



ENVIRONMENTAL HEALTH (COMMERCIAL)

New Forest District Council
Relevant Protected Site Licensing
Fees Policy

Contents

1	Introduction	3
2	Summary of Legislative Changes.....	3
3	Relevant Protected Sites in the New Forest	3
4	Legal Scope and Limitation of Applying Fees.....	3
5	Exemptions from paying fees	4
6	Recharging of fees by licence holders.....	4
7	General Principles of Fee Calculation	4
8	Revision of Fees	5
9	Method of Calculation for Each Type of Fee and When it is Payable.	5
9.1	Application for a First Licence for a New Relevant Protected Single Caravan Site..	5
9.2	Application for a First Licence for a New Relevant Protected Multiple Caravan Site.	5
9.3	Annual Fee	5
9.4	Alteration of conditions attached to a site licence.....	6
9.5	Transfer of Site Licence	6
9.6	Fees for deposit of Site Rules for relevant protected sites.....	6
10	Fees for Relevant Protected Sites With Effect from 1 April 2014	7
11	Charges for Enforcement Notices and Works in Default	7
12	revision of the relevant protected site licensing fee policy.....	8
13	Questions about this Fees policy	8

1 INTRODUCTION

This document sets out New Forest District Council's Fees Policy in relation to the Mobile Homes Act 2013. The Mobile Homes Act 2013 was introduced in order to provide greater protection to occupiers of residential caravans. It introduced important changes to residential caravan site licensing on 1 April 2014 amending the Caravan Sites and Control of Development Act 1960 (amended Act). One significant change includes the ability for Local Authorities to charge licence holders a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees.

In order to be able to charge fees the Council has to publish a Fees Policy. This Fees Policy describes how fees have been calculated and when they apply. The actual fee amount will be considered each year by the General Purposes and Licensing Committee.

Whilst this policy uses the term 'caravan' it is recognised that in many cases such homes are known as mobile homes or park homes.

2 SUMMARY OF LEGISLATIVE CHANGES

The Caravan Sites and Control of Development Act 1960 came into force on 29 August 1960. This Act introduced a caravan licensing system to be operated by Local Authorities regulating the establishment and operation of caravan sites. It worked in conjunction with planning requirements in that only a caravan site with valid planning permission can apply for a site licence.

The Mobile Homes Act 2013 (MHA 2013) amends the above Act, and from 1 April 2014 introduced a scheme to enable local authorities to recover the service delivery costs associated with licensing 'relevant protected sites'. It also provides local authorities with additional regulatory powers in relation to these sites.

A relevant protected site is in essence one that is residentially occupied all year round. Such sites may range from a single caravan on a plot of land to many caravans on land in single ownership, and includes residential caravans on holiday sites. For the purposes of this policy relevant protected site(s) are referred to as 'site(s)'.

The MHA 2013 introduced the ability for Local Authorities to serve compliance notices and to carry out works in default to remedy breaches of site licence conditions. The associated fees and charges are discussed in Section 11 of this report.

3 RELEVANT PROTECTED SITES IN THE NEW FOREST

As of January 2014 the Council was administering site licenses for 82 relevant protected sites of which 52 are single caravan sites. The total number of caravans on all these sites excluding single caravan sites is 1142.

4 LEGAL SCOPE AND LIMITATION OF APPLYING FEES

Section 3 (2A) of the Amended Act enables Local Authorities to require a fee in respect to a relevant protected site application.

Local Authorities may also charge a fee for alterations to licence conditions where these are requested by a licence holder or where an application to transfer the licence to another person/organisation is received (Section 8 (1B) and Section 10 (1A) of the Amended Act, respectively).

Section 5A (1) of the Amended Act enables Local Authorities to require an annual fee to be paid by licence holders in respect of licensed relevant protected sites.

The costs associated with monitoring conditions on sites for licensing matters can be included within annual fees. However, annual fees should not take into account any costs incurred in relation to enforcement activities such as serving compliance notices, emergency action, and works in default as these costs can be recovered by other means.

Section 10A (5) of the Amended Act states that the Fees Policy must include provision about the time at which the annual fee is payable.

