



Telford & Wrekin  
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

## LICENSING COMMITTEE

Date **Tuesday, 29 June 2021** Time **6.00 pm**  
Venue **Walker Room, Meeting Point House, Southwater Square, Telford TF3 4HS**

### Enquiries Regarding this Agenda

Democratic Services	Jayne Clarke	01952 383205
Media Enquiries	Corporate Communications	01952 382406
Lead Officer	Angie Astley (Executive Director: Housing, Communities and Customer Services)	01952 383246

### Committee

#### Membership:

Councillors A R H England, M B Hosken, R T Kiernan, J E Lavery, L A Murray, S J Reynolds, H Rhodes (Chair), M J Smith, B J Thompson and C R Turley (Vice-Chair)

#### Substitutes:

Councillors M Boylan, E J Carter, C Cassar, G H Cook, V J Holt, K Middleton, G L Offland, J M Seymour and D R W White

## AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of the Previous Meeting** 3 - 6  
To confirm the minutes of the previous meeting.
4. **Mobile Homes Fit and Proper Person Test & Fees Policy** 7 - 32  
To receive the report of the Public Protection Group Manager.

This page is intentionally left blank

## LICENSING COMMITTEE

### Minutes of a meeting of the Licensing Committee held on Tuesday, 16 March 2021 at 6.00 pm in Remote Meeting

**Present:** Councillors A R H England, M B Hosken, J E Lavery, H Rhodes (Chair), K S Sahota, J M Seymour (as substitute for R T Kiernan), B J Thompson and C R Turley (Vice-Chair)

**In Attendance:** Councillor R Overton, D Sargeant (Director: Neighbourhood & Enforcement Services), A Hunt (Public Protection Manager), S Fisher (Principal Licensing Officer), C Girvan (Legal Advisor), P Mitchell (Democracy Officer) and J Clarke (Democracy Officer)

**Apologies:** Councillor S J Reynolds

#### **LIC1      Declarations of Interest**

None.

#### **LIC2      Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on 27 October 2020 be confirmed and signed by the Chair.

#### **LIC3      Review of the Terms of Reference**

The Legal Advisor gave Members a brief overview of the review of the Terms of Reference of the Licensing Committee and the wide ranging work remit. At Full Council on 21 May 2020, it was delegated that the Committee agreed its term of reference annually. There were no changes to the current Terms of Reference.

Upon being put to the vote it was:

**RESOLVED** – that the Terms of Reference for the Licensing Committee be agreed.

#### **LIC4      Review of Hackney Carriage and Private Hire Standards policies and conditions**

Councillor R Overton addressed Members with regard to the work being undertaken to ensure the safety of residents when using taxis which included cross border hiring. Although there were no changes regarding cross border hiring at the present time, the Department of Transport had introduced new statutory taxi and private hire vehicle standards in order to safeguard children

and vulnerable adults and which also had positive consequences and benefits for all passengers. There were a total of 31 key areas to improve and 20 of these had been implemented into the policy document with the remaining areas all being addressed including the draft policy which was before committee. Key changes for License holders were with regards to arrest and release, charge and conviction of offences, DBS changes and the installation of CCTV within vehicles. A four week consultation had taken place with regard to CCTV in early 2021 with all relevant external bodies and it had been published on the Council's website.

The Public Protection Manager gave an overview of the key issues following the introduction of new statutory standards from the Department of Transport that published in July 2020. The revised policies introduced best practice standards and 20 of the 31 key areas had already been introduced and the Council had taken this opportunity to review its CCTV policy and the driver vehicle and operation conditions. The policy document had now become a single document separated into sections for ease of reference. The policy document was appended to the report with the Council's changes being marked in red with additional changes following consultation being highlighted in purple. Some typographical errors and broken hyperlinks had been identified and these would be corrected prior to publication. Although the CCTV scheme was voluntary, it was recommended that the Council remained the data controller for the CCTV as the Council was already registered with the Information Commissioner's Office (ICO) and had a set of common standards in place to ensure security of data. It also offered an impartial oversight and reduce the burden on the drivers, operators and vehicle proprietors. If Members were minded to approve the policy it would come into effect on 1 April 2021.

During the debate some Members asked for clarification on the costs of having CCTV installed, if drivers were consulted and if they would be expected to pay for the cost of the CCTV. Other Members considered that CCTV was an excellent way to protect the public, women, children and vulnerable adults and also considered it was security for the driver of the vehicle but would raise concerns if drivers/operators wished to be the controllers.

