



# Licensing and Health and Safety Enforcement Committee

**TUESDAY 25 JUNE 2019 AT 7.30 PM**

**DBC Council Chamber - The Forum**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

## Membership

Councillor Allen	Councillor Johnson
Councillor Mrs Bassadone	Councillor Link
Councillor Bhinder (Vice-Chairman)	Councillor Peter
Councillor Bowden	Councillor Pringle
Councillor P Hearn (Chairman)	Councillor Rogers
Councillor Imarni	Councillor R Sutton

For further information, please contact Corporate and Democratic Support or 01442 228209

## AGENDA

- 1. MINUTES**  
To approve the minutes from the last meeting.
- 2. APOLOGIES FOR ABSENCE**  
To receive any apologies for absence
- 3. DECLARATIONS OF INTEREST**  
To receive any declarations of interest.
- 4. PUBLIC PARTICIPATION**
- 5. PRE-APPLICATION POLICY** (Pages 3 - 12)
- 6. MOBILE HOME FEES** (Pages 13 - 31)





Report for:	<b>Licensing, Health &amp; Safety and Enforcement Committee</b>
Date of meeting:	<b>25 June 2019</b>
PART:	<b>I</b>
If Part II, reason:	

Title of report:	<b>Pre-Application Advice Policy</b>
Contact:	Nathan March – Licensing Team Leader, Corporate and Contracted Services
Purpose of report:	To introduce a proposed policy for a procedure for a pre-application advice service for some licensing regimes.
Recommendations	1. That the Committee consider the proposed policy and whether to adopt it, with or without any amendment.
Corporate objectives:	<ul style="list-style-type: none"> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> <li>• Delivering an efficient and modern council</li> </ul>
Implications:	<p><u>Equalities Implications</u> None identified – service is optional, and a relatively small additional cost to any existing required fees.</p> <p><u>Financial / Value for Money / Risk / Health And Safety Implications</u></p> <p>Potential small increase in income in terms of recovering the costs of providing advice.</p> <p>As the Council can only charge a fee to recover the costs of its functions, rather than to make a profit, the cost of the advice represents good value for money for users of the service.</p>

Consultees:	As the Council has previously set a fee for the provision of pre-application advice, and this policy simply provides detail as to how such advice is given, it is not considered necessary to carry out a consultation.
Background papers:	Licensing Pre-Application Advice Policy <i>Attached as Appendix 1</i>
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

- 1.1. Pre-application advice is a term used to describe information given to applicants (or potential applicants) in order to assist them to make a good quality application to the Council.
- 1.2. Currently, although there is a fee set for pre-application advice being given, there is no policy in place, and therefore it is not possible for officers, or potential applicants to have a clear understanding of how and when such charges will apply. Applicants have no way to understand what they can expect for this.
- 1.3. Currently, it is common for applicants who need more than what would be considered to be 'basic' advice on applications, to either contact the Council informally to discuss their application, or to use agents or solicitors to assist them. In many ways applicants contacting the Licensing team directly get the most accurate and helpful advice as they speak to an officer who both knows the area well, and understands the approach that the Council currently takes in determining such applications. However, providing this advice takes officers away from other duties. The standard of advice that is given by agents and solicitors is varied and this has an impact on the standard of applications received, which can increase the chances of objections being made, and as a result hearings being required, which are costly to the Council.
- 1.4. The aim of the fee and the policy is to recover some of the cost of advice that is given to applicants, to encourage the use of officers' experience and knowledge to improve the standard of applications made, and to reduce the time that officers spend dealing with extensive enquiries from applicants, by adding more structure to the enquiries, and potentially reducing some of the contact that is made by applicants.

## 2. PROPOSALS

- 2.1. The draft policy is attached as Appendix 1. In broad terms, the policy lists the types of licence which applicants may wish to use the service for, how they request the use of the service and the structure of the service.

2.2. The policy also makes it clear via a disclaimer that although the advice will be provided by an experienced member of the team, obtaining such advice prior to applying does not guarantee that a licence will be granted. Any officer giving advice will not be involved in the processing of the application to avoid any potential conflict.

