



Department for
Communities and
Local Government

The Mobile Homes Act 2013

A Guide for Local Authorities on setting site licensing fees

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Summary

The Mobile Homes Act 2013 has made sweeping changes to the law on park homes and marks the Government's commitment to giving better rights and protection to park home owners, whilst ensuring that honest professional site owners can flourish.

As part of the changes a new licensing scheme will come into force on 1st April 2014 that will enable local authorities to monitor site licence compliance more effectively. Authorities will 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.

In summary, from 1st April local authorities will be 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 and
- Administration and monitoring of site licences.

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 document and must be transparent and reasonable.

Ahead of the introduction of the licensing reforms the Department set up a working group of local authority practitioners, industry trade bodies and national resident organisations to provide informal guidance to local authorities in setting reasonable fees for their licensing functions for park home sites.

The guidance sets out advice on:

- matters that can and cannot be taken into account in setting fees and
- setting fee structures and how fees are to be calculated.

Introduction

1.1 The Caravan Sites and Control of Development Act 1960 (the Act) was amended by the Mobile Homes Act 2013 (the 2013 Act). The changes introduced by the 2013 Act come 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*”.

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).

1.3 Relevant protected sites are typically known as residential parks, mobile home parks, Gypsy Roma and Traveller sites and so on.

1.4 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.

1.5 Before a local authority can charge a fee, it must prepare and publish a fees policy. (See section 10A of the Act). 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 Following the introduction of the 2013 Act, the Department for Communities and Local Government set up a Park Homes Working Group made up of officers from local authorities, the industry and national resident groups, to consider

- fee structures for site licensing of relevant protected sites
- options for assessing fees
- matters that can and cannot be taken into account when determining fees policies and
- exemptions from licensing fees.

1.7 This guidance produced by the Working Group, includes three separate and independent fee calculations carried out by three different local authority groups to give an indication of the differing initial approaches that have been taken.

1.8 If you have any enquiries about this document, email parkhomes@communities.gsi.gov.uk or write to us at Park Homes Policy Team, Department for Communities and Local Government, Zone 1/D1 Eland House, Bressenden Place, London SW1E 5DU

Section A: Costs that can be included in licensing fees

Overriding consideration

2.1 It is for a local authority to decide whether to charge fees for their licensing functions in relation to relevant protected sites. If an authority decides to charge fees, those must be set out in its fee policy. 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 enforcement action, or any functions carried out under section 23 or section 24 of the Act.

2.2 In assessing annual fees an authority will need to take account of their overall costs in respect of their licensing functions and/or base such fees on a “typical” site (or where banding typical within the category). There are a number of different options available in setting a fee structure, such as banding by risk or size or a flat rate charge, but it is important not to target individual sites because they require greater action in terms of enforcement. Likewise the cost of enforcement action cannot in law be reflected in the fee structure adopted by the local authority.

2.3 Similarly fees for consideration of applications for the grant or transfer of a licence should be fair and transparent. Anyone seeking a licence must know what they are going to be charged for consideration of the application. Many applications will be straightforward and will be able to be processed quickly with straightforward enquiries; others may involve complicated issues which require extensive resources to investigate. We would anticipate a flat rate fee for consideration of such licences based on the average complexity of a case. It is, however, appreciated that until now local authorities had no discretion over the grant or transfer of a licence and, therefore, historic costs may not be relevant. Local authorities may want to consider fees for such applications based on a hypothetical case of moderate complexity.

2.4 The overriding consideration is, therefore, that fees set as published by the local authority 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.

2.5 We hope the following will assist a local authority in determining what matters it can have regard to in setting fees under its policy.

Administration

Applications for grant or transfer of a licence

3.1 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:

- 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.

3.2 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.

3.3 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.

3.4 It is expected that before making an application for a grant or transfer of a licence the applicant will make contact with the local authority to ascertain the likelihood of the success of that application. The authority is expected to give such informal advice, including on likely undertakings that may need to be given, so the applicant can make an informed judgement as to whether to proceed with the application and transfer of legal ownership of the site.

3.5 The local authority cannot charge separately for its advice or work in advance of receipt of the application.

3.6 However, it can build into its fee structure for such applications the costs (or likely costs) it incurs as a result of such pre- application advice, including where no formal application is subsequently submitted.