The Public Protection Manager explained that the CCTV policy was a voluntary scheme but drivers, operators and vehicle proprietors who installed CCTV must let the Council know and that they would need to comply with policy and procedures. The cost of the unit would be borne by the driver/proprietor and any system purchased must comply with minimum standards.

Upon being put to the vote it was:

**RESOLVED – that the revised Hackney Carriage and Private Hire Licensing Policy be approved.**

The meeting ended at 6.17 pm

**Chairman:** .....

**Date:** Tuesday, 29 June 2021

This page is intentionally left blank

**TELFORD & WREKIN COUNCIL**

**LICENSING COMMITTEE – 29<sup>th</sup> June 2021**

**MOBILE HOMES: FIT & PROPER PERSON TEST & FEES POLICIES**

**REPORT OF ANITA HUNT PUBLIC PROTECTION GROUP MANAGER**

**LEAD CABINET MEMBER – CLLR RICHARD OVERTON**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

- 1.1 Under the Caravan Sites and Control of Development Act 1960 all residential mobile home site owners require a licence from the Council to operate. The Mobile Homes Act 2013 made amendments to the 1960 “Act” which introduced changes to the procedures and penalties for enforcement of site licence conditions. Section 8 of the 2013 Act relates to the requirement for the manager of the site to be a fit and proper person.
- 1.2 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 – (‘the Regulations’) set out that a site owner must make an application to the Council between 1<sup>st</sup> July – 31<sup>st</sup> October 2021 for a relevant person to be assessed as a fit and proper person.
- 1.3 The ‘Fit and Proper’ requirement is to ensure that those responsible for operating the site licence and managing the site are of sufficient integrity and good character to be involved in the management of a regulated site for mobile homes and that as such they do not pose a risk to the welfare or safety of persons occupying mobile homes on the site. These new Regulations do not apply to family-occupied sites which are not operated on a commercial basis.
- 1.4 Applications must be accompanied by a fee set by the Council.

- 1.5 Members of the Licensing Committee are requested to approve the Council's draft Mobile Homes Fit and Proper Policy attached at Appendix A and the draft amended Part 9 of the Mobile Homes Fees and Charges Policy 2021-2022 attached at Appendix B.

## **2. RECOMMENDATIONS**

- 2.1 It is recommended that Members
  - 2.1.1 Approve the Mobile Homes Fit and Proper Policy attached at Appendix A.
  - 2.1.2. Approve the amendments to the Mobile Homes Fees and Charges Policy 2021-2022.
  - 2.1.3 Approve that these policies take effect from 1st July 2021



### 3. SUMMARY IMPACT ASSESSMENT

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<p><i>Insert Council Priority</i></p> <p><i>Every child, young person and adult lives well in their community</i></p> <p><i>All neighbourhoods are a great place to live</i></p> <p><i>Everyone benefits from a thriving economy</i></p> <p><i>A community-focussed innovative council providing efficient, effective and quality services</i></p>
	Will the proposals impact on specific groups of people?	
	Yes	It will primarily impact the owners / manager of mobile home sites and residents of mobile homes sites who are predominately aged 55 plus.
<b>TARGET COMPLETION/DELIVERY DATE</b>	July 2021	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	<p>In setting the fees and charges the Council has taken into account both national guidance, Department for Communities, and the Local Government “ A Guide for Local authorities on setting site licensing fees”. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this the legislation only allows Councils to set fees and charges to recover costs incurred.</p> <p>The only amendment to fees and charges under the Mobile Homes Fees &amp; Charges Policy as a result of this report is to add in the fee for the requirement for a Fit &amp; Proper Application fee. This fee has been set at £310 on a cost recovery basis. All other license fees for Mobile Homes remain the same and are set out in section 5 of Appendix B.</p> <p>MLB 14.06.21</p>

<b>LEGAL ISSUES</b>	Yes	<p>A policy document is an essential part of the process of administering the licensing regime in respect of Caravan Parks. Without such a document decisions made under the scheme could be challenged as arbitrary. The draft policy is intended to provide a comprehensive guide both for applicants and decision makers. It has been compiled with regard to government Regulations and Guidance issued. It is important to remember that any policy must be flexible and decision makers can depart from it in exceptional circumstances giving reasons for their decisions.</p> <p><i>RH 21.06.21</i></p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	<p>The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.</p> <p><i>i)The Financial risks to the Council in the event of a legal challenge to the change in Policy and or Conditions.</i></p>
<b>IMPACT ON SPECIFIC WARDS</b>	Yes	<p><i>This report has implications for all/named wards in the Borough.</i></p>

## **PART B) – ADDITIONAL INFORMATION**

### **4. INFORMATION**

4.1 When considering whether a person is 'fit and proper' the local authority must have regard to the suitability of the person concerned ('the relevant person'). The Regulations make reference to those matters that must be considered by the local authority as part of any application. The overriding consideration being whether the relevant person is able to secure the proper management of the site.

