

Brentwood Borough Council Draft Fee Policy

Mobile Home Site Licensing

1.0 Introduction

- 1.1 Brentwood Borough 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 The proposed fees for the period 1st April 2015 to 31st March 2016 for each band are shown below:

	Band A	Band B	Band C	Band D
Number of pitches	1 to 5	6 to 10	11 to 50	51 to 100
Annual Fee	Exempt	£274.51	£355.04	£477.08
New site licence application fee	£316.03	£393.69	£474.22	£566.56
Transfer of site licence fee	£125.27	£134.21	£143.16	£152.11
Amendment of site licence fee	£176.09	£199.71	£217.60	£247.67
Checking & Registering Site Rules	£116.32	£116.32	£116.32	£116.32

2.0 Charging arrangements

- 2.1** This policy comes into effect on 1st April 2015 and the date annual charges will be due is 1st April 2015
- 2.2** Where an annual site licence is payable, the request for payment will be made in April each year and must be paid to the Town Hall 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, for amending a site licence or for 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 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 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. A detailed breakdown of the relevant expenses would 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 = £35.79

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

Annual Site Licence - Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Programme visits send appointment letters and request certain info	15	15	15	15
Check documentation requested/chase	15	15	15	15
Input on IDOX	5	5	5	5
Check history and recent correspondence	5	10	15	20
Site inspection	30	120	180	300
Travel time	30	30	30	30
Download photos; put file notes on IDOX	20	30	40	60
Prepare report of contraventions	15	40	50	60
letter to site owner confirming satisfactory or agreed works over time	15	15	15	15
Add details to IDOX	5	5	5	5
Programme revisit date; inform site owner	10	10	10	10
E mail and telephone enquiries with residents/ site owner	10	20	30	40
Re -visit	10	60	90	120
Travel time	30	30	30	30
Prepare report of contraventions	15	30	40	50
Letter to site owner, confirming satisfactory or outstanding works. If o/s continue towards separate enforcement	15	15	15	15
Update IDOX	10	10	10	10
Total time	255	460	595	800
Total time (hours)	4.25	7.67	9.92	13.33
Hourly rate (£)	£35.79	£35.79	£35.79	£35.79
Total annual charge to site owner (£)	£152.11	£274.51	£355.04	£477.08

Application For New Site Licence- Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Enquiry received re-application process and forms sent out with covering letter inviting site visit	30	30	30	30
Create licensing worksheet on IDOX	10	10	10	10
Check planning status and any conditions	30	30	30	30
Check any previous history to new site/ adjacent land	15	15	15	15
Update IDOX	5	5	5	5
Appointment arranged to visit site	10	10	10	10
Meet site owner on site and carry out inspection; give advice re conditions and application form and documents required	60	90	120	180
Travel time	30	30	30	30
Update IDOX file notes and download photos	20	30	40	60
Application form received update IDOX	5	5	5	5
Check application is complete; signed; fee included; documents included	40	40	40	40
Process the fee and send out receipt to owner	20	20	20	20
Update fields on IDOX and attach application form and docs. to worksheet	10	10	10	10
Check certificates for gas, electricity, fire risk assessment	20	20	20	20
Check Land Registry- owner details	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)	10	30	90	90
Clarification of any matters with new owner	20	20	20	20
Update licensing sheet on IDOX; attach all documents	15	15	15	20
Produce draft licence and site licence conditions (slc) with cover letter detailing works identified as necessary following site inspection	30	60	60	90
Update IDOX	10	10	10	10
Discussions with site owner re works/ conditions, including any requests to amend.	15	30	45	60
Draft new site licence with slc attached,	15	15	15	15
Send site licence and slc to owner; update IDOX and attach documents	15	15	15	15
Update site licence register on system and hard file	10	10	10	10
Inspect site against slc, note breaches	15	30	45	60
Travel time	30	30	30	30
Update IDOX; download photos	5	15	20	30
Update IDOX and record next inspection date	15	15	15	15
Letter to site owner advising of procedure for annual inspections and next programmed visit	10	10	10	10
Total time	530	660	795	950
Total time (hours)	8.83	11.00	13.25	15.83
Hourly rate (£)	£35.79	£35.79	£35.79	£35.79
Total charge to site owner (£)	£316.03	£393.69	£474.22	£566.56

Application to Transfer Site Licence - Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Enquiry received and application form sent out with cover letter	15	15	15	15
Create worksheet on IDOX and update licensing file on IDOX	15	15	15	15
Application form received; check it is a full and proper application, complete, signed and fee included	30	30	30	30
Process the fee and send out receipt to owner; request standard documentation	20	20	20	20
Update fields on IDOX worksheet and licensing file on IDOX; attach application form and docs.	20	20	20	20
Check Land Registry- confirm applicant is the owner of the land; update IDOX	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)	15	30	45	60
Clarification of any matters with new owner	10	10	10	10
Re -draft the site licence	20	20	20	20
Check details of last site inspection and note any outstanding breaches/ outstanding Compliance Notices	10	10	10	10
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.	20	20	20	20
Add new licence to electronic folder and update IDOX; attach all docs	15	15	15	15
Update site licence register on system and hard file	10	10	10	10
Total time	210	225	240	255
Total time (hours)	3.5	3.75	4	4.25
Hourly rate	£35.79	£35.79	£35.79	£35.79
Total charge	£125.27	£134.21	£143.16	£152.11

Application to Amend Site Licence- Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Enquiry received and application form sent out with cover letter	15	15	15	15
Create worksheet on IDOX and update licensing file on IDOX	15	15	15	15
Application form received; check it is a full and proper application, complete, signed and fee included	30	30	30	30
Process the fee and send out receipt to owner	20	20	20	20
Update fields on IDOX worksheet and licensing file on IDOX; attach application form and docs.	20	20	20	20
Consider requested amendment; check new planning permission and conditions	30	30	30	30
Appointment arranged to visit site	10	10	10	10
Check details of last site inspection and note any outstanding breaches/ outstanding Compliance Notices	5	10	10	10
Visit the site to check relevant amendments to site licence e.g. new site boundary, new units and note any existing breaches	30	45	60	90
Travel time	30	30	30	30
Update IDOX file notes and download photos	5	15	20	30
Clarification of any matters with site owner/ third parties	20	20	20	20
Re-draft the site licence	20	20	20	20
Send new amended 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.	20	30	40	50
Add new licence to electronic folder and update IDOX; attach all docs	15	15	15	15
Update site licence register on system and hard file	10	10	10	10
Total time	295	335	365	415
Total time (hours)	4.92	5.58	6.08	6.92
Hourly rate (£)	£35.79	£35.79	£35.79	£35.79
Total charge to site owner (£)	£176.09	£199.71	£217.60	£247.67

Checking & Registering Site Rules- Fee Structure				
	Band A	Band B	Band C	Band D
Number of Pitches	1 to 5	6 to 10	11 to 50	51 to 100
Process	Time (minutes)			
Receipt of site rules, check legal procedure followed and no banned rules included	90	90	90	90
Calls with residents & site owners	30	30	30	30
Check for outstanding appeals	15	15	15	15
Confirmation letter to site owner	30	30	30	30
Update records, register and website	30	30	30	30
Total time	195	195	195	195
Total time (hours)	3.25	3.25	3.25	3.25
Hourly rate (£)	£35.79	£35.79	£35.79	£35.79
Total charge to site owner (£)	£116.32	£116.32	£116.32	£116.32