2.3. If the policy is agreed, it will be the first time that Licensing has charged for advice in this way. The Licensing Team Leader will monitor the success of the policy in several ways:

- Income generated from future advice
- Feedback from customers using the service
- Feedback from customers aware of the service, but choosing not to use it, if this is available.
- Feedback from team members involved with the service

2.4. The Impact of the policy will be best measured at the end of each financial year, and at this time consideration will be given as to whether amendments should be proposed to improve the service.

### **3. RECOMMENDATIONS**

3.1. That the Committee consider the proposed policy and whether to adopt it, with or without any amendment.



# Licensing

## Pre-Application Advice



Date of publication	
Version no.	1.0 DRAFT
Date of last revision	xx xxxx 2019

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## Contents

Introduction .....	1
Applications for which assistance can be obtained .....	2
Why use the service? .....	2
What does the service provide?.....	2
Booking an appointment.....	3
What information should I have available for a pre-application appointment.....	3
What happens to my request for pre-application advice?.....	3
Fees for pre-application advice .....	3
Advice from other departments/external bodies .....	4
Are applications for pre-application advice confidential?.....	4
Disclaimer .....	4
Annex A – Contact details .....	4

## Introduction

The Licensing team deals with many different areas of regulation. For simplicity, this document will use the term 'licence' generically, where some forms of licensing result in consents, registrations, permits or notifications.

It is important to understand that we cannot predetermine the outcome of any application submitted but we can give you expert advice and highlight any potential issues and advice on how applications may be approached.

### **Applications for which assistance can be obtained**

This service is available to assist you in preparing applications for the following:

#### **Alcohol, entertainment and late night refreshment licensing**

- Licensing Act 2003

#### **Animal welfare licensing**

- Dangerous Wild Animals Act 1976

#### **Betting, gaming and lottery licensing**

- Gambling Act 2005

#### **Caravan Site Licensing**

- Mobile Homes Act 2013

#### **Sex establishment licensing**

- Local Government (Miscellaneous Provisions) Act 1982 (part II)

#### **Skin piercing, tattooing and acupuncture licensing**

- Local Government (Miscellaneous Provisions) Act 1982 (part VIII)

#### **Street trading licensing**

- Local Government (Miscellaneous Provisions) Act 1982 (part III)

### **Why use the service?**

As applications for licences can be quite complex, and have a wide variety of requirements depending on the legislation under which they are in place, it may be beneficial to applicants to seek advice prior to completing and submitting an application. One example that highlights the importance of getting the process right is the requirement to use a newspaper notice to alert people of your application. Getting the advert details or timing wrong could lead to the application being invalid, and the applicant losing the money spent on that notice; obtaining advice from the Council is a good way to avoid this sort of mistake, which is not unusual and easily made.

As well as ensuring the requirements are followed, the Licensing team can assist you in drafting a good application, which ensures that you are applying for the full extent of the activities that you are likely to require for your business, whilst avoiding inadvertently including or omitting information that increases the likelihood of objections being received.

Objections to applications can lead to delays in licences being granted, and can cost time away from your business in order to resolve any issues arising, so it is best that applicants do all that they can to ensure that any unnecessary objections are avoided.



## What does the service provide?

The Licensing team is happy to assist all potential applicants with general advice, the pre-application service is there to assist at a point when you have decided that you are likely to make an application, and would like support in regards to the specific details of your application.

- We will assist you to complete application forms and associated documents
- We will provide advice in line with the Council's relevant adopted policy
- We will advise you regarding the role of Responsible Authorities and undertake basic enquiries on your behalf if required
- We can highlight to you particular issues you may need to consider for your specific application
- Advice will be provided on how to draw up any required plans
- Advice regarding advertising your application and we will provide you with any notices that are required to be displayed at your premises (also available to customers not using this service)
- We will provide basic advice regarding areas on which you should consider staff training when relevant
- Advice on the process and what to expect
- Advice is given verbally, and no written feedback will be provided as standard, although it is possible that officers may send links to further information and documents by email should this be beneficial

## Booking an appointment

You can book an appointment using our forms on our website at \*\*\*\*\*

## What information should I have available for a pre-application appointment

It is helpful if applicants bring any relevant document with them, together with either a draft of their application, or comprehensive notes regarding the details of the activity that they wish to license, including details of the setting with a plan if possible/available. It is worthwhile spending some time looking at the guidance and forms on our website prior to attending an appointment, as this will help the appointment run smoothly, and as a result the time will be more useful for you.

