



Fees Policy for Relevant Protected Sites

September 2020

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Introduction

Following the introduction of the Caravan Sites and Control of Development Act 1960, Sevenoaks District Council is required by law to license caravan sites and mobile homes, unless they fall into the category of exempted sites (see First Schedule of the Act). The Mobile Homes Act 2013, which came into force on 1 April 2014, was introduced as an addendum to the Caravan Sites and Control of Development Act 1960, and is intended to provide greater protection to occupiers of Static Residential caravans.

Caravans are separated into 3 main types of caravan sites, Touring, Static Holiday and Static Residential. Following the introduction of the Mobile Homes Act 2013, the Council can now charge fees to licence Static Residential sites (also known as Park Homes and Relevant Protected Sites).

Before a local authority can charge a fee, it must prepare and publish a fees policy. (See section 10A of the Mobile Homes Act 2013). 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.

Local authorities must have a policy setting out how it will set and charge fees in order to comply with legislative and central government requirements. The policy should also state when the fees are due.

The new licensing scheme enables local authorities to monitor site licence compliance more effectively. Authorities now have the tools to take enforcement action where owners are not managing and maintaining their sites and its services. This will ensure residents' health and safety are better protected and the value of their homes safeguarded. The Mobile Homes Act 2013 introduced the ability for Local Authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1 April 2014. The fees and charges are included in this Fees Policy.

The Mobile Homes Act 2013 also introduced changes relating to site rules. Site owners will be able to replace existing site rules with new ones that should be deposited with the Local Authority who must publish an up-to-date register of these rules and can charge a fee for their deposit. The fee is included in this Fees Policy.

The Council may require a fee to register site owners who wish to be “fit and proper persons” for managing relevant protected sites.

Requirements of this Fees Policy

This fees policy should set out -

1. the fees payable for:
 - a. applications for the grant of a site licence;
 - b. applications for the transfer of a site licence;
 - c. applications for alteration to the conditions of an existing licence; and
 - d. annual fee payable for an existing licence.
2. the matters and appropriate costs taken into account in setting each type of fee;
3. the method of apportionment of those costs in setting those fees;
4. if an annual fee is payable, when it is to be paid;
5. how surpluses and deficits are to be treated; and
6. such other matters as the local authority consider to be relevant.

Definition of a Static Residential Site

A static residential site, Park Home or ‘relevant protected site’ is defined in the Act 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), for example seasonal use of Touring sites.

Any licensable caravan site will be a “relevant protected site” unless it is specifically exempted from being so. A site is exempted if it has planning permission or a site licence for exclusive holiday use or there is a restriction on use as permanent residential.

A site’s exemption will depend on what use the planning permission permits, or if the permission is silent on what the site licence permits. The actual use of the site in those circumstances is irrelevant. For example, if the land has planning permission for use as a holiday site and the residents live there full time, the site will *not* be a relevant protected site.

There are some sites where the planning permission and/ or site licence permits both use for holiday and permanent residential purposes. Such sites *are* relevant protected sites, because the relevant consent is not exclusively for holiday purpose.

However, there is an important exemption to this rule, which is that if a holiday site has permission for residential use too, and that use is only by the owner of the site (including family members) or employees working on the site their permanent occupation does not make the site a relevant protected site. The caveat to this is that if the residential occupier/employee occupies the home under an agreement to which the Mobile Homes Act 1983 applies, the site will be a relevant protected site.

For more detail and example sites, see Annexes A, B & C

What the Council can charge for

In summary, from 1 April 2014 local authorities are able to charge fees for:

- considering applications for the issue or transfer of a site licence
- considering applications for altering conditions in a site licence
- administration and monitoring of site licences
- depositing of Site Rules

The fee for administration and monitoring is levied as an annual fee. Fees must be transparent and reasonable. Both the level of fees and how they are charged are, subject to legal restrictions, at the discretion of the local authority. They should 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 any enforcement action (which may be charged separately).

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. The following can be considered in terms of officer time in setting fees;

For a first **new licence application**-

- An inspection of the site, at planning stage or on immediate planning approval, to discuss requirements with site owner;
- A second visit, following the issue of a new licence, to check conditions and occupation of site.