This includes, but is not limited to;

- compliance with the site licence;
- the long term maintenance of the site;
- whether the relevant person has a sufficient level of competence to manage the site;
- the management structure and funding arrangements for the site (or proposed management structure and funding arrangements).

4.2 Other matters to be considered are whether the relevant person has been convicted of any of the offences prescribed in the Regulations or been declared personally insolvent.

4.3 The local authority may also have regard to any evidence as to any other relevant matters.

4.4 Once an application has been received the local authority may:

- grant the application unconditionally;
- grant the application subject to conditions;
- refuse the application.

4.5 Schedule 4 to the Regulations lays down the procedures to be followed where the decision is to reject an application, or to grant it conditionally. These include serving decision notices and notices of action and the rights of applicants to make written representations.

4.6 Conditions can relate to any factors which are relevant to the person's competence to manage the site, the management structure, or funding arrangements for the site, an associated person's influence, and any other relevant factors.

- 4.7 The applicant is permitted to appeal against any decisions served by the Local Authority by making an application to the First-tier Tribunal (Property Chamber) (“the tribunal”) within specific timeframes set by the tribunal. These decisions could include:
- a) including the relevant person on the register for an effective period of less than 5 years;
  - b) including the relevant person on the register subject to conditions; and
  - c) refusing the application.
- 4.8 The Council has set out its draft policy for dealing with such applications under the Regulations and has taken into account the Mobile Homes: a guide for local authorities on the fit and proper person test.
- 4.9 The Regulations provide powers for local authorities to charge fees in respect of applications to be included in the register of fit and proper persons.
- 4.10 When setting fees the Council must have regard to the impact that any increase may have upon the livelihood of licence holders. The Council follows the Mobile Homes: a guide for local authorities on setting fees for the fit and proper person test to ensure a fair and transparent approach for local businesses and communities. The Licensing Team must ensure that its service is efficient, effective and streamlined as it can be to help reduce the burden on business.

## **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

*NONE*

## **6. PREVIOUS MINUTES**

*There are no previous Minutes*

## **7. BACKGROUND PAPERS**

- Caravan Sites and Control of Development Act 1960  
<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62/contents>
- Mobile Homes Act 2013 -  
<https://www.legislation.gov.uk/ukpga/2013/14/contents/enacted>
- The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020  
<https://www.legislation.gov.uk/ukdsi/2020/9780348209556/contents>
- Mobile Homes: a guide for local authorities on the fit and proper person test and Mobile Homes: a guide for local authorities on setting fees for the

fit and proper person test issued by the Ministry of Housing, Communities and Local Government.

<https://www.gov.uk/government/publications/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities>

**Report prepared by:**

Anita Hunt, Public Protection Group Manager 01952 381818

This page is intentionally left blank



Telford & Wrekin  
COUNCIL

## Public Protection

# Mobile Homes: Fit and Proper Person Policy

## 1. Introduction

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, (“the Regulations”) require the manager of a site to be a Fit and Proper Person. Local authorities are accordingly required to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless they are eligible for an exemption under the Regulations<sup>1</sup>. The purpose of the fit and proper person test is to improve the standards of park home site management.

A local authority must be satisfied that the site owner “*is a fit and proper person to manage the site*” or, if the owner does not manage the site, “*that a person appointed*” to do so by the site owner “*is a fit and proper person to do so*” or has, with the site owner’s consent, “*appointed a person to manage the site.*”

Where a site owner or their manager fails the fit and proper person test, and they are unable to identify and appoint a suitable alternative manager, who must pass the fit and proper person assessment, the local authority can instead appoint a person to manage the site, but only with the consent of the site owner.