## What happens to my request for pre-application advice?

We will acknowledge receipt of the request for pre-application advice by letter or email, review the information submitted and request further information and/or additional payment of fee within 5 working days. In circumstances where insufficient information is provided to enable a quality response to be made or where an insufficient fee payment is received, no further action will be taken with the processing of the enquiry until the requisite information and/or fee is provided.

## Fees for pre-application advice

Fees are set annually according to the current cost of officer time. The current fee can be found on our website at <http://www.dacorum.gov.uk/home/environment-street-care/licensing/licensing-fees-charges>. The fee is per hour or part hour and is the same irrespective of what application is being considered.

We will provide advice free of charge for licences that have no fee, or are exempt of the normal fee.

Payment of fees by credit or debit card will be required through the online submission form (found on the Licensing pre-application advice web page). Alternatively, should you submit your request other than by the online form, you can pay by calling the Licensing team via 01442 228000. When making this payment please make clear it relates to pre-application advice, the type of application and the relevant address.

Fees charged:

A pre-application appointment at the Council offices or over the phone will be charged at the rate for 1 hour.

A pre-application appointment taking place on site will be charged at the rate for 2 hours.

Any subsequent charges required in the event of any subsequent meetings etc., as deemed appropriate or necessary, will be dealt with at the appropriate time.

## Advice from other departments/external bodies

There are other departments and external bodies which you may wish to consult with about your proposal, some of which may have their own pre-application charges. This will depend on the application that you are making, our webpages for each type of licence will give you some further information.

## Are applications for pre-application advice confidential?

Please be aware that Dacorum Borough Council is subject to requirements under the Freedom of Information Act 2000 and Environmental Information Regulations 2004. Where the Council receives a request to disclose any information in relation to this discussion, it will notify and consult with you concerning its possible release. However, the Council reserves the right, to disclose any such information it deems appropriate and shall be responsible for determining at its absolute discretion whether the information is exempt from disclosure in accordance with the FOIA or EIR.

## Disclaimer

Advice will be provided to you by one of an experienced team of officers. The advice given will not include that of any responsible authorities. Responsible authorities and any other persons have a legal right to make representations in respect of a licence application, this may include the licensing authority and if this is the case a different and independent officer from the team will be responsible for performing this function. If the licensing authority receives representations the discretion of the licensing sub-committee will be engaged to determine the application according to its own merits. You should be aware that the Council's officers are unable to provide any guarantees regarding decisions on applications. A decision cannot be made until an application has been formally submitted and a statutory consultation has been undertaken. The officer that provides pre-application advice will not be the same officer that considers the application.

## Annex A – Contact details

For information on this statement of licensing policy, or for informal advice on making an application or whether a particular activity is likely to require authorisation, please contact:

**Licensing  
Dacorum Borough Council  
The Forum  
Marlowes  
Hemel Hempstead  
HP1 1DN**

Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)

Web: [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

Many application forms for licences are available from our website, at [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

To make an application or for further guidance, please visit our website:  
[www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

For informal advice or queries, please email:  
[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)



Report for:	<b>Licensing, Health &amp; Safety and Enforcement Committee</b>
Date of meeting:	<b>25 June 2019</b>
PART:	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Mobile Homes Fees Policy</b>
Contact:	Nathan March – Licensing Team Leader, Corporate and Contracted Services
Purpose of report:	To introduce a new draft policy and fees for agreement to go to consultation.
Recommendations	1. That the Committee consider the draft policy for consultation, with or without any suggested amendments.
Corporate objectives:	<ul style="list-style-type: none"> <li>• Providing good quality affordable homes, in particular for those most in need.</li> <li>• Delivering an efficient and modern council</li> </ul>
Implications:	<p><u>Equalities Implications</u></p> <p>None – The impact of the proposals will only affect licence holders, and potential applicants.</p> <p><u>Financial / Value for Money / Risk / Health And Safety Implications</u></p> <p>Ensuring that a fees policy is set via the correct process, and that fees are established that achieve cost recovery ensures value for money for licence holders, and appropriate levels of</p>

