



Cheshire West
and Chester

Regulatory Services

FEE POLICY FOR RELEVANT PROTECTED SITES

Date 10 September 2019

1. Introduction

1.1 The Mobile Homes Act 2013 (MH Act 2013) came into effect on 1 April 2014. It introduced amendments to the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983 enabling a local authority to charge appropriate fees for their licensing functions in respect of relevant protected sites for the:

- Grant or transfer of a site licence or an application to alter the conditions on an existing licence.
- An annual licence fee for administering and monitoring licences.
- Deposit of site rules.

“relevant protected sites” includes permanent residential park homes and Gypsy and Traveller sites.

2. Site Licence fee

The following has been taken into account when determining the below fees using the last 3 years of information from the administration of the licence scheme which includes time taken for various activities, officer grades, on-costs and calculation sheets to record activities;

- Pre inspection preparation;
- Site inspection (including travelling time and mileage allowances at current rates);
- Post inspection administration i.e. formal notification of compliance or non-compliance;
- Re-inspection due to non-compliance;
- Administration, maintaining files, electronic records and cost accounting;
- Maintenance and development of ICT systems
- Support and shared services on-costs i.e. Legal
- Officer grade

2.1 Initial new site application £446.00 *

2.2 Annual Licence Fee - Up to 5 units (base figure) £207.00;

2.3 6 units and above £344.00

2.4 Licence Transfer / Variation £272

2.5 Simple licence variation £27.50 per hour i.e. name change

2.6 Deposit of Site Rules £69

*New sites are required to apply for a site licence on a non-refundable fee basis as this will cover the administration and verification of application documents, whether granted or refused. Where the licence is granted the annual fee is also payable within the same year.

3. Annual Licence Fees

- 3.1 It is recognised that many relevant protected sites are occupied by vulnerable groups and persons on limited incomes. However, it is also recognised that residents benefit from well managed sites and the regular checking of basic safety standards e.g. electrical safety and fire safety in-line with site licence conditions. In order to balance these needs Cheshire West and Chester Council (the Council) will apply the following principles to the setting of fees and charges:
- To minimise the cost per pitch-holder (site resident) overall.
 - To encourage the highest standards of licence compliance by site owners.
 - To be fair to both site owners and site residents.
 - Ensure full cost recovery.
 - Apply a discount to sites with five units or less to take into account the financial burden of costs distributed across a smaller number of residents.
- 3.2 The Council decided (2015) to charge an annual fee on the basis of the number of units on a site for the first year and then to review this charge annually. The future charge would include additional costs for additional visits or additional administration due to non-compliance issues. The future charge may also be a reduced fee if there is any surplus during the previous year.
- 3.3 From financial year 2019/20 the Council having reviewed its fees and fees policy will now calculate a sites fee based on officer time spent in the duration of administration of all the site licences each year and charge a flat rate (see 2.2 & 2.3). This will then be averaged in year 3 across all sites, to take account of surplus and deficits over the subsequent years and the fee set for next 3 years. This will help residents and site owners in setting pitch fees as they will have a set fee for 3 years and by averaging will help reduce a fluctuating fee scale from year to year.
- 3.3 The Department for Community and Local Government (DCLG) Guidance has been followed in the calculation of fees. Each year the Council will record that year's costs to determine if they were accurate. Where less than predicted for that year, there will be a deficit of expenditure and the excess monies will be recorded. Likewise any surplus will be taken into account and captured when setting fees in year 3.
- 3.4 Fees will include an inspection of the site anytime during the year. Full cost recovery will be determined as per 3.3. Invoices will be sent out to all site owners at the beginning of each financial year (1 April) or as soon as reasonably practicable thereafter. Payment must be made within 28 days. In year 3 a fees statement will be sent with invoice which will detail the fee set for next 3 years showing how any

surplus and deficit has been taken into account (Subject to normal RPI yearly increase).

- 3.4 Each year will assume a fully compliant site and sets a basic standard fee based on 8.42 hours work (officer time including overhead) for a typical site (see 2.2 & 2.3).
- 3.5 Compliance notices for breaches of any site licence condition will be served if an informal resolution in an agreed timely manner cannot be reached with the site licence holder. All costs for such notices will be charged directly to the licence holder.
- 3.6 The licence fee is calculated on the assumption that the site owner in advance of the inspection has:
 - Completed in advance any pre-inspection questionnaire.
 - Notified all resident in advance so the visit does not need to be rescheduled.
 - Has all their site records in order and available for inspection at the time of the visit.
- 3.7 An exemption from any annual licence fee is given to all one unit family sites on the grounds that such sites are self-regulating.

4. Site Rules

- 4.1 All Local Authorities with Relevant Protected Sites (except Gypsy and Traveller sites) have a duty to establish and keep an up to date register of site rules in respect of protected sites in its area and to ensure that they are published and accessible to members of the public.
- 4.2 Site rules help the site owners to run their sites and under the new provisions every site rule will be an express term of the pitch agreement between the site owner and the resident creating certainty for both parties. Any, site rules existing prior to 4 February 2015 ceased to have effect unless they were subsequently deposited with the Council.
- 4.3 Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules will be required to be accompanied by the appropriate fee. The fee will be 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. These costs cannot be passed onto the site residents but must be met by the site owners.

Reference Documents:

- The Caravan Sites and Control of Development Act 1960 as amended
- The Mobile Homes Act 1983 as amended
- Mobile Homes Act 2013
- The Mobile Homes (Site Rules) (England) 2014
- Regulators Compliance Code
- DCLG Guidance on Site Licensing Fee Setting