged for applications to transfer sites licences or to change the conditions in site licences. Peterborough City Council can also charge a fee to serve enforcement notices and publish any site rules relating to a site. There is an expectation that Councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions.

The Fee generated by the MHA 2013 is not designed to include investigation of harassment or matters not related to the site licence, these matters should be dealt with via Residents Associations or other appropriate channels.

2. RELEVANT PROTECTED SITE

The changes introduced by the MHA 2013 for site licensing came into force on 1 April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected site.” A relevant protected site is defined in the Act as any land to be used as a caravan site other than one where the application for a licence is:

- For holiday use only, or
- In any other way subject to restrictions or conditions which limit the times of the year when the site may be used for stationing caravans for human habitation (e.g. planning conditions)

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained with the CSCDA60, but the provisions relating to payment of annual fees do not apply. A relevant protected site does not include sites that are owned by the local authority.

Relevant protected sites to which the legislation applies are typically known as Residential Parks, Mobile Home Parks and Gypsy Roma and Travellers sites.

3. THE LICENCE FEE STRUCTURE

In setting its draft fees policy and the fees to be charged Peterborough City Council has calculated its fees in accordance with the Guide for Local Authorities on Setting Site Licensing Fees issued by the Department for Communities and Local Government. In determining those fees, Peterborough City Council has taken into account all administrative costs incurred in the licensing process, officer visits to sites, travel costs, consultations, meetings, monitoring of sites/investigation of complaints and the giving of informal advice.

The fees determined are set out in this policy.

The fee structure adopted by Peterborough City Council is based upon

- a fee based upon size banding

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 licensing fees for administering and monitoring existing sites licences
- Deposit of Site Rules

This policy details the fees to be charged for all these licensing functions.

4. REVIEW OF THE LICENCE FEE STRUCTURE

A review of the fee structure will be carried out annually and it will be revised if necessary. Any adjustments will take into account variations in officer and administration time to those used in calculating the fees set out in this policy document, along with any changes to other costs incurred in providing the licensing function.

Any surpluses/deficits for the previous year will be taken into account when fixing the fees for the following year.

In setting annual fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/ deficits from the previous year and will confirm to the site owner the annual fee for the forthcoming year.

5. PUBLISHING THE FEE POLICY

The fees policy for licensing of residential park home sites will be published on the Peterborough City Council's website.

If the council revises its fees policy, it will replace the published policy with the revised policy. The policy will also be available to view during normal office hours from Housing Enforcement Team, Sand Martin House, Bittern Way, Fletton Quays Peterborough, PE2 8TY.

6. PAYMENT OF FEES

The council requires application fees for a new site licence, for amending a site licence or for transferring a site licence to accompany the application. The council will not commence the application process until such time as the fee is received.

Application fees are not refundable if the application is not approved.

Annual fees will become due on or after 1 April each year. The request for payment will be accompanied by information detailing what matters the council took into account in fixing the annual fee and the extent to which it had regard to deficits and surpluses from the previous year.

Where a fee becomes overdue for payment, the council may apply to a residential property tribunal for an order requiring the licence holder to pay the council the amount due by the date specified in the order. If the licence holder has still not paid the fee within three months from the date specified in the order, the council may apply to the tribunal for an order revoking the site licence.

7. APPLICATION FOR A NEW SITE LICENCE

A review of the Fees Policy structure will be carried out annually and it will be revised if necessary. Any adjustments will take into account variations in officer and administration time to those used in calculating the fees set out in this policy document, along with any changes to other costs incurred in providing the licensing function.

With this in mind a review of the current fees charged has been completed and concluded that a change to the current fees charged is not justified at this time

Any surpluses/deficits for the previous year will be taken into account when fixing the fees for the following year.

In setting annual fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/ deficits from the previous year and will confirm to the site owner the annual fee for the forthcoming year.

The fees charged for year 2022-2023 concluded that no surplus or deficit was recorded.

The DCLG guidance for fee setting offers a variety of suggested options for local authorities in calculating a new licence or annual fee;

- Option1 - per pitch (A fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit)
- Option 2 - fee based on site size bandings.
- Option 3 - fee based on a risk rating that takes into account the size of the site; the level of compliance on the site and confidence in management.

Option 2 continues to be used by Peterborough City Council as it is still considered the option that offers the most transparency and fairness to both residents and site owners.

The DCLG guidance sets out the activities that the Council can include when calculating its fee for the granting of a new licence or transferring of a licence, these include;

- Initial enquiries; Letter writing/telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third part in connection with the licensing process;
- Sending out forms;
- Updating hard files/computer systems;
- Updating EU directive website if appropriate;
- Land registry searches
- Time for reviewing necessary documents and certificates;
- Downloading photographs
- Preparing reports on contraventions;
- Preparing draft and final licences;
- Review by managers or lawyers; review any consultation responses from third parties;
- Update public register;
- Carry out any risk assessment process considered necessary;
- Review of decisions or in defending appeals

When conducting the fee structure review, all of the above points were taken into account and an estimated time from each officer responsible for each site was calculated.

Understandably, each site will differ depending on the complexity, history of the site, quality of documents, advice, and assistance the site operator may require, as well as many other factors.

Therefore, an average was calculated of officer time, likely for sites dependant on size banding.

