



Cheshire West
and Chester

Regulatory Services

FEE POLICY FOR RELEVANT PROTECTED SITES

Date 1 July 2021

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. Fees

The following has been taken into account when determining the fees (See appendix A for 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, all fees are subject to normal RPI yearly increase;

- 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

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 based on 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 appendix A). 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 (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 considered (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 per year.
- 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 (See appendix A).

4. Application to Register as a Fit and Proper Person

4.1. From 1st July 2021, the council must be satisfied that the occupier of the land used as a relevant protected site or a person appointed by the occupier to manage the site, is a fit and proper person. If necessary, the council can appoint a person to manage the site.

4.2. The council must establish and maintain a register of persons they are satisfied are fit and proper to manage a relevant protected site in their area.

4.3. An application to be included in the register must be accompanied by the fee (see Appendix A) to cover the cost of administering this function, and an application will not be valid until the fee is paid.

- 4.4 The regulations allow for an exemption to be applied, sites that are exempted by the regulations are those that are only occupied by members of the same family and are not being run as commercial residential sites. This exemption will be applied to these sites that fall under that category, subject to the site meeting this threshold.
- 4.5 The following has been taken into account when determining the Fit and Proper Person fee (all fees are subject to normal RPI yearly increase);
- Enquiry received and service request entered on computer system.
 - Sending out application form and covering letter detailing fee required
 - Receipt of application form scan and attach form to computer worksheet. Enter action on computer database and associated details. Generate acknowledgement letter and send to applicant.
 - Enter particulars of application form on to licence record on computer system
 - Check application valid e.g. all compulsory questions completed, and correct fee included. Check all particulars entered on computer licence record correctly
 - Time for reviewing necessary documents and certificates
 - Time for reviewing any representations from applicant or third parties, including reviews carried out by manager or legal.
 - Time spent on meetings/discussions and in giving informal advice and assistance to site owners/applicants on typical application
 - Preparing reports on breaches of conditions attached to an entry
 - Enter applicant onto public register of park home.

5. Other fees (see appendix A)

- Initial new site application.
- Licence Transfer / Variation.
- Simple licence variation i.e. name change.

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
- The mobile Homes (Requirement for Manger of Site to be Fit and Proper Person) (England) Regulations 2020

Appendix A

Fees

- 5.1 Initial new site application £460.00 *
- 5.2 Annual Licence Fee - Up to 5 units (base figure) £212.00
- 5.3 6 units and above £355.00
- 5.4 Licence Transfer / Variation £280.50
- 5.5 Simple licence variation £28.25 per hour i.e. name change
- 5.6 Deposit of Site Rules £71.65
- 5.7 Application to register as a Fit & Proper Person £268**

*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.

** Non-refundable if applicant fails to meet Fit & Proper person threshold.