In the case of an **annual licence fee** -

- A pre-programmed full site inspection;
- A follow-up inspection to check compliance following programmed inspection.

In the case of an **application to amend a licence** -

- a site visit to assess the specifics of the application, any implications for the licence or its conditions and to assess whether undertakings need to be given.

In the case of an **application to transfer a licence** -

- generally, no site visit is required as the application is a desk top exercise only.

In the case of **depositing Site Rules** -

- only Officer time can be considered as this is a desk top exercise.

Travel time to and from the site, including fuel costs can be taken into account. Time spent consulting with the site owner and third parties such as Planning, Fire & Rescue, Environmental Health and Health & Safety can also be taken into account when setting fees.

Factors that cannot be included in licensing fees

A local authority cannot take into account when setting fees costs incurred in exercising their functions under:

Section 9A-9I Caravan Sites and Control of Development Act 1960 (the Act) (relating to enforcement due to breach of licence conditions);
Section 23 of the Act (prohibiting the siting of caravans on common land);
or Section 24 of the Act (the provision of caravan sites by local authorities).

In addition, section 10A (4) (b) of the Act prohibits a local authority from taking into account when setting fees costs it incurs under the Act, other than those relating to a relevant protected site. Thus costs incurred in relation to holiday sites, for example, cannot be considered when setting fees.

No fees can be charged for holiday or other non permanent residential sites. Sites which are in mixed use i.e. partly holiday with some permanent Mobile Homes Act protected residential fall within the definition of relevant protected site and fees can, therefore, be charged. Equally functions relating to such sites can be taken into account in setting fees.

Care should be taken not to include costs that have already been charged for by other service areas, e.g. in the case of a new licence application check what the planning application fee covers.

A local authority cannot make a profit. Any charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

How and when the Council will charge Fees

Invoices will be sent to the registered address (as per Sevenoaks District Council's Caravan Site Register) of the Site Owner for applicable sites.

The period covered will be the financial year 1 April to 31 March, paid in advance. Invoices will be sent out during the month of April requiring payment within 30 days.

Licensing of a site part way through the year will be invoiced on a pro rata basis.

The calculation and methodology relating to the calculation of fees was developed by consultation with the Technical Working group of Kent Environmental Health Officers, and guidance from the Department for Communities and Local Government (DCLG) on setting site licence fees.

Charges for Enforcement Notices

The Mobile Homes Act 2013 amends the 1960 Act to include provision for charging for enforcement, which will include the cost to the local authority of taking formal action leading up to and including any enforcement. This is one reason why the cost of enforcement action against site owners cannot be taken into account when setting licence fees. It would also be unfair to include such costs when many Site Owners are not likely to require enforcement action.

Under section 9C of the 1960 Act the local authority is entitled to recover it's (as called in the Act) "expenses" in deciding to and in the service of a compliance notice. This includes costs incurred in inspections, preparing the notice and obtaining expert advice on it (including legal costs) and any interest the authority intends to charge. The demand for recovery is served with the compliance notice and that demand must breakdown the costs- so the site owner knows what he is being asked to pay for and why.

The charges will be in accordance with our existing Housing Act Notices, which uses time, and officer cost calculation. This is increased annually in accordance with the Council's Fees and Charges.

A site owner may not pass on costs of enforcement action to residents through the pitch fee.

Surpluses and Deficits

Section 5A (2) of the 1960 Act provides that the local authority in setting annual fees must advise the site owner of the extent to which they have had regard to deficits and surpluses from the previous year.

A local authority must not make a profit and can only pass on to the site owner, their costs incurred in carrying out the licensing function. Equally, a local authority is not expected to make a loss in carrying out its licensing functions. Overall licensing can be a self-financing function which local taxpayers are not required to subsidise.

Each year the LA must assess their previous costs to determine if they were accurate. Where they spent less than predicted for that year, there will be a deficit of expenditure and the excess monies need to be reflected in the fee charged to the site owner in the next year.

