

# Tendring District Council Draft Fees Policy

## Mobile Home Site Licensing

### 1.0 Introduction

**1.1** Tendring District Council ('the Council') has powers under the Caravan Sites and Control of Development Act 1960 (the Act) to grant caravan site licences for sites that have planning permission. The Act has now been amended by the Mobile Homes Act 2013 (the 2013 Act) to enable the Council to issue licences in respect of 'relevant protected sites' and to charge fees for the provision of their licensing functions.

**1.2** A 'relevant protected site' is defined as any land to be used as a caravan site other than one where a licence is:

- Granted for holiday use only
- 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).
- It does not include sites that are owned by the local authority.

**1.3** Relevant protected sites will include residential parks, mobile home parks and Gypsy and Traveller sites.

**1.4** Before a local authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee the local authority:

- must act in accordance with their fees policy
- may fix different fees in different cases
- may determine that no fee is required in some cases.

**1.5** It is recommended that a local authority take into account the following matters on which costs are incurred (or likely to be incurred) (by whichever department, including costs incurred by contracting out) when determining its fee policy for consideration of applications for the grant or transfer of a site licence:

- Considering applications for the issue or transfer of a site licence
- 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 party in connection with the licensing process
- Sending out forms
- Updating hard files/ computer systems
- Updating the EU Directive website if appropriate

- Processing the licensing fee
- Land registry searches
- Time for reviewing necessary documents and certificates
- Downloading photographs
- Preparing reports on contraventions
- Preparing draft and final licences
- Review by manager or lawyers; review any consultation responses from third parties
- Updating public register
- Carrying out any risk assessment process considered necessary
- Reviews of decisions or in defending appeals.

**1.6** In addition a local authority will need to make such inquiries as are necessary in connection with the application, such as those relating to:

- Management and financial standing
- Outstanding licensing issues and debts; and
- Undertakings.

**1.7** All time taken in establishing the information required to make an informed decision will be allowed to be included in the licence fee, whether or not the transfer or new licence is allowed.

**1.8** The fee levels have been calculated based on an estimate of the time and costs involved in undertaking the various activities involved; the fee scales have been based on a 'banding' of sites according to the number of pitches.

**1.9** Sites of fewer than 5 pitches that are occupied by members of the same family are exempted from the fees.

**1.10** The proposed fees for the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020 for each band are shown below:

	Band A	Band B	Band C	Band D	Band E
Number of pitches	1 to 5	6 to 24	25-99	100-99	200+
<b>Annual Fee</b>	£142.35	£190.65	£279.62	£406.72	£508.40
<b>New site licence application fee</b>	£376.22	£396.55	£465.19	£571.95	£673.63
<b>Transfer of site licence fee</b>	£198.28	£198.28	£198.28	£198.28	£198.28
<b>Amendment of site licence fee</b>	£198.28	£198.28	£198.28	£198.28	£198.28
<b>Checking &amp; Registering Site Rules</b>	£174.60	£174.60	£174.60	£174.60	£174.60

## **2.0 Charging arrangements**

- 2.1** This policy comes into effect on 1<sup>st</sup> April 2019 and the date annual charges will be due is 1<sup>st</sup> April 2019
- 2.2** Where an annual site licence is payable, the request for payment of site licence fees will be made in April each year and must be paid to the Tendring District Council within 28 days from the date of issue.
- 2.3** Payment in full of all fees shall be made with any application for a new site licence, or for amending or transferring a site licence.
- 2.4** Where a payment due to the Council has not been made, the Council may apply to the Residential Property Tribunal, for an order requiring the licence holder to pay the Council the amount due by the date specified in the Order.
- 2.5** Where a licence holder fails to comply with such an Order within the period of 3 months from the date of the Order, the Council may apply to the Tribunal for an Order revoking the site licence.
- 2.6** A licence holder has the right to apply to the Tribunal where they disagree with the licence fee being charged.
- 2.7** The Fee Policy will be kept under review and a new policy will be published when revisions are made.
- 2.8** Any fees charged must fairly cover the costs (or part of the costs) incurred by a local authority under its functions in Part 1 of the Act, other than the costs of enforcement action. They must be reasonable and transparent and whilst different fees can apply to different types of cases, there must be consistency in the fee structure and its application.
- 2.9** The fee scales have been calculated for this year on the basis of the predicted time taken to carry out the relevant administrative and inspection duties multiplied by an hourly rate. Each year the council will assess its previous costs to check that they were accurate. Where a deficit appears because expenditure was more than anticipated the shortfall will be reflected in the fee charged to the site owner in the next year. Similarly, where a surplus is made the fee for the following year will be reduced by that amount.
- 2.10** The legislation allows the site owner to pass the annual licence fee on each year to residents through their annual 'pitch fees'. If the Council's annual licence fees increase in subsequent years the proportion of the charge that can be passed on is

limited to the amount of the charge imposed in the first year and any subsequent Retail Price Index increases will be applied to it. Only the annual fees can be passed on to site residents.