Regulation 12 of The Mobile Homes (Site Rules) (England) Regulations 2014 permits a fee to be charged for the deposit, variation or deletion of site rules with a local authority.

5 EXEMPTIONS FROM PAYING FEES

Caravan Sites that are for holiday use only or are only permitted to have caravans stationed on them at certain times of the year are exempt from licensing fees by virtue of not falling within the definition of “Relevant Protected Sites”.

Local Authority owned sites whilst being Relevant Protected Sites, are exempt from licensing and are therefore excluded from paying fees.

In addition Section 10A (3) of the Amended Act enables Local Authorities to fix different fees or to determine that no fee is required to be paid in certain cases.

New Forest District Council has decided to exempt single pitch sites from annual fees. This is because such sites have fewer licence conditions (e.g. separation distances do not apply) than multiple sites, and the planned monitoring of these sites will be less frequent than those attracting an annual fee.

The collection of annual fees from single pitch sites would not be cost effective, and any costs will be met through existing budgets.

6 RECHARGING OF FEES BY LICENCE HOLDERS

Licence holders will be able to recover the cost of the annual licence fee through the pitch fee review in the first year that the licence fee becomes payable by the licence holder. It may be added to the pitch fee in the first year it arises. Thereafter, the fee can be included as part of the pitch fee but increases are limited to an amount in line with the Retail Price Index.

Any fees to accompany an application for site licence conditions to be amended, or consent to transfer a licence may not be passed on by the licence holder via the pitch fee.

7 GENERAL PRINCIPLES OF FEE CALCULATION

The methodology relating to the calculation of fees is explained in this policy.

For setting the annual fee, the methodology involved finding the cost of providing the service to all sites and dividing this cost between the total number of pitches in the District. This then becomes the fee a licence holder pays for each pitch on the site.

This approach averages out the charge and ensures that residents will not be adversely affected by higher costs involved with the complexities on some sites resulting from poor management.

Officer costs are used in calculations, and are established by using an hourly rate for each officer which includes the Council's on costs. Where more than one officer is involved in any particular work activity, an average of their hourly rates is used.

When requiring a licence holder to pay an annual fee the Council will inform them of the matters to which they have had regard to in fixing the fee for the year in question, in particular the extent to which they have had regard to deficits or surpluses in the account for the annual fee for previous years.

8 REVISION OF FEES

The actual fees covered by this Fees Policy will be revised annually. The fees will be considered by the General Purposes and Licensing Committee for approval before publication. In doing this, consideration will be given to the extent of deficits or surpluses in the accounts for the annual fee for previous years.

9 METHOD OF CALCULATION FOR EACH TYPE OF FEE AND WHEN IT IS PAYABLE.

9.1 Application for a First Licence for a New Relevant Protected Single Caravan Site.

This fee relates to a new licence for a single caravan site. This is based upon the officer hourly rate multiplied by the predicted time taken to complete the work, as well as additional administrative costs.

The fee is payable on submission of an application for the licensing of a single caravan site. . If the Council decides not to approve the application the applicant is not entitled to a refund of the fee paid.

9.2 Application for a First Licence for a New Relevant Protected Multiple Caravan Site.

This fee relates to a new licence for a site with more than one caravan. This is based upon the officer hourly rate multiplied by the predicted time taken to complete the work, as well as additional administrative costs.

The fee is payable on submission of an application for the licensing of a multiple caravan site. If the Council decides not to approve the application the applicant is not entitled to a refund of the fee paid.

9.3 Annual Fee

Annual fees are calculated by determining the total cost of providing the service for all licensed relevant protected sites with the exclusion of relevant protected single caravan sites. This was then divided by the total number of pitches on all these sites.

This calculation considers two main costs; firstly, fixed costs common to a monitoring visit at any site, such as pre and post visit administration, travelling and site meetings, and secondly, costs to inspect all pitches. In both instances the predicted time taken is multiplied by an officer average hourly rate. This generates an overall cost for the service at all sites.

This overall cost is divided by the total number of permitted caravans on all relevant protected sites licensed for more than one caravan in the district. This produces the annual fee per permitted caravan payable by the licence holder.

The annual fee payable by each licence holder is calculated by multiplying the cost per pitch by the total number of pitches on the site defined in the site licence conditions.