Annexes

Annex A - Examples of Static Residential Sites

The following are types of sites that *are* static residential/relevant protected sites and therefore subject to the new licensing regime:

- A single owner occupied or rented pitch on which a caravan is stationed with consent for residential use or where it has planning permission to station a caravan, but the consent is silent on type of use of the pitch it is occupied by a caravan used as a permanent residence¹.
- A site comprising rented² caravans, which has consent for residential use.
- A site comprising owner-occupied caravans, which has consent for residential use.
- A site comprising both rented and owner occupied caravans, which has consent for residential use.
- A site, which has consent for both holiday and permanent residential use and is occupied under that arrangement.
- A site with consent for both holiday and permanent residential use but where the pitches for permanent residential use are;
 - (a) for the time being vacant or
 - (b) being used for holiday purposes or otherwise -whether in breach of the planning permission or site licence or otherwise.
- A site which has planning permission restricting permanent residential occupation of part of it but which also comprises pitches for permanent residential occupation (as permitted in the consent) and occupied under that arrangement
- A site which has planning permission restricting permanent residential occupation of part of it but which also comprises pitches for permanent residential occupation (as permitted in the consent) but where the pitches for permanent residential use are:
 - (a) for the time being vacant or
 - (b) being used for holiday purposes or otherwise -whether in breach of the planning permission or site licence or otherwise
- An owner occupied gypsy and traveller site with relevant consent
- A rented gypsy and traveller with relevant consent.

¹ Subject to the exemption from licensing- in schedule 1 of the 1960 Act- see Annex C.

² Whether under a short hold tenancy or by a licence.

- A site with planning permission as a caravan site, but the consent is silent on type of use, but such use includes permanent residential use (notwithstanding any other usage).

Annex B - Examples of what would not be classed as a Static Residential Site

The following are types of sites that are not static residential/“relevant protected site” and *are not*, therefore, subject to the new licensing regime:

- A site, which has consent for holiday use only - whether or not there are restrictions relating to occupation of caravans on the site.
- A site, which has consent for holiday use and ancillary residential use but that use is only by the owner and his employees³.
- A site on which caravans are not permitted to be stationed permanently by virtue of planning permission.
- A site where the planning permission requires caravans or pitches to be vacated at certain times of the year and/or prevents them being slept in during certain times.
- A site where the consent requires the site to close at certain times of the year.
- A site with planning permission as a caravan site but the consent is silent on type of use, but its actual use is as a holiday site (and not for any residential purpose).

³ However see caveat on page 3

Annex C - Examples of sites that do not require licensing

The following are types of sites that are *not* required to be licensed at all under the 1960 Act:

- Land on which a caravan stationed which is attached and belongs to a dwelling (e.g. a parking space or front or back garden).
- Land on which a single caravan is stationed when travelling from one place to another for a maximum of two nights (and a caravan is not stationed on the land for more than 28 nights in total in a 12 month period).
- Land (not built on⁴) and comprising 5 or more acres and (a) has not been occupied by a caravan for more than 28 days in the last twelve months and (b) has been occupied in that period by no more than three caravans at any one time.
- Land used for recreation under the supervision of an exempted organisation⁵ which occupies the land.
- Land which an exempted organisation has certified as approved for recreational use of its members for the period specified in the certificate (not exceeding one year) and which is not occupied by more than five caravans at any time during that period.
- Land used by an exempted organisation for meetings of not more than 5 days, of its members under the organisation's supervision.
- Land on which caravans are stationed which is agricultural or forestry land and are in occupation during the particular season by agricultural or forestry workers.
- Land on which caravans are stationed in connection with building or engineering works and are occupied by persons employed in those works.
- Land occupied by travelling showmen who are members of an organisation of travelling showmen⁶ which holds a certificate of exemption and who is travelling in the course of business (e.g. fair grounds/ circuses).
- Land occupied as winter quarters by travelling showmen - between October and March.
- Land occupied by a county council for accommodating gypsies and travellers
- Land occupied by a local authority on which caravans are stationed.

⁴ This means any type of building- for example a toilet or shower block.

⁵ Exempted organisations are those approved of by the Minister and whose objectives include the encouragement and promotion of recreational activities. A list of exempted organisations is held for England by Natural England to whom applications can be made for exemption status.

⁶ The main organisation is the Guild of Travelling Showmen of Great Britain

Annex D

The fees charged need to be based on the number of Officer hours required to complete the tasks associated with issuing/amending/transferring the Licence plus associated costs such as mileage and postage.