Setting annual fees

3.7 In setting the level of annual fee in its fee policy the local authority may take into account the following matters on which costs are incurred (by whichever department, including costs incurred by contracting out):

- 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 hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- review by manager or lawyers; review any consultation responses from third parties;
- carrying out risk assessment process considered necessary

Site Inspections - Officer time

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

4.1 For a first **new licence application**–

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

4.2 In the case of an **annual licence fee** –

- (i) A pre- programmed full site inspection;
- (ii) A follow – up inspection to check compliance following programmed inspection.

4.3 Consider the frequency of inspections/ monitoring visits needed to provide a satisfactory service to carry out the licensing function. Costs relating to monitoring inspections must be fair across the board having consideration for a ‘typical’ site.

4.4 If fees are band based on the risk of a typical size or type of site, the number of visits may be varied. Where a council determines different frequency of inspections for different sites based on risk or size, this must be documented in the fees policy and the banding fee should reflect the amount of additional officer visits and time.

4.5 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.

4.6 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.

Travel time

5.1 Travel time to and from the site, including fuel costs can be taken into account. The authority will have to consider whether to

- calculate a single value for travel costs to apply to all sites generally
- get an average cost depending on a range of sites based on banding (see later) or
- cost separately for each individual site.

Consultations, meetings, informal advice etc

6.1 Time spent consulting the site owner and third parties such as the Planning Services, Fire and Rescue Services and HSE, can be taken into account in setting fees as can time spent on meetings and discussions with site owner, proposed licence holder and their representatives and in giving informal advice and assistance to site owners or their representatives around licensing issues.

Section B: Factors that cannot be included in licensing fees

7.1 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).

7.2. 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.

7.3 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.

7.4 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.

7.5. 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.

Section C: Informal action and enforcement costs

8.1 An important distinction needs to be made between

- enforcement action – which cannot be included in licensing fees and
- site visits carried out as part of the licensing function and that are documented in the fees policy – which can be included in the annual licence fee.

8.2 The Mobile Homes Act 2013 amends the 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.

8.3 Under section 9C of the 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.

8.4 Similarly an authority can recover the costs in serving notices in respect of work in default and emergency works (as well as the costs incurred in carrying out the necessary works) - see section 9F.

8.5 The right to recover costs is subject to appeal at the First Tier Tribunal (Property Chamber) in certain circumstances.

8.6 As explained, the totality of costs or likely costs in investigating complaints, inspecting sites and other monitoring etc can be included within the licensing fee structure. However, once an authority has decided to take formal enforcement action in a particular case by serving a notice it can recover all of the actual costs that led to that decision being taken, including, for example, costs incurred in dealing with the complaint and inspections, by serving a demand on the site owner with the relevant enforcement notice.

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

Section D: Whether to charge for licensing

9.1. It is at the Local Authority's discretion whether they charge for all or any aspect of site licensing. In reaching its decision the local authority may take the following points into account:

- Consideration should be given to a Council's existing policy towards charging generally- if a council tends not to charge, they will have to justify charging in this case and re-evaluate charging for other licensable premises/ activities.
- Homeowners may argue that they already pay for a council service in terms of council tax and therefore the cost of the licensing function should be covered in this. (This assumes the site owner passes on their licence fee to the homeowner which they are permitted to do in law).
- If a Council charges, there will be a legitimate expectation from homeowners that they will get a better licensing service over and above what they currently receive (assuming the site owner passes on his licence fee). Residents' expectations need to be managed as officer time in relation to dealing with harassment or non licensing complaints will not be funded through the fee structure.
- Charging will provide a revenue stream to fund licensing functions. As many local authorities currently do not have the resources to provide the service they may want to for licensing and monitoring, the increased funding could provide an improved service.

Section E: Exempting certain types of site

10.1. Whilst adopting a fees policy a local authority can decide to exempt certain categories of sites from payment. A local authority must however be able to justify any such decisions - which will usually be due to risk and, or cost.

10.2 Any exemption must be rational, objective and consistent. The exemptions must be set out in the fee policy. Site categories which are exempted can subsequently be brought within the charging structure by a change to the fee policy.

10.3 Importantly too, a local authority should not charge higher fees for non-exempted sites to cover its costs in relation to licensing functions for those sites that are exempted from payment.

