

Appendix 1



Dover District Council's Fee Policy for Relevant Protected Sites 2021

Dover District Council Site Licence Fee Policy 2021

Introduction

Under the requirements of the Caravan and Control of Development Act 1960, we are required by law to licence caravan and mobile homes sites within our district, unless they fall into the category of exempted sites (as covered by the First Schedule of the Act).

In addition to the above, the introduction of The Mobile Homes Act 2013 (The Act) now provides greater protection to occupiers of residential park homes and caravans. It introduces important changes to the Caravan Sites and Control of Development Act 1960. The changes directly affect the way the Council licenses permanent residential sites (known as relevant protected sites).

For legal purposes, sites are separated into 3 main types: - Touring, Static Holiday and Static Residential. Following the introduction of the Mobile Homes Act 2013, we can now charge fees to licence Static Residential sites also known as Park Homes and Relevant Protected Sites.

From the 1st April 2014 local authorities have been able to charge fees for relevant protected sites on the following basis:

1. Considering applications for the issue or transfer of a site licence
2. Considering applications for altering conditions of a site licence
3. Administration and monitoring of site licence conditions
4. Enforcement Action

The definition of a relevant protected site is defined in the Mobile Homes Act 2013. A protected site is a mobile home park which has planning permission to have residents living there as their main residence throughout the year. A holiday park isn't a protected site. An exemption from the protected sites description and annual licensing fee requirement applies on any site/s available for the sole use of the owner and their families. A single family permanent residential site is a relevant protected site, but the Council may choose to exempt these sites from the annual licence condition monitoring fee.

The Council can charge for certain different licence fees and annual monitoring fees for mobile homes sites. These are:

1. Application for the grant of a site licence
2. Application for the transfer of a site licence
3. Application to alter the conditions of an existing site licence, and
4. The application of annual site monitoring fees (a 'fee per pitch')
5. Application to Register as a Fit and Proper Person (new fee from 1st July 2021)

For items 1 to 3 (inclusive) above, we will charge based on a banding system and the following fees will apply:

Banding table

Number of mobile homes	Band
200+	5
100-199	4
51-99	3
11-50	2
1-10	1

Please note: 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.

Application for the grant of a site licence

All sites require a site licence to operate, subject to exemptions under the Caravan Sites and Control of Development Act 1960. Only sites with valid and correct planning permission for the use will be issued with a licence.

Fees for new site licences are based on a fixed cost of processing the application according to the size of the site.

Application fees are not refundable if the application is not approved.

New site licence application					
Charge to	Band 5	Band 4	Band 3	Band 2	Band 1
site owner	£855	£697	£562	£425	£380

Application for the transfer of a site licence

Where a licence holder wishes to transfer the licence, an application must be made to the council.

A fixed fee is applicable which must accompany the application to transfer the licence.

Application to transfer a site licence					
Charge to	Band 5	Band 4	Band 3	Band 2	Band 1
site owner	£171	£139	£112	£85	£76

Application for the alteration to the conditions of an existing licence

Where a site owner requests an amendment to the site licence conditions the council will charge a fee which is payable at the application stage.

If the council instigates an amendment to the licence conditions, there will be no fee payable.

Application to Amend Site licence- Fee Structure					
Total charge to site owner (£)	Band 5	Band 4	Band 3	Band 2	Band 1
	£280	£230	£185	£140	£125

Details of the basis of calculation of these fees is shown in Appendix 1

Depositing of site rules

The council will charge a fee of £50 to deposit site rules and to publish them on our website.

Annual Site Monitoring Fee

It is at the Local authorities' discretion whether they charge for all or any aspect of the site licensing. Dover District Council has decided to charge an annual licensing fee to cover part of its cost in monitoring our park homes. This fee can be passed onto the individual plot-holders through the annual pitch fee.

Our licence fee is calculated on a price per unit based on the total cost of carrying out our licensing functions for our sites divided equally by the total number of units over all our relevant protected sites (5 or more units)

The method to determine the total annual site monitoring fee is based on the following formula.

$$(A / 60) \times B / D$$

Where:

A = Admin and inspection time in minutes based on banding on those sites with 5 or more units.