The fit and proper person test applies to a “relevant protected site”. A relevant protected site is a site, which requires a licence and which is not solely for holiday purposes or is otherwise not capable of being used all year round. The fit and proper person requirement ensures that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on the site i.e. mobile home owners.

This policy sets out how applications will be looked at and determined under the Regulations. Telford & Wrekin Council will consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from this Policy, the Council will consider doing so and will record the reasons for any deviation.

## 2. Local Area Profile

Telford & Wrekin Council (the Council) is situated in the ceremonial County of Shropshire which contains one other Unitary Council, Shropshire Council. The Council area has a population of 179,854 living in 81,338 households making it the, covering 112 square miles. The Council area is a mixture of urban and rural districts; which includes the market town of Newport on the north-east corner of the borough, the Ironbridge World Heritage Site to the west of the borough, seven conservation areas in the borough, and the central retail area of Telford town centre.

Telford & Wrekin is a place of socio-economic contrasts with parts of the borough amongst the most deprived nationally - comparable with inner cities – and other areas amongst the least deprived nationally.

More information on Local Area Profiles can be found on the [Council’s website](#).

Telford & Wrekin Council is a Co-operative Council, working with local communities to create “Telford & Wrekin – the Place of Partnership, Enterprise and Innovation”. More information on the Council’s Plan and Priorities can be found [here](#).

The Borough currently has eight licensed mobile home sites.

---

1



### 3. Definitions

- Applicant – Site Owner (An Individual or in the case of a limited company the Relevant Officer)
- Relevant Officer – Company: a director or other officer of the company  
Partnership: a partner  
Body corporate: a member where the conduct of the management of the body is vested in its members  
Body not falling within any of the above categories: a member of the management committee.
- Relevant Person – Person who manages the relevant protected site, subject to the fit and proper assessment and will be entered on the Register
- Responsible Person – Person appointed by the Relevant Person to be involved or proposed to be involved in the management of the relevant site, subject to the fit and proper assessment and will be entered on the Register

### 4. Factors to be considered

When conducting the fit and proper person assessment on the Relevant/Responsible Person, the Council will consider the following points:

- Is the individual able to conduct effective management of the site

This includes, but is not limited to, securing compliance with the site licence and the long-term maintenance of the site.

The Council will have regard to:

- (i) whether the person has a sufficient level of competence to manage the site;
- (ii) the management structure and funding arrangements for the site or
- (iii) the proposed management structure and funding arrangements.

#### *(a) Competence to manage the site*

The Council will review the competency of the appointed individual. The individual must have sufficient experience in site management, or have received sufficient training, and be fully aware of the relevant law as well as health and safety requirements.

#### *(b) The management structure and funding arrangements for the site*

The Council will consider whether relevant management structures are in place and whether they are adequate to ensure effective management of the site. The Council will want to see that the applicant has a robust management plan, which should address the following issues:

- the pitch fee payment
- proximity of the manager to the site
- manager's contact details for residents (including out of office and emergency contact details)
- the complaints procedure
- maintenance
- staffing
- refuse removal.

- (c) The proposed management structure and funding arrangements in place for managing the site

The Council will consider whether the applicant has sufficient funds (or has access to sufficient funds) to manage the site and comply with licence obligations. Evidence of these funds should be readily available.

The Council will carefully consider instances where funding is through a third party (including an associated company) and will be wary if the applicant does not disclose to it such information as it needs to make an informed judgement on financial viability.

## **5. Personal information relating to the Fit and Proper Person**

The Applicant must provide a criminal record check for the Relevant/Responsible Person, dated no more than 6 months prior to the application.

In addition, the Council will carry out checks with external organisations, other regulatory bodies and other council departments.

Considerations that are relevant to the fit and Proper Person assessment are whether the relevant person(s) -

- (a) has committed any offence involving fraud or other dishonesty, violence, arson or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- (b) has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
- (c) has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
- (d) has harassed any person in relation to Section 3 of the Caravan Sites Act 1968 as amended or otherwise;
- (e) is or has been within the past 10 years, personally insolvent;
- (f) is or has been within the past 10 years, disqualified from acting as a company director;
- (g) has the right to work in the United Kingdom

When considering if there is evidence of harassing behaviour the Council will rely on convictions by the courts as evidence of such behaviour.

Where the Council has records of previous substantiated harassment complaints made against a site owner or their manager it will take these into consideration in the fit and

proper person determination. Such complaints may identify further potential risks and provide an indication of potential underlying problems with the management of the site or the site owner's lack of experience/skills in dealing with customers. The Council will consider addressing any underlying issues by attaching conditions to the individual's entry on the register.

