

MID DEVON DISTRICT COUNCIL

Annex 1 to Caravan Site and Mobile Homes Policy

Caravan site Fee Policy (Relevant Protected Sites only)

1. The Mobile Homes Act 2013 brought in changes from 1st April 2014 to the Caravan Sites and Control of development Act 1960 to enable Local Authorities to set fees and recover costs.
2. Fees should be fair and transparent so that anyone required to pay a fee can know what they will be or are being charged for. Fees should also only cover the costs (or part of the costs) incurred by a local authority in carrying out their functions under the Regulations.
3. This policy covers 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
 - d. Annual fee payable for an existing licence
 - e. Deposit of site rules
 - f. Application for fit and proper person
 - g. Expenses for enforcement action
- 4.0 The Council in setting the fees payable has had regard to 'The Mobile Homes Act 2013, A Guide for Local Authorities on Setting Site Licence Fees' issued by the Department for Communities and Local Government. 1.8 It has also had regard to the Local Government Association's Guidance on Locally Set Fees.

5.0 Activities and officers included within fee calculations

- 5.1 The application fee to consider a licence fee has been calculated taking into account officer time to carry out the following tasks:
 - 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;
 - processing the licensing fee;
 - land registry searches;
 - time for reviewing necessary documents and certificates;
 - preparing reports on contraventions;
 - preparing draft and final licences;
 - review by Senior Licensing Officer
 - review any consultation responses from third parties;

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- updating public register;
- carrying out any risk assessment process considered necessary;
- reviews of decisions or in defending appeals
- Site inspection at planning stage, or immediately following planning approval.
- Travel costs will be set to 45p per mile, and applied in addition to the site licence fee.

5.2 Officers involved in licensing work and salary scale points used to calculate fees

Role	
Specialist Support Officer	SCP 11
Licensing Specialist Assistant	SCP 17
Regulatory Officer (Licensing)	SCP 23
Senior Officer (Licensing)	SCP 31 (TBC)
Team Leader	SCP 39

6.0 Applications for the transfer of a site licence

- 6.1 In the case of an application to transfer a licence generally, a site visit is not normally required as the application is a desk top exercise only.
- 6.2 The fee covers 2 hours of officer time at Regulatory Officer level.

7.0 Applications for alteration to the conditions of an existing licence

- 7.1 No charge is currently levied this process.

8.0 Annual fee payable for an existing licence

- 8.1 Annual fees are to cover the costs of monitoring, inspections, administrative work involved and checking compliance with licence conditions.
- 8.2 The annual fee will be determined by the risk band for the site. Band A – High risk, Band B – Medium risk and Band C – Low risk.
- 8.3 The annual fee is based on the cost to carry out a programme inspection and the administrative activities associated with the site visit. For band C sites, the fee will be split across the 2 i.e. the cost to carry out the site inspection will be spread over 2 years in an annual fee.
- 8.4 Sites occupied by members of the same family and not being run as a commercial residential site are exempt from the annual fee Band D. The rationale for the exemption is that they are lower risk, tend to be family run and are not normally run as commercial businesses.

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- 8.5 The fee will become due on 1st April of each year for the financial year ahead, 1st April till 31st March. With the exception of year 1, after policy inception, the fee will become due at the point on inception of this policy and will be pro-rata for the financial year 2026/2027.
- 8.6 The fee will be charged to the site owner/licence holder and payment link and annual fee reminder sent out the month before the fee becomes due.
- 8.7 Where a new site is licenced part way through a financial year, the annual fee will be calculated pro rata based on whole months only.
- 8.8 In the event that the annual fee for a site is not paid within the terms of the invoice, the authority may appeal to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the invoice.

9.0 Deposit of site rules

- 9.1 Any site rules deposited with the authority for the first time, or applications to vary or delete must be accompanied by the appropriate fee.
- 9.2 Before publishing site rules, the authority will ensure that the site rules have been made in accordance with the statutory procedure.