Banding	Number of sites	Minutes
100-199	0	0
51- 99	0	0
11-50	4	4x 687
		Total – 2748

B = Officer hourly rate - £30

D = Number of relevant protected mobile homes, based on our commercial sites.

Therefore: (A (total time- 2748) /60) x B (£30 hourly rate) / D (99) = £13.87

The above calculation provides an annual licence fee based on **£13.87 per pitch**. The pitch fee will apply only to the number of units on your site licence conditions. For example, a site with current residential permission for 33 relevant protected mobile homes on its site licence conditions will be required to pay an annual site fee of £457. Sites with 5 plots or fewer will have no annual monitoring fee applied.

See Appendix 1 for calculations in determining the base levels for admin and inspection times.

The calculation and methodology relating to the above, and other proposed fees set out in this policy were developed in accordance with the guidance provided by the Department for Communities and Local Government (CLG) on setting of site licence fees.

Application to Register as a Fit and Proper Person

From 1st July 2021, the council must be satisfied that the occupier of the land used as a relevant protected site or a person appointed by the occupier to manage the site, is a fit and proper person. If necessary, the council can appoint a person to manage the site.

An **occupier** means a person who is entitled to the possession of the land as under section 1(3) of the Caravan Sites and Control of Development Act 1960.

Single family site owners that are not operating as a commercial business are exempt from the requirement to be a fit and proper person test.

The council must establish and maintain a register of persons they are satisfied are fit and proper to manage a relevant protected site in their area.

An application to be included in the register must be accompanied by the following fee to cover the cost of administering this function and an application will not be valid until the fee is paid.

Where an application for a Fit & Proper Person test has been successful the applicants will be included on the public register for a period of 5 years.

Application to register as a Fit and Proper Person = **£160.00**

Table for calculating fee for Fit & Proper Person Application Test

Fit & Proper Person Application Fee	Minutes
Send out application form.	30
Receipt of application, background checks and processing,	120
Time for reviewing necessary documents and certificates	60

Manager review	20
Preparing preliminary and final decision notices.	60
Update database and public register.	30
Total time (mins)	320
Total time (hours)	5.33
Hourly rate £	30
Total charge for Fit & Proper Test Application (£)	160.00

There is also provision for the council to appoint a person to manage a site, with the site owner's consent. In this instance, any costs incurred or to be incurred, in making the appointment will be recharged to the site owner on the same basis as enforcement costs are calculated.

The council could decide to include the person on the register subject to a condition(s).

The council may add or alter conditions attached to an entry on a register by adding new conditions or changing or deleting existing ones, following a review.

The council will notify the site owner of its interim decision (except in the case where it is deleting a condition) and consider any representations made by the site owner, before reaching a final decision. If the site owner is unhappy with the decision to alter or not alter the conditions, they have the right to appeal to a tribunal.

Any costs involved with amending existing conditions or adding new conditions to an entry will be factored into the cost of calculating the annual fee.

Payment of annual monitoring fee

Annual fees are due on the 5th of May. Site owners will be notified of the due fee, one month before by letter.

Where a fee becomes overdue for payment, the council may apply to a residential property tribunal for an order requiring the licence holder to pay the council the amount due by the date specified in the order. If the licence holder has still not paid the fee within three months from the date specified in the order, the council may apply to the tribunal for an order revoking the site licence.

Exclusion from the annual charge

The licence annual monitoring fee requirement will not apply to the following sites:

- Sites for holiday use only
- Sites where conditions require that there are times of the year when no caravan may be stationed on the land for human habitation
- Sites that are occupied only by the site owner and his/her family or by a person employed by the site owner except where under an agreement to which the Mobile Homes Act 1983 applies.

- Residential sites where there are ten or fewer pitches are exempt from annual licencing fees, as the council does not intend to carry out annual inspections of these sites. However, we will continue to respond to complaints at these sites and take any appropriate action if necessary.