10.4 A local authority may consider exempting the following types of sites:

- Certain sites based on a minimum size – this may be single unit sites or sites of a size less than a given figure e.g. 3 or 5. The rationale for exempting such sites being that they are low risk, they tend to be family run sites which are not run as a business, they are rarely, if ever, the subject of complaints and the cost of inspection is outweighed by the cost of administering any charges.
- Sites that are not run as a business, again justified as above – this would include family run sites and typical small Gypsy Roma and Traveller sites. However, consideration needs to be given as to how you would quantify/ define 'family site' and the evidence required to show that a site was not a family run site and was instead a business when challenged otherwise. On balance this is considered a problematic category and is not recommended.
- Gypsy Roma and Traveller (GRT) sites – some local authorities currently have little involvement with these sites and some do not even impose conditions. There may be a presumption that administering and recovering charges on these sites would be problematic. Even if no fees are charged the local authority still has a duty to license such sites and has powers of enforcement. There may be an expectation that enforcement action will be taken- in particular in respect of fire safety where the enforcing responsibility usually rests with the local authority and not the fire service under the Fire Safety Order (whereas on traditional residential park home sites the Order is relevant for common parts). Local authorities may consider the most sensible option to assess GRT sites against the same criteria as the traditional sites. So all sites of a minimum size (say less than 5) are exempt from charging, whilst all sites, including GRT sites, above a certain size are included.

10.5 In considering any fees policy, a local authority has full scope to consider the particular types and sizes of sites and issues on its district, so it can frame its policy accordingly, including exemptions to suit. It can also exempt by way of type of fee payable (i.e. application or annual fees) generally or specifically in relation to categories of sites.

Section F: Framing a fee structure

11.1. Assuming a local authority decides to charge for its licensing functions, there are several variations of fee structure that it can consider but there are pros and cons to each. No one scheme is considered better than another and several approaches may be equally acceptable depending on individual situations and issues.

11.2. Setting a fee structure for a new licence for the first time and amending or transferring a licence is likely to be quite straightforward, taking into account the earlier paragraphs. More problematic, will be dealing with the annual licensing fees which is discussed in more detail in Section G.

Section G: Setting an annual licensing fee for existing sites - options

12.1 **Option 1** - A price per unit fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites.

This unit price is then multiplied by the actual number of units on a particular site so that a site owner is charged an annual fee based on the number of units on his site.

The total licensing costs will include officer time in site inspections and office administration of the licence. There are two methods of determining the total annual licensing for all sites.

Method 1 – Where local authorities are already recording time against such activities then this can be used to produce accurate service costs.

Method 2 – Local Authorities can use agreed/benchmarked templates or formulas of time taken for the various steps within the process utilising a per pitch component for inspections and follow up letters/telephone calls.

For instance a formula such as
$$= (((((A - 1) \times B) + C) / 60) \times D) + E$$
 could be used, where

A = Number of pitches

B = Per pitch inspection time

C = Fixed admin and inspection time (minutes)

D = Officer hourly rate

E = Printing, postage and average mileage cost

This can then be used to calculate the cost for each site, with the cost of each site then being added together and divided by the total number of pitches on all the sites to arrive at a per pitch fee.

Points to consider:

- The same formula is used for determining the fee regardless of site. This may be determined as fair by homeowners, who are likely to be required to pay the costs in their pitch fees.
- The larger the site the bigger the business and therefore the more the site owner pays. This seems fair.
- However, whilst the inspection costs are directly proportional to the number of units and thus fair, the admin costs are perhaps less fairly distributed as these are generally similar regardless of site size. Therefore a site owner of a very large site has to pay proportionally more in admin costs than if the costs were not averaged out to take account of all sites over the district.

- Whilst it may be argued that large sites are usually more problematic and therefore warrant a greater fee, it may not be fair to assume this in all cases.
- A local authority may decide to introduce a maximum fee cap.

12.2 **Option 2** - A fee based on size banding where local authorities use agreed/benchmarked templates or formulas of time taken for the various steps within the process but instead of utilising a fixed admin component plus a per pitch component for inspections etc, different amounts of fixed times can be applied for different sized sites depending on their banding.