## **6. Other Information to be taken into consideration**

The Fit and Proper Person Test is a broad concept and in addition, the council will consider the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) as part of fit and proper person assessment.

The Council will establish whether an individual is considered to be an associate of the relevant person and then whether their conduct is relevant to the application. A relevant associate could be any individual who may have played a part, directly or indirectly, in a decision or action, which has had an impact on residents' rights, or the quiet enjoyment of their homes.

## **7. Decisions, notification and rights of appeal**

The Council will make a decision on the application in a timely and practicable manner and either:

- (a) Where the decision is to grant the application unconditionally and include the relevant person on the register for 5 years, serve a final decision notice on the applicant; or
- (b) Otherwise, serve a preliminary decision notice on the applicant.

### *Granting the application unconditionally*

Where the Council is satisfied that the applicant meets the fit and proper person test unconditionally, it will include the applicant on the register for 5 years. The Council will issue a final decision notice to the applicant to inform them of its decision.

The final decision notice will include:

- (a) the date the final decision notice is served;
- (b) the final decision;
- (c) the reasons for the decision;
- (d) when the decision is to take effect;
- (e) information about:
  - (i) the right of appeal to the First Tier Tribunal; and
  - (ii) the period within which an appeal may be made.

### *Granting the application subject to condition(s).*

The fit and proper person test is aimed at ensuring that the person managing the site is competent and so any conditions imposed will relate directly to the person's ability to secure the proper management of the site. The Council will not impose conditions relating to breaches of legislation contained in paragraph 5.

The Council will issue a preliminary notice to the applicant to inform them of its decision.

The Council will consider the information in paragraph 5 a) to g) together with all the other information available, when reaching their preliminary decision.

#### *Refusing the application*

Should the Council determine that the applicant does not meet the requirements, and attaching conditions would not be appropriate, the Council can refuse to grant the application.

#### *Final Decision Notice.*

The Final Decision Notice will set out:

- (a) the date the final decision notice is served
- (b) the final decision;
- (c) the reasons for it;
- (d) when the decision is to take effect;
- (e) information about:
  - (i) the right of appeal to the First Tier Tribunal; and
  - (ii) the period within which an appeal may be made.

#### *Preliminary decision notice*

The preliminary decision notice will set out:

- (a) the date the preliminary decision notice is served;
- (b) the preliminary decision;
- (c) the reasons for it;
- (d) the date it is proposed that the final decision will have effect;
- (e) information about the right to make written representations;
- (f) where the preliminary decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the Regulations; and
- (g) where the preliminary decision is to grant the application subject to conditions, the consequences of failing to comply with any condition.

## **8. Right to make a representation**

An applicant who receives a preliminary decision notice will have 28 days in which to make representations to the Council. The 28-day period begins with the day after the day on which the notice was served.

The Council will as soon as reasonably practicable, after the end of the period allowed for making representations, make a final decision and serve the decision notice on the applicant.

The final decision notice will set out:

- (a) the date the final decision notice is served;
- (b) the final decision;
- (c) the reasons for it;
- (d) when the decision is to take effect;
- (e) information about the right of appeal and the period within which an appeal may be made;

- (f) where the decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
- (g) where the decision is to grant the application subject to conditions, the consequences of failing to comply with any condition.

## **9. Appeals**

The applicant can decide to appeal the decision by making an application to the First-tier Tribunal (Property Chamber) (“the tribunal”) within specific timeframes set by the tribunal. The applicant is permitted to appeal against any decisions served by the Council. These could include:

- (a) including the relevant person on the register for an effective period of less than 5 years;
- (b) including the relevant person on the register subject to conditions; and
- (c) rejecting the application.

Where an applicant accepts the Council’s decision not to include the person originally stated in the application on the register, they will be required to seek alternative management arrangements to comply with the fit and proper person requirement. If they fail to do so they will be committing an offence.

An appellant will not be able to claim compensation for losses incurred pending the outcome of an appeal.

## **10. Removal from Register/Variation of Conditions**

If, after a person is included in the register and new evidence relevant to the person’s inclusion becomes available, the Council may decide to:

- (a) remove the person from the register;
- (b) impose a condition on the inclusion of the person in the register (whether or not there are conditions already imposed);
- (c) vary a condition; or
- (d) remove a condition.