	income to the council to allow for it to meet its responsibilities, whilst keeping the risk of any challenge to the fees low.
Consultees:	<p>The policy is required in order that fees may be charged. The fees that are subject to the policy only affect existing, and potential Mobile Home Site owners, therefore a short and direct consultation to existing owners, together with notification of the consultation on the Council's website is considered sufficient.</p> <p>Internally, the Finance team have already been consulted during the drafting of this policy.</p>
Background papers:	<p>Draft Mobile Homes Fees Policy (attached)</p> <p>Current Mobile Homes Fees Policy available at <a href="https://www.dacorum.gov.uk/docs/default-source/council-democracy/mobile-homes-policy.pdf?sfvrsn=0">https://www.dacorum.gov.uk/docs/default-source/council-democracy/mobile-homes-policy.pdf?sfvrsn=0</a></p> <p>Fees estimate workings (Appendix 2)</p>
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

- 1.1. The Mobile Homes Act 2013, which came into force on the 1 April 2014, allows the Council to charge a fee for various aspects of its licensing of caravan sites.
- 1.2. Local authorities are expected to monitor site licence compliance more effectively and have some additional tools to take enforcement action where owners are not managing and maintaining their sites and its services.
- 1.3. Caravan site licences include a variety of conditions, often these will reflect model standards that have been produced by the Department for Communities and Local Government (most recently in April 2008), and include conditions relating to:
  - the road
  - speed limits
  - signage within the site
  - the distance between mobile homes
  - boundary fences
  - other structures within the plot area
  - the information that should be provided on the site by the manager

1.4. It is important to note that whilst many site licences include conditions relating to the provision of fire safety equipment, the licensing authority is not able to enforce against these as a result of The Regulatory Reform (Fire Safety) Order 2005, which places the responsibility for the regulation of communal areas of caravan sites with the fire authority. However, the licensing authority does remain responsible for ensuring that individual plots on sites do not breach any conditions regarding fire safety such as the erection of combustible structures.

## 2. Recovery of costs associated with licensing.

2.1. Local authorities can 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

2.2. The proposed fees have been estimated using the same budgeting process as other fees that have been set on a cost recovery basis, considering the time and cost associated with each function.

2.3. The fee for administration and monitoring of licences is levied as an annual fee. Where a local authority decides to charge fees these must be published in its fees policy and must be transparent and reasonable.

2.4. The guidance provided by the Department for Communities and Local Government suggests a number of possible approaches to fee setting.

2.5. The Council's current fees policy uses a risk rating process as part of the fee setting estimations, the rating process is shown in Annex 1. This is a complex process, which has led to at least one challenge in relation to how sites are rated. In order to make the fee setting more simple and transparent, the new draft policy has simplified the process that is proposed.

2.6. The new process considers the size of a site as part of determining how long it is likely to take to inspect and this is used to determine part of certain fees, in addition to a flat figure fee for aspects of staff time that are expected to be reasonably standard such as travel time to and from sites.

2.7. All sites will be inspected annually as it is recognised that any longer than this could lead to site licence breaches not being identified until a significant amount of time has passed.

## 3. Impact on existing sites and benchmarking

3.1. The change in approach to estimate fees has a varied impact on the annual fee for existing sites. The chart below shows the impact that the proposed charges would have on each of our existing sites.

<b>Mobile Home Parks</b>	<b>Number of Units</b>	<b>Proposed Annual fee</b>	<b>Current fee</b>
The Limit Mobile Home Park	66	<b>£566.70</b>	300

Beech Park	117	<b>£972.15</b>	675
Flaunden Mobile Home Park	39	<b>£352.05</b>	225
Scatterdells Park Caravan Park	30	<b>£280.50</b>	300
Highcroft Trailer Gardens	2	<b>£57.90</b>	100

Table 3.1

3.2. As shown in the table, some of the proposed annual fees for sites are a significant increase when compared to previous years, whilst some sites will benefit from a reduction.

3.3. It is entirely at the discretion of the Council what fee it charges or whether it charges any fee at all, as long as such fees are based on what it reasonable expects the cost of the work of officers to equate to.