This method recognises that larger sites are more complex and take up more time in terms of site inspections, than smaller sites. The bands can be formed to suit the range of sites in a particular local authority so that 'actual' sites fall neatly within a band.

Table 1

Number of pitches	Band Z	Formula	A (Admin time mins) examples	B (Inspection time mins) examples
1-5	1	$=((A_1+B_1)/60) \times C$	185	140
6-24	2	$=((A_2+B_2)/60) \times C$	200	210
25-99	3	$=((A_3+B_3)/60) \times C$	270	390
100-199	4	$=((A_4+B_4)/60) \times C$	375	800
200+	5	$=((A_5+B_5)/60) \times C$	450	1080

Where C = Officer hourly rate

Points to consider:

- Whilst the fees for the larger sites are higher than for the smaller sites, the fee is more representative of actual time spent and therefore cost, so it may be easier to explain/ justify the fee to a site owner of a large or a small site.
- Using this fee calculation, costs to the site owner of a small site are proportionally more than for a large site
- Assuming the annual fee to the site owner is passed to the homeowners, the fee to the homeowners of the smaller sites will be proportionally more than the fee to residents of larger sites

12.3 **Option 3** - A fee based on or including a risk rating that takes into account the size of a site, the level of compliance on a site and confidence in management.

This means that a site which is historically more problematic than another site and therefore requires more officer involvement and more monitoring, would pay a higher licence fee than a well managed site that requires very little local authority involvement. See Table 2, by way of explanation.

Table 2

Risk category/size	Cat A (severe)	Cat B (high)	Cat C (medium)	Cat D (low)
Maximum inspection interval	1 year	1.5 years	2 years	3 years
Divide by annual fee	1	1.5	2	3
<3	£A	£A/1.5	£A/2	£A/3
Small (3-10)	£B	£B/1.5	£B/2	£B/3
Medium (11-50)	£C	£C/1.5	£C/2	£C/3
Large (51-100)	£D	£D/1.5	£D/2	£D/3
Extra large (101+)	£E	£E/1.5	£E/2	£E/3

Points to consider:

If this approach is used, the authority will have to justify in its fees policy how they have risk rated a particular site and all their sites generally. Remember the fees policy cannot be seen to target individual sites because they require greater action and it must initially be based on a 'typical' site. The authority may want initially to risk rate all its sites as 'medium' and then, year on year evaluate the individual risk of each site and move sites accordingly between risk bands, which it must be able to justify in each case.

- The unprofessional/ unscrupulous site owner pays a higher licensing fee based directly on local authority time spent on his site. The professional, good site owner pays a smaller fee that just covers minimal officer time.
- This is a clear incentive to be a 'good' site owner and move to the low risk band
- Assuming the licensing fee is passed on to homeowners, homeowners of the poor sites will be penalised by having to pay a higher licensing fee and this would seem unduly unfair. It may also create a fluctuating fee scale from year to year which may be hard for homeowners and site owners to understand and therefore more open to challenge.
- A more satisfactory fee calculation would appear to be a system where a local authority sets its base fee on size of site (whether it be by per unit or by banding) in the first year, followed by a modification in the second and subsequent years based on risk rating that takes into account the level of compliance and management of a site. The advantage of this is that the site owner can pass on to the homeowners

the base fee, determined by site size, but he cannot pass on any additional fee in the following years which would be determined by his own management and professionalism (or lack of it). The local authority would have to be careful in justifying any additional costs, due to officers having to increase their levels of monitoring due to poor standards of management, but not including actual enforcement action.

- A potential downside is that a site owner may be inclined to put pressure on homeowners not to complain to the local authority about certain issues in order to avoid an increase in licence fee, so that there may be cases of bullying and intimidation as a result.

12.4 In order to recognise and reward good management practice an accreditation process could be introduced which allows discounting of fees for accredited sites. In order to achieve accreditation a site would have to meet certain criteria which may include for example,

- no site licence contraventions for example 3 consecutive years
- full certification for fire checks, gas and electric checks
- to demonstrate a good relationship with any residents' association
- little or no requirement for local authority involvement.

Section H: Surpluses and deficits

13.1 Section 5A (2) of the 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.

What to consider

13.2 In terms of deciding surpluses and deficits 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.

13.3 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. So for year 2, the fee to the site owner will be the licence fee for year 2 minus the money not spent from year 1.

