

Document Control Sheet

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Validity Statement

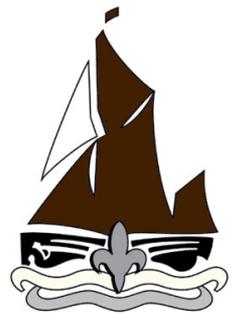
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Maldon District Council's Fees Policy for Licencing Residential Park Homes Sites

This Policy Statement is effective from 1 April 2017

**MALDON DISTRICT COUNCIL
FEES POLICY FOR LICENSING RESIDENTIAL PARK HOME SITES**



**MALDON DISTRICT
COUNCIL**

1. INTRODUCTION

1.1 Maldon 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 licenses 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 license 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 license fee for applications to grant or transfer a license or an application to alter the conditions on a license
- an annual license fee for administering and monitoring licenses and ;
- a fee for considering a deposit of site rules which must be checked and kept on a public register.

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 increases through inflation that will be applied to.

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 the 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 license fees and it is therefore determined that the fee policy should exempt from license fees, those sites that have 8 units or less (Band 1). These sites historically require little or no Council involvement beyond issuing the license in the first instance.

The licence fee structure for residential park home sites for 2017 is attached at Appendix 1.

3. REVIEW OF THE FEE STRUCTURE

- 3.1 A review of the fee structure will be carried out annually 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.

4. PUBLISHING THE FEE POLICY

- 4.1 The fees policy for licensing of residential park home sites will be published on the Councils website (www.maldon.gov.uk).
- 4.2 If the Council revises its fees policy, it will replace the published policy with the revised policy.

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 May each year and must be paid to the Council within 28 days of the dated request.
- 5.3 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.

First Tier Tribunal - Residential Property: Eastern Region
Cambridge County Court
197 East Road
Cambridge
CB1 1BA

Email rpeastern@hmcts.gsi.gov.uk

Telephone 01223 841 524

Fax 01264 785 129

DX number 97650 Cambridge 3

Appendix 1

Maldon District Council

Fees for Licensing Residential Park Home Sites 2017

	Band 5	Band 4	Band 3	Band 2	Band 1
	More than 200 pitches	100 – 199 pitches	25 – 99 pitches	9 – 24 pitches	1 – 8 pitches
	£	£	£	£	£
Annual Fee					
Charge to site owner	888	690	440	260	*0
New site licence application – fee charges					
Charge to site owner	1,342	1111	922	666	581
Application to transfer a site licence – fee charges					
Charge to site owner	307	307	307	307	307
Application to amend a site licence – fee charges					
Charge to site owner	392	369	364	350	340
Deposit of Site Rules					
Charge to site owner	**57	**57	**57	**57	**57

* Currently band 1 sites are not annually inspected by the Council so no annual fee will apply however, this will be reviewed in light of problems which the Council may become aware of relating to particular sites.

**Following a change in the government's intention with regard to the Council's duties concerning site rules, the fee has been reduced to reflect the lesser time involved.