

(Draft) Fees Policy for Licencing Residential Park Homes Sites

This Policy Statement is effective from

EFDC FEES POLICY FOR LICENSING FOR RESIDENTIAL PARK HOME SITES

1. INTRODUCTION

1.1 Epping Forest District Council ('the Council') has powers under the Caravan Sites and Control of Development Act 1960 (the Act) as amended by the Mobile Homes Act 2013 (the 2013 Act) to issue licences in respect of 'relevant protected sites' and to charge fees for the provision of their licensing functions. This power comes into force on 1st April 2014.

1.2. A **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).
- It does not include sites that are owned by the local authority.

Therefore a protected site relates to all park home sites that are used for permanent residential use, apart from local authority owned sites.

1.3 Local authorities can charge:

- a licence fee for applications to grant or transfer a licence or an application to alter the conditions on a licence and ;
- an annual licence fee for administering and monitoring licences.

1.4 Importantly, in terms of the annual licence fee, the legislation allows the site owner to pass on each year to residents through their annual 'pitch fees' the amount of the charge imposed of the site owner by the Council in the first year. If the Council's charges increase in subsequent years the proportion of the charge that 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.

1.5 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.

1.6 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. THE FEE STRUCTURE

2.1 In calculating its fee structure, the Council will calculate its fees in accordance with the provisions of 2013 Act which allows a local authority to include all its reasonable costs and this includes administrative costs, officer visits to the site, travel costs, consultations, meetings, undertakings and informal advice.

2.2 The Council will when deciding its fee structure base it on the size of a site because the cost to the Council in terms of officer time and administration is proportional to the number of units on a site. Sites are banded from 1 to 5 according to the number of units on a site and a fixed cost is applied to each which takes into account the legitimate and reasonable costs incurred.

2.3 The Council has taken account of the fact that in calculating the fees in this way could

mean residents on very small sites would have a disproportionately large pitch fee as the site owner may pass on charges as mentioned in paragraph 1.4 of this policy. The Council, in setting its fees policy, can exempt certain types or categories of sites from licence fees and it is therefore determined that the fee policy should exempt from licence fees, those sites that have 5 units or less (Band 1). These sites historically require little or no Council involvement beyond issuing the licence in the first instance and the administrative costs in recovering the monies is likely to outweigh the actual income received.

2.4 The Council has consulted with residents and park home owners of existing sites in relation to the annual fee proposed. The results of the consultation together with officer recommendations were included in the report to Cabinet on 3 March 2014 and the fee structure for 2014 was agreed by Cabinet.

The licence fee structure for residential park home sites for 2014 is attached at Appendix 1.

3. REVIEW OF THE FEE STRUCTURE

3.1 A review of the fee structure will be carried out annually in March and revised if necessary. Any adjustments will take into account variations in actual officer and administration time to those predicted in Appendix 1; any changes to officer hourly rates, mileage costs or any other typical associated costs in providing the licensing function.

3.2 Any surpluses and deficits for the previous year will be presented to the Director of Communities, and where agreed, the fees to the site owner will be adjusted accordingly for the following year.

3.3 In setting their annual fees each year the Council will inform the site owner of the extent to which they have had regard to any deficits and surpluses from the previous year and will confirm with the site owner the annual fee for the forthcoming year.

4. PUBLISHING THE FEE POLICY

4.1 The fees policy for licensing of residential park home sites will be published on the Council's website –(insert link).

4.2 If the Council revises its fees policy, it will replace the published policy with the revised policy.

4.3 There will also be a hard copy of the fees policy kept with the Private Sector Housing Team which will be available to view at the Civic Offices, Monday to Friday 9am to 5pm.

5. HOW THE FEES ARE TO BE PAID.

5.1 The Council requires all fees to be included with any application for a new site licence, for amending a site licence or for transferring a site licence.

5.2 In the case of existing sites, where an annual site licence is payable, the request for payment will be made in April each year and must be paid to the Civic Offices within 28 days of the dated request.

5.3 The Council requires payment to be made by ...

5.4 Where a payment to the Council has become overdue, the Council may apply to the

First Tier Tribunal, for an order requiring the licence holder to pay the Council the amount due by the date specified in the Order. 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 First Tier Tribunal for an Order revoking the site licence.

6. APPEALS AGAINST THE FEES CHARGED

A licence holder has the right to apply to the First Tier Tribunal where they disagree with the licence fee being charged.

Appendix 1

Epping Forest District Council

Fees for Licensing Residential Park Home Sites 2014



	Band 5	Band 4	Band 3	Band 2	Band 1
	More than 200 pitches	100 – 199 pitches	25 – 99 pitches	6 – 24 pitches	1 – 5 pitches
	£	£	£	£	£
Annual Fee					
Charge to site owner	950	730	410	250	0
New site licence application - fee charges					
Charge to site owner	1,120	930	775	620	545
Application to transfer a site licence – fee charges					
Charge to site owner	290	290	290	290	290
Application to amend a site licence – fee charges					
Charge to site owner	310	290	285	275	270