3.4. Whilst the Council must not base its fees on fees charged by other authorities for this function, some cost comparison has been carried out in order to give an indication of the impact of the annual fees elsewhere, this is shown in Annexe 2. It is a difficult task to find fees for many councils, this may be because no policy has been created and therefore no fee is being collected, or may be due to councils not having relevant protected sites which can be charged. What the figures that have been obtained show, is that there is no consistency to fee setting, with different approaches being taken (as a result of the guidance providing a variety of options as to how councils may set fees, and leaving this to local discretion).

3.5. As mentioned in paragraph 2.1, in addition to the annual fees, other activities are also charged for. The impact of the draft policy on these fees would be as shown in the table below:

<b>Other fees</b>	<b>Proposed fee</b>	<b>Current fee</b>
New Site Licence Application Fee	£414.00 + £7 per unit	£50-£490 depending on size of site
Deposit/Change of Site Rules	£72	£97
Transfer/amendment of a Site Licence	£222.5 (+£84 if a site visit is required)	£112

Table 3.2

#### **4. Recommendations**

4.1. To agree the proposed policy and associated fees for consultation, with or without modification.

4.2. As the change of policy will have a direct impact on existing site owners, and it is therefore recommended to conduct a direct consultation with these licence holders, and in addition to publicise the consultation on the Council's website in case there are other interested parties who wish to comment.

4.3. A consultation period of 6 weeks is considered sufficient due to the nature of the policy and the impact being specific to identified licence holders who can be effectively consulted with directly.

4.4. The results of the consultation to be reported back to the Committee, for consideration so that the policy can be adopted with or without modification.



### Current Risk Rating System

The table below shows the approach which is currently in place for establishing annual fees. This approach requires a significant amount of officer interpretation, which is then open to challenge if the licence holder disagrees with the established risk rating. The section on Fire Fighting Equipment should not be considered in setting a fee as this cannot be regulated by the licensing authority.

Park Home risk rating system	Penalty	Total
<b>Occupancy</b>		
1 - 5 units	0	
6 - 10	5	
11 - 20	10	
21 - 50	15	
51 - 100	20	
>100	25	
<b>Complaints</b>		
Enquiries and complaints not substantiated	0	
1 substantiated unique complaint in 12 month period	5	
2-3 substantiated complaints in 12 month period	10	
> 3 substantiated complaints in 12 month period	15	
<b>Compliance with site conditions</b>		
<b>Spacing</b>		
All park homes spaced correctly	0	
5% of Park Homes closer than 6m	5	
5-10% Park Homes closer than 6m	10	
> 10% Park Homes close than 6m	15	
Other spacing issues	5	
Combustible items erected/constructed between PH	15	
<b>Roads/Footpaths/Communal areas</b>		
Defective surfaces to site	5	
Insufficient lighting	5	
Infringement of width of pathways	5	
Emergency vehicle access	5	
Lack of adequate Communal waste bins	5	
Trees/ hedges/ grass/ vegetation not maintained	5	
<b>Fire Fighting Equipment</b>		
Lack of Risk Assessment made available (RRO 2005)	10	
Lack of test certificate of equipment	5	
Lack of fire notices on 1 or more unit	5	
Alarm failure on 1 or more unit	10	
<b>Site Information</b>		
Lack of Site Plan on display in Park	5	
Lack of Licence/ Licence Holders details on displayed	5	
Other - more homes than licenced for	5	
Storage of gas/ oil fails to meet correct statutory requirements	5	
Electrics not maintained in accordance with current statutory requirements	5	



### Comparison of other nearby local authorities annual fees

Table A1 shows a comparison of the Council's current and proposed fees with some other nearby local authorities. The authorities that are displayed were chosen simply as their fees were readily available. As stated in the main report, this is for information only, and the basis for any decision on fees levels must be on a cost recovery basis.

For ease of reference, the fees that are charged by other local authorities which would be higher than the proposed fees for equivalent sized sites are coloured green, and the fees that would be lower are shown in red.