## **11. Notice of Proposed Action**

Before taking action specified in paragraph 10. the Council will serve a notice on the site owner/occupier. The Notice will clearly state:

- (a) the date the notice of proposed action is served;
- (b) the action the Council proposes to take;
- (c) the reasons for it;
- (d) the date it is proposed that the Council will take the action;
- (e) information about the right to make written representations;
- (f) where the proposed action requires the removal of a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
- (g) where the proposed action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with said conditions.

## **12. Notice of Action Taken**

Where a notice of proposed action is given, the occupier will have 28 days, starting from the day after the notice is served, in which to make representations.

The Council will, as soon as reasonably practicable after the end of the 28-day period, decide whether to carry out the proposed action.

Where the Council decides to take the action, the Council will serve a further notice on the occupier, indicating the action that has been taken, within the period of 5 working days beginning with the day after the day on which the action was taken.

The Notice of Action will set out—

- (a) the date the notice of action is served;
- (b) the fact that they have taken the action;
- (c) the reasons for doing so;
- (d) the date the action was taken;
- (e) information about the right of appeal and the period within which an appeal may be made;
- (f) where the action is to remove a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of regulations; and
- (g) where the action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with any condition.

## **13. Appeals**

A person on whom a notice of action is served may appeal to the First-tier Tribunal against:

- (a) any decision to remove the relevant person from the register;
- (b) any decision to impose a condition on the inclusion of the relevant person in the register; and
- (c) any decision to vary a condition.

No compensation may be claimed for loss suffered, pending the outcome of the appeal, in consequence of the Council:

- (a) making a final decision; or
- (b) taking an action mentioned in paragraph number paragraph 10. (a) (b) (c)

## 14. Fit and Proper Person Register

The Council will set up and maintain a register of persons who they are satisfied are fit and proper persons to manage a site in their area. This register will be open to inspection by the public during normal office hours. This register will also be published online.

The register will provide a record of the outcome (as discussed above) of the fit and proper person tests the Council have carried out for sites. The register will include the following:

- (a) the name and business contact details of the person;
- (b) the name and address of the relevant protected site to which the application relates;
- (c) the status of the person (site owner or manager of the site);
- (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
- (e) whether any condition is attached to the person's inclusion in the register; and
- (f) where any condition is attached to the person's inclusion in the register—
  - (i) the number of any such conditions;
  - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and
  - (iii) the date any condition is varied or satisfied (if applicable).

Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person's inclusion is for, up to a maximum of 5 years.

In order to comply with the fit and proper person requirement a site owner must at least two months before the period (e.g. 5 years) comes to an end submit a new application for the person (or alternative) to be included in the register.

Where there are rejected applications, the following information must be included in the register:

- (a) the name and address of the site to which the application relates;
- (b) that an application in respect of the site has been rejected; and
- (c) the date on which the application was rejected.

Details of the rejected application will remain on the register until a successful fit and proper person application is made in respect of the owner or manager of the site.

It must be noted that the name of the rejected applicant will not be included on the register. The Council will however be able to consider requests for further information about the entry on the register, for example, the details of the specific conditions attached and any additional information, on a case by case basis and in accordance with data protection legislation.

Where the Council has, with the site owner's consent, appointed a person to manage the site, the the Council will include the following information:

- (a) the name and business contact details of the person;
- (b) the name and address of the site which the person has been appointed to manage;
- (c) the status of the person;
- (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
- (e) whether any condition is attached to the person's inclusion in the register; and

- (f) where any condition is attached to the person's inclusion in the register—
  - (i) the number of any such conditions;
  - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and
  - (iii) the date any condition is varied or satisfied (if applicable).

## 15. Policy Review

This policy will be reviewed no later than 18 months from the date of publication.

DRAFT





Telford & Wrekin  
C O U N C I L

# Public Protection

## Mobile Home Fees and Charges Policy

2021-2022

## Contents

- 1 Introduction
- 2 Setting of Fees and Charges
- 3 Establishing number of units (Caravans) per site
- 4 Charging Approach
- 5 Licensing Fees
  - 5.1 Considerations
  - 5.2 Annual Inspection
  - 5.3 New Application Licence Fee
  - 5.4 Transfer and Standards Amendment Fee
  - 5.5 Fee Combination
  - 5.6 Fees and Charges Payment Time Frames
- 6 Fees for Depositing Site Rules
- 7 Exemptions
- 8 Charges for Enforcement Notices
- 9 Fees for the Fit and Proper Person
- 10 Review

## 1. Introduction

The Mobile Homes Act 2013 introduced amendments to the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983. The new legislation affects how Councils licence residential caravan sites only. These sites are termed as “relevant protected sites”<sup>1</sup> under the Mobile Homes Act 2013.