Review

As this is a new provision, the policy for fee calculations will be reviewed every year to assess any changes that need to be made. As a minimum, the council would expect to adjust fees in line with inflation, but officers will also have regard to the volume of work linked to our obligations in legislation, and will amend the charges based on identified time spent in work related to mobile homes sites.

In setting annual fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year, as well as the basis of charge and will confirm to the site owner the annual fee for the forthcoming year.

Enforcement Expenses

The Mobile Homes Act 2013 provides provisions for charging for enforcement action, which will include the cost to the local authority of taking formal action leading up to and including any enforcement.

We will recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice. These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.

Where appropriate, we will also seek to recover expenses incurred in taking action for the following:

- conviction of the site owner for failure to carry out actions required by a compliance notice
- taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions

A site owner may not pass on costs of enforcement action to residents through the pitch fee. Our current fee for an enforcement notice is £260.

Appendix 1

Table for setting a new licence application fee

Process and time in minutes	200+	100-199	51-99	11-50	1-10
Initial enquiries and correspondence to facilitate application (mins)	45	45	45	45	45
Receipt of application and background checks (mins)	75	75	75	75	75
Prepare for and organise visit (mins)	30	30	20	20	20
Site inspection (mins)	150	120	60	30	30
Travel time (mins)	60	60	60	45	30
Draft licence including conditions(mins)	150	120	90	60	60
Licence review and correspondence with site owner, residents and other interested parties (mins)	420	360	300	180	160
Manager review (mins)	45	30	20	15	15
Issue licence and register (mins)	30	30	30	30	30
Prepare for and organise revisit (mins)	30	30	20	20	10
Re-visit (total mins)	360	240	180	210	180
Travel time (mins)	80	80	80	40	40
Secondary review and correspondence (mins)	180	120	90	45	30
Total time (mins)	1655	1340	1070	815	725
Total time (hours)	27.56	22.33	17.83	13.58	12.08
Hourly rate (£)	30	30	30	30	30
Average mileage @ £9.00 return trip	27.00	27.00	27.00	18.00	18.00
Total new application charge to site owner (£)	£854.50	£697.00	£562.00	£425.50	£380.50

Transfer a site licence - fee

Application to Transfer Site Licence					
Process	200+	100-199	51-99	11-50	1-10
Charge to the owner	£171.00	£139.40	£112.40	£85.10	£76.10

NB: 20% of New Site Licence Application

Amend a site licence - fee

Amend a site licence fee Application to Amend Site Licence					
Process	200+	100-199	51-99	11-50	1-10
Total charge to site owner (£)	£281.99	£230.01	£185.46	£140.42	£125.57

NB: 33% of New Site Licence Application

Fixed admin and inspection time calculations used in formula to calculate annual licence fee.

Process and time in minutes	200+	100-199	51-99	11-50
Contact the site owner to notify them of the time and date of the inspection. Enter the action on the Case Management System	20	20	20	20
Prepare for and organise visit (mins)	30	30	20	20
Site inspection (mins)	240	180	90	60
Travel time (mins)	60	60	60	45
Licence review and correspondence with site owner, residents and other interested parties (mins)	60	60	60	60
Additional monitoring visits for larger sites	120	120	0	0
Complete inspection report and attach to Case Management System	60	60	60	60
Write to the owner detailing results of inspection and works required to remedy breaches plus any certificates required.	60	60	60	60
Write to the owner following additional monitoring visit for larger sites	60	60	0	0
Enter the date of the inspection and the next routine inspection on Management System	10	10	10	10
Follow up telephone conversations and letters	30	30	30	30
Follow up visit to check compliance	100	100	100	85
Record details of follow up visit	30	30	30	30
Annual admin	180	180	120	120
Determine level of compliance to decide next visit	20	20	20	20
Postage and Printing and mileage costs. Larger sites require additional visits = extra mileage costs	18	18	10	10
Additional time for complicated cases (approx. 10%) averaged over all applications	110	104	63	57
Total time (mins)	1208	1142	753	687