Mobile Home Parks	Number of Units	Proposed Annual fee	Current fee	Chiltern and South Bucks District Councils	Bracknell Forest Council	Central Bedfordshire
The Limit Mobile Home Park	66	<b>£566.70</b>	£300.00	£351.00	£881.10	£844.80
Beech Park	117	<b>£972.15</b>	£675.00	£351.00	£1,561.95	£1,497.60
Flaunden Mobile Home Park	39	<b>£352.05</b>	£225.00	£351.00	£520.65	£499.20
Scatterdells Park Caravan Park	30	<b>£280.50</b>	£300.00	£351.00	£400.50	£384.00
Highcroft Trailer Gardens	2	<b>£57.90</b>	£100.00	£351.00	£26.70	£25.60

Table A1



# Mobile Homes Fees Policy



Version no.	1.0 DRAFT
Date of last revision	19

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## Contents

Duration of the Policy.....	2
1. Introduction.....	2
2. Fees charged for site licences.....	2
3. Application for a new site licence.....	3
4. Transfer/amendment of existing site licence (including changes to conditions).....	3
5. Annual Fees for Site Licences .....	3
Transitional arrangement of annual fees payments .....	4
Sites exempted from Annual Licensing fees .....	4
Charging Arrangements.....	4
6. Enforcement Action.....	5
7. Fees for depositing Site rules .....	5
8. Publishing and revising the fee policy .....	6
Annex 1 Elements included in fee setting .....	7
Annex 2 Fees Table.....	8
Annex 3 – Contact details.....	9

## Duration of the Policy

This policy will remain in force until reviewed.

## 1. Introduction

Dacorum Borough Council has granted Caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The Caravan Sites and Control of Development Act 1960 has now been amended by the Mobile Homes Act 2013. The Mobile Homes Act 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years. This Act introduced some important changes to the buying, selling or gifting of a park home and the pitch fee review process.

There is an expectation that councils inspect sites and the Council intends to do annually; this timescale will be reviewed if it becomes apparent that it is appropriate to do so. The Council can charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. The fee generated by the Mobile Homes Act 2013 is not designed to include investigation of harassment or matters not related to the site licence – these should be dealt with through other appropriate channels.

This policy details what will be charged for each function. Current fees are shown in Table 1 in Annex 2. The table will be updated to reflect the current fees agreed by the Council via the Licensing and Health & Safety Committee. Fees will be reviewed annually ahead of each new fiscal year and from time to time as and when the cost of delivering licensing function is considered to have material changed.

## 2. Fees charged for site licences

The changes introduced by the Mobile Homes Act 2013 for site licensing came into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, 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).

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the Caravan Sites and Control of Development Act 1960, but the provisions relating to payment of fees do not apply.

Under the new Act a fee can be charged for

- applications to grant a new licence
- applications to transfer or amend an existing licence

- Annual licence fees for administering and monitoring existing site licences.

The Council has calculated fees in accordance with the provisions of MHA13 which allows a local authority to include all reasonable costs and this includes administrative costs, officer visits to the site, travel costs, consultations, meetings, undertakings and informal advice.

### 3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the Caravan Sites and Control of Development Act 1960); failure to apply for licence is an offence under Section 1(2) of Caravan Sites and Control of Development Act 1960. The Council may only issue a licence for a site with a valid and correct planning permission for the use.

As details of the required planning permission are required as part of a complete application, no application for a site licence will be accepted without this. Sites which have the correct planning permission in place will be processed within 2 months of the licence application.

### 4. Transfer/amendment of existing site licence (including changes to conditions)

Where a licence holder wishes to transfer the licence an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Where a site owner requests an amendment to site licence conditions the Council will charge a fee for this function. Applications can be made at any time by licence holders to vary or cancel conditions, but the fee is payable at the application stage. Whether a site visit will be required as part of any variation will be a decision of the Council and an additional fee will apply when this is the case.

If the Council deem it necessary to alter conditions there will be no fee payable.

### 5. Annual Fees for Site Licences

All relevant protected sites must pay an annual fee to the Council (subject to any exemptions stated in this Policy). The fee is due on 1st April each year, see below for transitional arrangements where annual fees have previously been due in January each calendar year.

Charges are based on estimates from experience associated with the administration responding to enquiries and conducting inspections of sites varying in type and size. The Council is not permitted to make a surplus from this function.

The annual fee covers the costs associated with site inspections to ensure compliance with the site licence conditions and a follow up visit to ensure compliance with any informal schedule of works. If there is still a breach in site licence conditions at the point of the follow up visit further charges may be payable to cover the cost of any enforcement action which may be taken. Further details can be found in section 6 - Enforcement Action.

