



CHILTERN

District Council

Healthy Communities

CARAVAN SITE FEES POLICY

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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 (MHA 2013)

Regulators Compliance Code

Department for Communities and Local Government (DCLG) Guidance on Site Licensing Fee Setting –
(link on website)

1. Introduction

Chiltern District Council has granted Caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The Caravan Sites and Control of Development Act 1960 has now been amended by the Mobile Homes Act 2013. The Mobile Homes Act 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the previous legislation had not been updated for more than 50 years. This Act introduced some important changes to the buying, selling or gifting of a park home and the pitch fee review process.

There is an expectation that councils will inspect sites and we intend to do this every three years or in accordance with a risk assessment and use the additional powers to ensure compliance with site licence conditions. The Council can also now charge a fee for different licensing functions, serve enforcement notices and must publish any site rules relating to a site when these are deposited with the Council. The fee generated by the Mobile Homes Act 2013 is not designed to include investigation of harassment or matters not related to the Site Licence – these should be dealt with through Residents Associations or other appropriate channels.

2. Fees charged for site licences

The changes introduced by the Mobile Homes Act 2013 for Site Licensing came into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions 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:

1. Granted for holiday use only
2. In any other 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 (such as planning conditions).

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the Caravan Sites and Control of Development Act 1960, but the provisions relating to payment of fees do not apply.

Under the new Act a fee can be charged for

3. applications to grant a new licence
4. applications to transfer or amend an existing licence
5. annual licence fees for administering and monitoring existing site licences.

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

The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. The Council is able to recover any deficit when it reviews its costs at the end of the year and can do this by reflecting the deficit in the following year's fees. (Appendix 1 details what the Council can consider in calculating the fee levels)

The Council will assess its costs on a three yearly basis in line with the inspection regime to determine if they were accurate. If costs are less than predicted for previous years, the excess monies may be

reflected in the fee charged to the site owner in the next year. In that case the fee to the site owner would be the licence fee for the next 3 years, minus the money not spent from previous years. .

The fee rates set out in this policy cover the current fees, which may then be increased on an annual basis, in accordance with the Retail Price Index (RPI) or in accordance with increased costs of undertaking the licensing regime.

Duration of the Policy

This policy will remain in force until reviewed.

3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the Caravan Sites and Control of Development Act 1960); failure to apply for licence is an offence under Section 1(2) of Caravan Sites and Control of Development Act 1960. The Council may only issue a licence for a site with a valid and correct planning permission for the use.

Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The fee for a new site licence is currently a flat fee of £534.

4. Transfer/amendment of existing site licence

Where a licence holder wishes to transfer the licence an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Similarly where a site owner requests an amendment to site licence conditions the council can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

If the Council deem it necessary to alter conditions there will be no fee payable.

The fee for an application for transfer or amendment of site licence conditions is currently £138.

5. Existing Site Licences

Annual Fees

All relevant protected sites must pay an annual fee to the Council (subject to any exemptions stated in this policy). Fees for existing licensed sites are due annually on 1 June for licences in existence prior to the fees being set, and on the anniversary of the licence for licences issued following the initial setting of fees

The annual fee covers the costs associated with administration, site inspection to ensure compliance with the site licence conditions, and a revisit to ensure compliance with any outstanding works required. If there is still a breach in site licence condition at the point of the revisit further charges may

be payable to cover the cost of any enforcement action which may be taken. (See Enforcement costs – section 6.)

The annual fee is a flat fee of £298. The charges are based on the total estimated cost to the Council of carrying out its annual licensing function for all sites in the district.

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.

Sites exempted from Annual Licensing fees

1. Sites that are not relevant protected sites
2. Sites with 5 units or less
3. Sites for the Site owner and their family (does not include sites that are run for financial gain)

The Council has decided that sites that meet the definition of relevant protected sites but have been exempted for reasons 2 or 3 above will be exempt from paying the annual fee (but not other fees) because these types of sites tend to need infrequent inspections due to the lower risk generally associated with them and collecting annual fees from them would not be cost effective. However any complaints would be dealt with as appropriate.

Charging Arrangements

The annual fee for existing sites will be charged to the site owner/licence holder and invoices will be sent during the financial year, with payment due within 30 days.

Following the granting of a new licence the annual fee will be due on annual anniversary of the granting of the initial licence.

In the event an annual fee is not paid within the terms 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. Following non-payment of the annual fee, the costs of any litigation and collection of the fee, may be re-charged to the site owner. Charges for collection of the annual fee cannot be passed onto the residents pitch fee.

Applications will not be validated or determined if no fee or the incorrect fee is paid.

Fees for new site applications or variation to site licences will not be refunded if the application is refused.

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 Mobile Homes Act 2013 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.

Hourly rate for enforcement costs = £44

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. 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 Mobile Homes Act 2013 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 will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

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.

The fee is currently £40 and reflects the fixed costs for this function.

8. Publishing and revising the fee policy

This fees policy and the Fees charged will be published on the Chiltern District Council Shared Service Licensing website at www.chiltern.gov.uk

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically and in consideration of the additional administration required as a result of the changes to the legislation.

Some of the processes have not been carried out recently and therefore estimates have been made as to the cost of providing these services. In addition, at the time of producing this policy some elements of the licensing regime are still awaiting further guidance and potentially further regulation by government which may impact on the processes and the time involved and may therefore result in a revision to the charges.

Fees may then be increased on an annual basis, taking into account the Retail Price Index (RPI) and in accordance with increased costs of undertaking the licensing regime.

Appendix 1 Elements included in fee setting

The Council following the Department for Communities and Local Government guidance sets out the following activities that are included in calculating its fees, 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 party in connection with the licensing process;
- handling enquiries and complaints;
- updating document storage and computer systems (including maintenance and upgrade of such systems and the future development e-forms etc.)
- updating the website as appropriate;
- processing the licensing fees through BACS, Cheque, e-payment systems
- time for reviewing necessary documents and certificates;
- preparing reports and the holding of committees to determine a licence or the review of policies and conditions of licensing;
- review by manager or lawyers
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- full site inspection and reports;
- any follow up inspection to monitor compliance as necessary

Appendix 2 Fees Table

Fee	Charge
New Site Licence Application Fee	£534
Annual Fee	£297
Deposit/Change of Site Rules	£40
Transfer/amendment of a Site Licence	£138

There is an additional charge for credit card payments

Table 1