10.0 Application for Mobile Homes Fit and Proper Person Assessment

- 10.1 The fee for applications for a fit and proper person assessment are standard for all sites and not determined by the risk band. This is because, the same process is applied and checks are made against the individual, and this is not influenced by the size of the site or compliance history.
- 10.2 The fee will be reviewed annually in accordance with the Council's fee policy.
- 10.3 A local authority must not make a profit and can only pass on to the site owner their costs incurred in carrying out the fit and proper function.
- 10.4 The Council believes that the fit and proper person assessment and/or checks to be included on the fit and proper register will take a total of 13 hours per application (Plus time spent on the pre-application advice which is fixed at £30).
- 10.5 The Council is required to conduct relevant background checks on the applicant in management and their financial standing. The results of these will allow the Council to decide on whether or not to accept the application. The time taken for these checks is accounted for in the fee, irrespective of whether or not the entry on the register is granted.
- 10.6 Where an applicant contacts the Council before making an application, to ascertain the likelihood of the success of that application, the authority is expected to provide informal advice, for example, the conditions surrounding an application or the information required to be submitted and general guidance on making the application. This advice is accounted for in the fee once the application is received.

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- 10.7 Where the application by a site owner is more complex the Council is able to increase the fee, according to officer time. The officer will be required to provide the applicant with information as to why the additional charge is to be incurred. Please refer to the items outlined in paragraph 5.1 above for the list of matters which may be included in calculating the annual fee.
 - 10.8 The Council will be required to evidence any further work and time spent on a complex site's fee. This will be outlined in writing at the time of the determination. The officer rates used for calculating the annual fee will be those referred to in paragraph 5.2 above.
 - 10.9 The annual fee includes the cost of monitoring the fit and proper person register or any conditions attached to entries in the register. Any costs involved with varying existing conditions, or adding new conditions to an entry are factored into the cost of calculating the annual fee.
 - 10.10 The Council is not required to consider an application for entry on the register unless that application is accompanied by the correct fee. If the correct fee is not paid, the application will not be valid and the site owner could be in breach of the Regulations.
 - 10.11 If the Council decides not to approve an application the applicant is not entitled to a refund of the fee paid.
 - 10.12 Where relevant, the annual fee must be set as a condition to any entry being added to the register. The condition should state the amount and date by which the annual fee payment is due, also stating that failure to make such payment will be a breach of the condition and may lead to legal proceedings being issued.
 - 10.13 Where the Council is provided with the site owner's consent to appoint an individual to manage a site, reasonable costs can be recovered. The officer rates used to calculate the fee are referred to at paragraph 5.1 above.
- 11.0 Expenses for enforcement action**
- 11.1 The charges for enforcement action will be calculated by time incurred and at the hourly rate outlined below at section 12. Additional mileage will be claimed at 45p/mile.
 - 11.2 A demand for expenses will be served in conjunction with a compliance notice and may be registered as a local land charge.
 - 11.3 Any charge will be removed once the full amount has been recovered.

12.0 Table of fees

Process	Site risk banding / anticipated risk banding	Fee
New Application	Band A – C Band D	£360 Exempt
Annual Fee	Band A Band B Band C Band D	£400 £260 £109 Exempt
Transfer of Licence	All	£102 (2 hours Regulatory Officer time)
Deposit of site rules	All	£50
Alter conditions	All	No charge
Fit and proper person application	A – C	TBC
Enforcement charges	All	Calculated according to work involved at the following rates: Regulatory Officer £51 per hour Senior Licensing Officer £62 per hour Mileage charged at 45p / mile.

13.0 Review

- 13.1 The fees at section 12 above will be reviewed annually to reflect changes to officer hourly rates, and to ensure a cost neutral basis. This annex will be updated on an annual basis outside of full policy review.
- 13.2 As part of the annual review, an assessment of previous costs will be made to determine if they were accurate. Where there is a deficit of expenditure the excess monies need to be reflected in the fee charged to the site owner in the next year.