The fee is calculated using a standard initial fee which covers aspects of an inspection which are expected to be roughly similar in all cases such as travel time for example, the second part of the fee is established on an individual basis a price per licensed pitch to reflect the variation in cost due to the size of the site.



All sites will be inspected annually as it is recognised that any longer than this could lead to site licence breaches not being identified until a significant amount of time has passed.

DCLG guidance offers a variety of suggested options for local authorities in calculating the annual fee and this approach has been adopted as it is considered to offer a balance of transparency and fairness without creating an unnecessarily complicated fee setting process.

### **Transitional arrangement of annual fees payments**

The annual fees for 2019 were payable in January 2019 under the Council's previous fees policy and these cover existing sites until December 2019. As this new policy will come into effect during the 19/20 fiscal year, existing licence holders will receive a pro-rata fee in January to cover the remaining part of 2019/20 (i.e. January – March 2020). Following this, annual fees will become due on 1st April 2020 and will cover the fiscal year from then on.

The fees will be considered annually by the Licensing and Health & Safety Committee and will be published by the Council along with all other fees and charges that the Council makes.

### **Sites exempted from Annual Licensing fees**

- Sites that are not relevant protected sites
- Sites for the Site owner and their family (does not include sites that are run for financial gain)
- Gypsy Roma and Traveller Sites

Each year the Council will assess its previous year's costs to determine if they were accurate. If costs are less than predicted for that year, the excess monies will be reflected in the fee charged to the site owner in the next year. In that case the fee to the site owner would be the licence fee for year 2 minus the money not spent from year 1.

### **Charging Arrangements**

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/licence holder and payment advice will be sent at the start of the financial year with payment due within 30 days. See [transitional arrangements](#) for more information regarding existing licensed sites.

Where a new site licence is issued part way through the year the annual fee will be pro-rata for that year. The calculation will be done using months and will take into account all months and part-months that the licence will cover for the initial year.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee will be calculated on a pro-rata basis for the remainder of the year. The calculation will be done using months and will take into account all months and part-months that the licence will cover for the initial year.

In the event an annual fee is not paid the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due. Following non-payment of the annual fee, the costs of any litigation and collection of the fee, may be re-



charged to the site owner. Charges for collection of the annual fee cannot be passed onto the residents pitch fee.

Applications will not be determined if no fee or a lower fee than required is paid.

Fees for new site applications or variation to site licences will not be refunded if the application is refused. However, if an applicant pays more than the required fee, the additional payment will be refunded in all circumstances.

## 6. Enforcement Action

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. The Caravan Sites and Control of Development Act 1960 details the elements which a council may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred for example legal costs.

## 7. Fees for depositing Site rules

Site rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The Mobile Homes Act 2013 changed the way site rules must be agreed between both parties. The Council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing site rules the Council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the Council for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

## 8. Publishing and revising the fee policy

This fees policy and the fees charged will be published on the Dacorum Borough Council Licensing website at \*\*\*\*\*

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically.

## Annex 1 Elements included in fee setting

The Council following the Department for Communities and Local Government guidance has sets out the following activities that are included in calculating its fees, these include:

- 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;
- handling enquiries and complaints;
- updating document storage and computer systems (including maintenance and upgrade of such systems and the future development e-forms etc)
- updating the website as appropriate;
- processing the licensing fees through BACS, Cheque, e-payment systems
- time for reviewing necessary documents and certificates;
- preparing reports and the holding of committees to determine a licence or the review of policies and conditions of licensing;
- review by manager or lawyers
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- full site inspection and reports;
- any follow up inspection to monitor compliance as necessary

## Annex 2 Fees Table

Fee	Charge
New Site Licence Application Fee	£414.00 + £7 per unit
Annual Fee	£42 + £7.95 per unit
Deposit/Change of Site Rules	£72
Transfer/amendment of a Site Licence	£222.5 (+£84 if a site visit is required)
Enforcement	Hourly rate of officers involved, plus any other costs such as legal fees.