These calculations continue to result in the below fees being fair and appropriate for a new site licence application:

Number of pitches	Fee
4-49	£770.00
50 - 99	£990.00
100+	£1210.00

It was concluded during the review that the cost of a transfer of licence will continue to be subject to a flat fee of £220.00.

8. ANNUAL FEES FOR EXISTING SITE LICENCES

All “relevant protected sites” must pay an annual fee to Peterborough City Council (subject to any exemptions stated in this policy). The fee is due prior to the annual inspection taking place which will be on, or after 1st April and annually thereafter. Appendix 2 sets out matters to be taken into consideration when setting an annual fee.

The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any outstanding works required. If there is a breach in site licence condition at the point of the revisit further charges may become payable to cover the cost of any enforcement action which may be taken. Enforcement costs are detailed below.

The DCLG guidance for fee setting offers a variety of suggested options for local authorities in calculating an annual fee;

Option1 - per pitch (A fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit)

Option 2 - fee based on site size bandings.

Option 3 - fee based on a risk rating that takes into account the size of the site; the level of compliance on the site and confidence in management.

Option 2 has been adopted by Peterborough City Council, as it considers the offer the most transparency and fairness to both residents and site owners and the annual fee is as below:

Number of pitches	Fee
4-49	£220.00

50 - 99	£385.00
100+	£550.00

Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

9. CONDITIONS

The conditions on the existing site licence will remain the same until the Council deem they are out-dated or incorrect and then a review will take place or unless an application is made to amend conditions on the licence by the site owner.

10. SITES EXEMPTED FROM ANNUAL LICENSING FEES

The power for Local Authorities to charge an annual fee for their licensing function was introduced by the MHA 2013 in respect of "Relevant Protected Sites". A "Relevant Protected Site" is defined in the act as any land to be used as a caravan site with planning consent, other than one where a licence is;

- Granted to holiday use:
- In any 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:
- Peterborough City Council felt appropriate to make the following additional exemptions:
- Sites that are not relevant protected sites:
- Sites with 3 units or less - they are low risk, they tend to be family run sites which are not run as a business, they are rarely, if ever, the subject of complaints and the cost of inspection is outweighed by the cost of administering any charges:
- Sites for the Site owner and their family (does not include sites that are run for financial gain):

These categories of site are exempt from the annual licensing fee as the Council do not intend to carry out annual inspections of these sites however, any complaints would be dealt with as appropriate.

11. CHARGING ARRANGEMENTS

For the purpose of this Policy the period covered by the annual fee will be 1 April to 31 March each financial year. The fee will be charged to the site owner/licence holder and invoices will be sent prior to the annual inspection being arranged.

Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the charge in annual fee will be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following years' annual fee.

In the event an annual fee is not paid within the term of the invoice the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

12. OTHER CHARGES

Enforcement Expenses

The council is entitled, and will seek, to recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice. A compliance notice would be served where a breach of a site licence condition has come to the attention of the Council. The CSCDA60 details the elements which a local authority may include when imposing a charge for enforcement action. These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.

Where appropriate, the council will also seek to recover expenses incurred. The council will also be able to register any of the debts to be recovered for enforcement actions as a land charge against the site.

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.

Deposit of Site Rules

Site rules are different to site conditions and are put in place by the owner of a site to ensure acceptable standards are maintained will be of benefit to occupiers or will promote and maintain community cohesion on the site. They are neither created nor enforced by Local Authorities. The MHA 2013 changes the way sites rules must be agreed between both parties. It requires existing site rules to be replaced with new site rules and to be deposited with the Local Authority. The Local Authority is required to establish, keep up to date and publish a register of site rules.

Before publishing the site rules the Council will ensure the rules deposited have been made in accordance with statutory procedure, a fee can be charged for this function.

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.

Fees payable for the deposit of site rules is £66.00.

This statement about enforcement costs and deposit of site rules is not required by the act to be included in the council's fees policy but is set out in this document in the interests of completeness and transparency.

APPENDIX 1

The DCLG guidance sets out the activities that the Council can include when calculating its fee for the grant or transfer of a licence, these include;

- Initial enquiries;
- Letter writing/telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third part in connection with the licensing process;
- Sending out forms;
- Updating hard files/computer systems;
- Updating EU directive website if appropriate;
- Land registry searches;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports on contraventions;
- Preparing draft and final licences;
- Review by managers or lawyers; review any consultation responses from third parties;
- Update public register;
- Carry out any risk assessment process considered necessary;
- Review of decisions or in defending appeals

APPENDIX 2

The DCLG guidance sets out the activities that the Council can include when calculating its annual fee, these include;

- Letter writing/telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third part in connection with the licensing process;
- Handling enquiries and complaints;
- Updating hard files/computer systems;
- Updating EU directive website if appropriate;
- Processing the licensing fee;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports of contraventions;
- Review by managers or lawyers; review any consultation responses from third parties;
- Carrying out any risk assessment process considered necessary;
- A pre-programmed full site inspection
- A follow-up inspection to check compliance following programmed inspection.

Related Documents

The following documents have been consulted when drafting this policy:

The Caravan Sites and Control of Development Act 1960 as amended
(CSCDA60)
Mobile Homes Act 2013
Regulators Compliance Code
DCLG Guidance on Site Licensing Fee Setting