The annual fee is payable on or before 1 September for all relevant protected sites that are licensed for more than one caravan.

9.4 Alteration of conditions attached to a site licence

This fee relates to an application by the licence holder for changes in site licence conditions and/or the approved plan of the site as a result of increasing the number of caravans, changing the layout or increasing the land area of a site.

The method of fee calculation uses a predicted average cost for work involved in processing the application. This is based upon the average officer hourly rate multiplied by the predicted time taken to complete the work, as well as additional administrative costs.

The fee is payable on submission of an application for the amendment of conditions attached to a site licence. If the Council decides not to approve the application the applicant is not entitled to a refund of the fee paid.

9.5 Transfer of Site Licence

This fee relates to an existing licence which is to be changed into a new owner's name. A fee will not be charged where the site name or address of the licence holder is changed or where a joint licence holder is deleted from the licence and no new name is added.

The method of fee calculation uses a predicted average cost for work involved in processing the application. This is based upon the average officer hourly rate multiplied by the predicted time taken to complete the work, as well as additional administrative costs.

The fee is payable on submission of an application for the transfer of a site licence. If the Council decides not to approve the application the applicant is not entitled to a refund of the fee paid.

9.6 Fees for deposit of Site Rules for relevant protected sites

The method of calculating the fee is derived from a predicted average cost of carrying out the necessary work by officers and administrative assistants.

It is payable each time there is a deposit, variation or deletion of site rules with this authority.

10 FEES FOR RELEVANT PROTECTED SITES WITH EFFECT FROM 1 APRIL 2014

Fee Type	Fee Payable
Application for a new single licensed site	£360
Application for a new multiple licensed site	£510
Annual Fee The total estimated time for all work is multiplied by an average hourly officer rate to reach a total cost of £12,220. When divided by the total number of permitted caravans on multiple caravan relevant protected sites (1142), a fee per permitted caravan on the site is reached. £12,220 / 1142 = £10.70	£10.70 per permitted caravan
Transfer of Site Licence	£148.00
Alteration of conditions on an existing licence	£302
Depositing Site Rules	£72.00

11 CHARGES FOR ENFORCEMENT NOTICES AND WORKS IN DEFAULT

Section 9A of the Amended Act allows Local Authorities to serve compliance notices on the occupier of the land where site licence conditions are breached.

The council will make a charge for costs involved in serving notices. The charge covers the reasonable expenses incurred in the preparation and service of the notice. The expenses are in connection with the time taken to inspect the site, preparation of the notice, its service and associated administration.

Failure to comply with the works detailed in the notice within the specified timescale would be an offence.

Following a successful prosecution for breaching a compliance notice, Local Authorities are able to serve notice to enter the site and carry out the necessary works (referred to as works in default).

In addition to this, Section 9E of the Amended Act allows a notice to be served on the occupier of the land enabling the Local Authority to enter the site and take emergency action where there is an imminent risk of serious harm.

Local Authorities have the power to reclaim expenses associated with carrying out necessary compliance works and/or emergency action. The charges would include the actual cost of the works, by a third party if necessary, an appropriate sum for officer time, based on an hourly rate, and the cost of the administration of the charge.

The occupier of the land has the right to appeal to a residential property tribunal against a notice and charges imposed.

Section 91 of the Amended Act enables a local authority to charge interest from the operative date of a demand for expenses at a rate fixed by the authority.

Unpaid charges can be placed as a charge against the land.

Enforcement costs are therefore not included in the calculation of the fees fixed by this Fees Policy.

12 REVISION OF THE RELEVANT PROTECTED SITE LICENSING FEE POLICY

Should the method of fee calculation or any other aspect of this policy require revision it will be amended and appropriate member approval obtained before publication.

13 QUESTIONS ABOUT THIS FEES POLICY

If you have any queries or require clarification on any aspect of this Fees Policy you can contact Environmental Health Commercial at eho.office@nfdc.gov.uk, phone 023 8028 5230 or by post to Environmental Health (Commercial), New Forest District Council, Appletree Court, Beaulieu Road, Lyndhurst, Hampshire, SO43 7PA