## Annex 3 – Contact details

For information on this policy, please contact:

**Licensing  
Dacorum Borough Council  
The Forum  
Marlowes  
Hemel Hempstead  
HP1 1DN**

Email: [licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)

Web: [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

To make an application or for further guidance, please visit our website:  
[www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

For informal advice or queries, please email:  
[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)

Admin time cost £33.12 an hour - 55 pence per minute		
Officer time cost £42 an hour (average of Team Leader / Officer hourly rates) - 70 pence per minutes		<b>Time in minutes</b>
<b>Applications for grant of licence</b>		
<b>Activity</b>	<b>Admin</b>	<b>Officer</b>
Initial enquiries	10	30
Check application on receipt	10	30
Inspection of site at planning stage (once complete application received including planning permission), to discuss requirements with site owner	0	120
Update records reference site visits, download photographs	0	30
Processing the licensing fee	15	0
Land registry searches	10	0
Correspondence to make appointments, request documents or other information from site owner or any third party	10	30
Create on database	15	15
Time for reviewing necessary documents and certificates	10	60
Report for review by manager or lawyers; review any consultation responses from third parties; work on appeals	0	60
Preparing draft and final licences	10	60
Visit to create site record - travel	0	60
Updating public register and send out licence	20	10
<b>Total time</b>	<b>110</b>	<b>505</b>
<b>Total cost</b>	<b>£60.50</b>	<b>£353.50</b>
<b>Total cost per application excluding site visit per unit additional fee</b>		<b>£414.00</b>
<b>Visit to create site record - including travel and prep, downloading photos and updating records</b>	<b>0</b>	<b>10 mins per unit = £7 per unit</b>
<b>Annual fee</b>		
<b>Time for travel</b>		60
<b>Cost of travel</b>		£42.00
<b>Cost per Pitch Activity</b>	<b>Admin</b>	<b>Officer</b>
Handling enquiries and complaints	3	3
Site visits and audits to check compliance including preparation, downloading photos and updating records	0	3
Preparing reports on compliance and contraventions and checking documentation and certificates	0	3
<b>Total time</b>	<b>3</b>	<b>9</b>
<b>Total cost (split by officer and admin)</b>	<b>£1.65</b>	<b>£6.30</b>
<b>Total cost per pitch</b>		<b>£7.95</b>
<b>Total cost of annual fee is total number of pitches (cost per pitch x number of pitches), plus fee for travel time</b>		
<b>Application to transfer a licence</b>		
<b>Activity</b>	<b>Admin</b>	<b>Officer</b>
Initial enquiries	10	10
Check application on receipt	10	20
Processing the licensing fee	15	0
Land registry searches	10	0
Correspondence to make appointments, request documents or other information from site owner or any third party	10	60
Update on database	30	0
Report for review by manager or lawyers; review any consultation responses from third parties; work on appeals	0	30
Preparing draft and final licences	10	30
Updating public register and send out licence	20	0
<b>Total time</b>	<b>115</b>	<b>150</b>
<b>Total cost</b>	<b>£63.25</b>	<b>£105</b>
<b>Total cost per application</b>		<b>£168</b>
<b>Deposit, Variation or Deletion of Site Rules</b>		
<b>Activity</b>	<b>Admin</b>	<b>Officer</b>
Check application on receipt	10	10
Processing the licensing fee	10	0
Review of documents and correspondence if required	0	45
Update on database and register	40	0
<b>Total time</b>	<b>60</b>	<b>55</b>
<b>Total cost</b>	<b>£33</b>	<b>£39</b>
<b>Total cost per application</b>		<b>£72</b>
<b>Application to vary Site Licence Conditions</b>		
Initial enquiries	10	30
Check application on receipt	10	15
Processing the licensing fee	10	0
Correspondence to make appointments, request documents or other information from site owner or any third party	10	30
Time for reviewing necessary documents and certificates	10	30
Report for review by manager or lawyers; review any consultation responses from third parties; work on appeals	0	60
Preparing draft and final licences	10	90
Updating public register and send out licence	20	0
<b>Total time</b>	<b>80</b>	<b>255</b>
<b>Total cost</b>	<b>£44.00</b>	<b>£178.50</b>
<b>Total cost per application</b>		<b>£222.50</b>
<b>Site visit additional fee where this is required</b>		
Site visit time	0	120
Site visit costs		£84.00
<b>Enforcement costs - would be officer hourly rate as detailed above</b>		