

Regulatory Services

Fee policy for relevant protected sites

Effective date - 28 April 2015

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 home and Gypsy and Traveller sites.

2. Site licence fee

2.1 The Council propose to charge £401.59 reviewable annually.

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 has decided 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 will include additional costs for additional visits or additional administration due to non-compliance issues. The future charge may be a reduced fee if there is any surplus during the previous year.
- 3.3 The Department for Community and Local Government (DCLG) Guidance will be followed in the calculation of fees. Each year the Council will assess the previous 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 reflected in the fee charged to the site owner in the next year. Likewise any deficit will be taken into account when setting fees.
- 3.4 Fees will be based upon an inspection of the site every financial year. Full cost recovery will be determined using calculation sheets that provide a full breakdown of all costs considered. Cost details and 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 twenty-eight days.
- 3.5 The initial year will assume a fully compliant site and sets a standard basic fee based on 8.42 hours work (officer time including overhead) for sites with up to five units before applying a discount to these sites only.
- 3.6 In subsequent years any informal Intervention time taken (where there is no need for a formal notice) by the service due to contraventions with the site licence from the previous year will be added to that year's licence fee. Subsequent year's fees cannot be added to pitch fees thus preventing the site owner from passing on the cost of intervention.
- 3.7 The licence fee will be calculated on the assumption that the site owner in advance of the inspection has:
- Completed in advance the pre-inspection questionnaire.
 - Notified all permanent residents in advance so the visit does not need to be rescheduled.
 - Has all his site records in order and available for inspection at the time of the visit.
- 3.8 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 up to date a 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 administrative 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