### **3.0 Charges for Enforcement action**

- 3.1** 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 Council is able to make a charge to cover the cost of taking the enforcement action and this will apply to all sites, including those exempted from other fees. A detailed breakdown of the relevant expenses will be provided with the compliance notice. Charges would be based on the hourly rate detailed below, in addition to any other costs incurred.

**Hourly rate for enforcement costs (Based on the rate for the Environmental Health Team Leader) = £25.42**

- 3.2** 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.
- 3.3** If any prosecution were successfully taken, the Council would have the power to carry out the works in default of the licence holder. An administration cost of 20% would be added to the cost of the works.

### **4.0 Breakdown of Costs**

- 4.1** The following tables show the time allocations for each activity identified for the licensing functions and the total fees to be charged.

Process	Annual Site Licence - Fee Structure				
	200+	100 to 199	25 to99	6 to 24	1 to 5
Number of Caravans					
Programme visits send appointment letters and request certain info (mins)	15	15	15	15	15
Check documentation requested/chase (mins)	15	15	15	15	15
Input on CAPS (mins)	5	5	5	5	5
Check history and recent correspondence (mins)	20	15	10	10	10
Site inspection (mins)	420	300	180	90	30
Travel time (mins)	40	40	40	40	40
Download photos; put file notes on CAPS (mins)	60	40	30	20	15
Prepare report of contraventions (mins)	60	50	40	30	30
letter to site owner, cc to RA confirming satisfactory or agreed works over time (mins)	15	15	15	15	15
Add details to CAPS (mins)	5	5	5	5	5
Programme revisit date; inform site owner (mins)	10	10	10	10	10
E mail and telephone enquiries with residents/ site owner (mins)	60	50	40	30	20
Re -visit (mins)	120	90	60	40	30
Travel time (mins)	40	40	40	40	40
Prepare report of contraventions (mins)	40	40	30	20	20
Letter to site owner, cc to RA confirming satisfactory or outstanding works. If o/s continue towards enforcement (mins)	15	15	15	15	15
Update CAPS (mins)	10	10	10	10	10
routine monitoring visits (mins)	120	90	30	0	0
Travel time for routine visits (mins)	30	30	30	45	15
Download photos from monitoring visits; put file notes on MVM3 (mins)	40	30	10	0	0
letter to site owner following monitoring visits, cc to RA confirming satisfactory or agreed works over time (mins)	60	45	15	0	0
Add details to CAPS following monitoring visits (mins)	20	15	5	0	0

<b>Total time (mins)</b>	<b>1220</b>	<b>965</b>	<b>650</b>	<b>455</b>	<b>340</b>
<b>Total time (hours)</b>	<b>20</b>	<b>16</b>	<b>11</b>	<b>7.5</b>	<b>5.6</b>
<b>Hourly rate (£)</b>	25.42	25.42	25.42	25.42	25.42
<b>Total annual charge to site owner (£)</b>	<b>508.40</b>	<b>406.72</b>	<b>279.62</b>	<b>190.65</b>	<b>142.35</b>

<b>Process</b>	<b>Application For New Site Licence- Fee Structure</b>				
	<b>200+</b>	<b>100 to 199</b>	<b>25 to 99</b>	<b>6 to 24</b>	<b>1 to 5</b>
Enquiry received re-application process and forms sent out with covering letter inviting site visit (mins)	30	30	30	30	30
Create licensing worksheet on CAPS (mins)	10	10	10	10	10
Check planning status and any conditions (mins)	30	30	30	30	30
Check any previous history to new site/ adjacent land (mins)	15	15	15	15	15
Update CAPS (mins)	5	5	5	5	5
Appointment arranged to visit site (mins)	10	10	10	10	10
Meet site owner on site and carry out inspection; give advice re conditions and application form and documents required (mins)	210	180	120	90	60
Travel time (mins)	40	40	40	40	40
Update CAPS file notes and download photos (mins)	60	40	30	20	15
Application form received update CAPS (mins)	5	5	5	5	5
check application is full and proper; signed; fee included; documents included (mins)	40	40	40	40	40
Process the fee and send out receipt to owner (mins)	20	20	20	20	20
Update fields on CAPS and attach application form and docs. to worksheet (mins)	10	10	10	10	10
Check certificates for gas, electricity, fire risk assessment (mins)	30	20	20	20	20
Check Land Registry- owner details (mins)	10	10	10	10	10