Based on Officer time at £55.64 per hour the charges would be as per **Table A** (see below) for each Band, using an average of site pitches for the band. The true cost of staff time is a product of the salaries of the people involved, their on costs and non- productive time (e.g. annual leave).

How the task time has been calculated

1. A **new application** has been worked out with the charges made up of 4hrs Officer Time for consultation with third parties such as Planning, Fire & Rescue, Health & Safety and the Site Owner, a Site Inspection (See Table C*) followed by ½ hr Officer Time to issue the licence and a visit to the site to check conditions and occupation (allowing 2hrs). See Table A.
2. The **Annual Fee** has been worked out on a price per unit based on the total cost of carrying out our licencing functions for our sites which is divided equally by the total number of units over all our relevant protected sites in the district, see Table C for breakdown of officer time and Table D for the banding of our sites and Officer time in minutes.
3. A **Transfer of Licence** has been worked out on 1 ½ hrs Officer time only as no visit should be required.
4. An **Amendment of Licence** has been worked out based on a 1hr Site Visit, average travel time, 1hr Officer time in the office plus associated costs (mileage, post etc).
5. **Depositing Site Rules** has been worked out on the basis of a total of 1hr Officer time.

TABLE A

Charge based on Officer time (£)	Band A Single pitch	Band B (2-10 pitches)	Band C (11-25 pitches)	Band D (26-50 pitches)	Band E (51-100 pitches)	Band F (101-200 pitches)	Band G (201-400 pitches)	Band H (401-800 pitches)
New application	£0.00	£542	£584	£653	£792	£1071	£2086	£3199

TABLE B

Sevenoaks District Council Sites						
Site Name	Pitches	Band	Annual Fee	Transfer	Amendment	Site Rules
Clearways	118	F	£1155	£84	£167	£55
East Hill Farm	42	D	£411	£84	£167	£55
East Hill Park	42	D	£411	£84	£167	£55
Florence Farm	23	C	£225	£84	£167	£55
Hedge Barton	80	E	£783	£84	£167	£55
Kaysland	61	E	£597	£84	£167	£55
Kingsmeadow	40	D	£391	£84	£167	£55
Millview	24	C	£234	£84	£167	£55
Pasadena	40	D	£391	£84	£167	£55
St Brelades	50	D	£489	£84	£167	£55
Stanwell House	14	C	£137	£84	£167	£55
Wickens Meadow	40	D	£391	£84	£167	£55
			£5615			

TABLE C

Inspection time and calculations used in formula to calculate annual licence fee (* cost associated with new application only)								
Process (Mins)	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Contact site owner to notify them of the time and date of inspection, enter action on Uniform, print off site licence and plan, prepare and organise for inspection*	N/A	50	50	50	50	50	50	50
Travel Time*	N/A	60	60	60	60	60	60	60
Inspect notices/certificate /site plan*	N/A	15	15	15	15	15	15	15
Inspect road and fire fighting equipment/Signage *	N/A	30	30	30	30	30	30	30
Inspect pitches and spacing approx. 3 mins per pitch using a laser tape and noting distances*	N/A	30	75	150	300	600	1695	2895
Follow up Paperwork and correspondence, attach inspection report to case management system etc.	N/A	60	60	60	60	60	60	60
Contingency to deal with unforeseen issues etc.	N/A	30	30	30	30	30	30	30
Annual admin of licence paperwork	N/A	55	55	55	55	55	55	55
Postage and printing. Larger sites require additional visits so higher mileage costs	N/A	10	10	10	15	15	15	15

TOTAL (MINS)	N/A	340	385	460	615	915	2010	3210
Number of Sites in each Band		0	3	6	2	1	0	0
Total			1155	2760	1230	915	0	0

Table D

Formula Banding		
Banding	Number of Sites	Minutes
C	3	3 x 385 = 1155
D	6	6 x 460 = 2760
E	2	2 x 615 = 1230
F	1	1 x 915 = 915
Total Minutes for all sites		6060

Formula A ÷ 60 x B ÷ D = £9.79 per pitch

A = Total Minutes (All pitches on all sites) 6060

B = Officer Hourly Rate (£55.64)

D = Number of mobile homes in district (574)