Example: licence fee for 2014 was £500; a review at March 2015 shows LA cost of licensing for 2014/15 is actually £350. The LA anticipates that the costs for 2015/16 will be £400. So for the next licensing period 2015/16 the fee to the site owner is £400-£150 =£250

Example: licence fee for 2014 was £500; a review at March 2015 shows LA cost of licensing for 2014/15 is actually £550. The LA anticipates that the costs for 2015/16 will be £550. So for the next licensing period 2015/16 the fee to the site owner is £550+£50 =£600.

13.4 Factors which may influence a deficit or surplus include:

- improved/ more efficient admin/ data recording which reduces admin time
- increase/ decrease on officer time
- increased fuel costs
- miscalculating review of consultations or preparation of paperwork etc
- more or less inspections.

13.5 The above examples are not exhaustive. Basically the authority can take account of any relevant increases or decreases in costs since the last fee was set. It is, however, important to bear in mind the changes are to the totality of the relevant costs. Fees should not vary on an individual case by case basis, even if for example, the increase in cost of site inspections is due to activity on one site.

Section I: Fees for alterations to conditions in a licence

14.1 A local authority may alter the conditions in existing licences (by adding new conditions or changing or deleting existing ones). It may do so on its own volition or upon application of the site owner. It does not have to agree to alter the conditions on receipt of such an application. The local authority must consult with the site owner before reaching a final decision. If the site owner is unhappy with the decision to alter or not alter the conditions there is a right of appeal to the Tribunal.

14.2 A local authority may require a fee to be paid with the application- see section 8 (1B) of the Act.

14.3 Different fees cannot be charged for individual applications, although different fees may be charged for classes of applications. For example local authorities may set a scale of fees in connection with such applications depending on the number of conditions proposed to be altered.

14.4 In setting the level of application fee in its fee policy the local authority may take into account the following matters on which costs are incurred (by whichever department, including costs incurred by contracting out) :

- sending out and processing the application (including dealing with the initial inquiry)
- site inspections
- third party consultation
- consultation with the site owner
- preparing draft licences (with altered conditions);
- review by manager or lawyers; review any consultation responses from third parties;
- notification of decision (including where appropriate the updated final licence) and
- where appropriate up-date of register.

Section J: Publishing the fee policy

15.1 Under section 10A (2) of the Act the local authority must prepare and publish a fees policy before charging any fee in relation to a new application, an application to amend, an application to transfer or an annual licence fee.

15.2 If a local authority revises its fees policy, it must publish the revised policy and act in accordance with that policy.

15.3 There is no requirement to consult with site owners or homeowners but a local authority may consider doing so.

15.4 There is also no requirement to include in the fee policy fees payable for the deposit of site rules under section 2C of the Mobile Homes Act 1983, although as such fees need to be fair and transparent, it is expected they will be detailed in the document.

15.5 The fee policy should set out:

- 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;
- the matters and appropriate costs taken into account in setting each type of fee;
- the method of apportionment of those costs in setting those fees;
- if an annual fee is payable, when it is to be paid;
- how surpluses and deficits are to be treated and
- such other matters as the local authority consider to be relevant

Section K: Fee payment

16.1 A local authority is not required to consider an application for the grant of a licence, a transfer of a licence or an application to alter conditions unless that application is accompanied by the correct fee.

16.2 If a local authority decides not to approve the application the applicant is not entitled to a refund of the fee paid.

16.3 When demanding the annual fee the local authority must:

- give reasonable time in which the fee is to be paid;
- state the date by which it is due and
- say what matters the authority took into account in fixing the annual fee and the extent to which it had regard to deficits and surpluses arising out of the previous year.

16.4 A local authority may not increase the fee payable to take account of any arrears in payment and instead should follow the procedure set out below to recover arrears.

(i) Where a fee is overdue the local authority may apply to a tribunal for an order requiring its payment. The order must specify when the fee must be paid by.

(ii) If the fee is not paid by that date the local authority may enforce the order in the county court in the same way as judgement of that court can be enforced.

(iii) If after a period of three months following the date specified in the order the arrears have still not been paid the local authority may apply to a tribunal for an order revoking the site licence.