Review documentation; check suitability of site and site owner :management and financial standing; outstanding licensing issues and debts; undertakings (as set by new Regs)	90	90	90	90	90
carry out a credit check and review	20	20	20	20	20
Clarification of any matters with new owner	20	20	20	20	20
Report to manager recommending approval or refusal or accept undertaking - notify owner	30	30	30	30	60
Update licensing sheet on CAPS ; attach all documents (mins)	20	15	15	15	15
Produce draft licence and site licence conditions (slc) with cover letter detailing works identified as necessary following site inspection (mins)	90	60	60	60	45
Update CAPS (mins)	10	10	10	10	10
Discussions with site owner re works/ conditions, including any requests to amend. (mins)	60	60	45	45	30
Review case with manager, discuss requests for any amendments and redraft if necessary (mins)	30	20	10	10	10
Draft new site licence with slc attached, (mins)	15	15	15	15	15
Manager checks documentwith file, signed and dated (mins)	50	40	30	20	20
Send site licence and slc to owner; update CAPS and attach documents (mins)	15	15	15	15	15
Update site licence register on system and hard file (mins)	10	10	10	10	10
When site is occupied arrange full site inspection with owner (mins)	10	10	10	10	10
Inspect site against slc, note breaches (mins)	420	300	180	90	30
Travel time	40	40	40	40	40
Update CAPS ; download photos (mins)	40	30	20	15	15
Prepare report of contraventions (mins)	60	60	45	30	30
Letter to site owner (mins)	15	15	15	15	15

Update CAPS and record next inspection date (mins)	15	15	15	15	15
Letter to site owner advising of procedure for annual inspections and next programmed visit (mins)	10	10	10	10	10
<b>total time (mins)</b>	1595	1350	1100	940	845
<b>total time (hours)</b>	26.5	22.5	18.3	15.6	14.8
<b>hourly rate (£)</b>	25.42	25.42	25.42	25.42	25.42
<b>total charge to site owner (£)</b>	<b>673.63</b>	<b>571.95</b>	<b>465.19</b>	<b>396.55</b>	<b>376.22</b>

Process	Application to Transfer Site Licence - Fee Structure				
	200+	100 to 199	25 to 99	6 to 24	1 to 5
Enquiry received and application form sent out with cover letter	30	30	30	30	30
Create worksheet on CAPS and update licensing file on CAPS	15	15	15	15	15
Application form received; check it is a full and proper application, complete, signed and fee included	40	40	40	40	40
Process the fee and send out receipt to owner; request standard documentation	20	20	20	20	20
Update fields on CAPS worksheet and licensing file on MVM3; attach application form and docs.	30	30	30	30	30
Check Land Registry- confirm applicant is the owner of the land; update MVM3	10	10	10	10	10
Review documentation; check suitability of site and site owner :management and financial standing; outstanding licensing issues and debts; undertakings (as set by new Regs)	90	90	90	90	90
carry out a credit check and review	20	20	20	20	20
Clarification of any matters with new owner	20	20	20	20	20
Report to manager recommending approval or refusal or accept undertaking - notify owner	60	60	60	60	60
Re -draft the site licence	20	20	20	20	20



Manager checks draft site licence and authorised officer to sign and date.	20	20	20	20	20
Check details of last site inspection and note any outstanding breaches/ outstanding Compliance Notices	20	20	20	20	20
Send new site licence to the site owner with details of outstanding breaches, copies of Compliance Notices with timescales for compliance. Advise of next programmed site inspection date.	50	50	50	50	50
Add new licence to electronic folder and update MVM3; attach all docs	15	15	15	15	15
Update site licence register on system and hard file	10	10	10	10	10
<b>total time (mins)</b>	470	470	470	470	470
<b>total time (hours)</b>	7.83	7.83	7.83	7.83	7.83
<b>hourly rate</b>	25.42	25.42	25.42	25.42	25.42
<b>total charge</b>	<b>198.28</b>	<b>198.28</b>	<b>198.28</b>	<b>198.28</b>	<b>198.28</b>