By virtue of the Caravan Site and Control of Development Act 1960, relevant caravan sites and park home sites are required to hold a license granted by the local authority.

The licensing scheme is in place to ensure that the health and safety of residents living in caravans and park homes are better protected and that the value of their homes are safeguarded.

The costs associated with considering site licence applications, variations, transfers, administration and compliance monitoring were previously absorbed by the local authority and therefore funded through the public purse.

The new legislation brought in the ability for local authorities to charge fees for a range of activities associated with regulating such sites. The ranges of site licensing functions which attract a charge include;

- Determining and issuing new site licences;
- An annual fee for licensing existing sites;
- Amendments to site licences;
- Transferring existing licences to new site managers;
- Depositing of site rules with the Council; and
- Costs associated with issuing Enforcement Notices on site owners<sup>2</sup>.

The site owner or licensee is responsible for the payment of all associated fees, as set out above, however they are only allowed to pass on the cost of the annual licensing fee to site residents.

Under the *Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034)* (“the Regulations”) the site owner must apply to their local authority for the relevant person (themselves or their appointed manager) to be added to the register of fit and proper persons managing sites in their area.

The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the register.

---

<sup>1</sup> A relevant protected site is defined as being any land to be used as a caravan site or park home site except one for holiday use only, or subject to conditions which restrict the use of the site of stationing caravans for human habitation at certain times of the year.

<sup>2</sup> In setting the fees local authorities may only recover their costs, they cannot charge for the enforcement of notices or subsequent enforcement/legal action as such recovery can only be granted by the law courts.

## **2. Setting of Fees and Charges**

In setting the fees and charges the Council has taken into account both national guidance, Department for Communities, and the Local Government “ A Guide for Local authorities on setting site licensing fees”. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this the legislation only allows Councils to set fees and charges to recover costs incurred.

## **3. Establishing the units (caravans) per Site**

All sites have varying numbers and types of units (qualifying caravans); the most equitable method for setting fees is to make it relative to the number of units on site. Therefore, it is important to establish the definition of a unit and how the Council determines the number of units per site.

For the purposes of this policy a unit (caravan) is classed as a single dwelling, which is capable of being moved from one place to another. This can be in the form of a traditional caravan, which is towed on the back of a vehicle or a chalet type dwelling in up to 2 parts joined on site. The precise definition of a caravan can be found in Section 29(1) of the Caravan Sites and Control of Development act 1960 as amended.

It is important for the setting of fees and charges to be able to determine the precise number of units on each site. All sites must have planning permission or a Certificate of Lawful Use, which sets out the maximum number of permissible units and this will be the determining factor for calculating the number of units for each site. However, there may be occasions due to historic use where this information is not available and these instances this will be based on the number of units set out in the existing site licence.

## **4. Charging Approach**

The Council considered a number of options in relation to charging approaches. The Council decided on a charging approach based on a price set per the number of units on each site. These charging rates have been split into different bands as being a clear, transparent, equitable and cost efficient system of caravan site charging.

The bands have been set out as follows:

Band A	1 - 5 caravan
Band B	6 - 10 caravans
Band C	11 - 20 caravans
Band D	21 – 30 caravans
Band E	31 – 40 caravans
Band F	41 – 50 caravans
Band G	51 – 74 caravans
Band G	75 or more

The allocation of site banding is based on either the number of units set out in planning permission or as set out in the site licence, where there is no specific planning condition. A total of 8 bands have been set with the top band applying to sites with 75 units or more.

## **5. Licensing Fees**

### **5.1 Considerations**

The following fees per band have been set based on the assessed time taken for various activities, officer grades and on costs. Activities include:

- Administration of licence fees;
- Pre-inspection preparation;
- Site inspection (including travelling time and mileage allowances at current rates);
- Post inspection administration e.g. notification of compliance or detailing non-compliance;
- Re-inspection due to non-compliance;
- General administration - maintaining files, electronic records and cost accounting;
- Training and research;
- Maintenance and development of ICT systems;
- Support and shared services on costs e.g. HR and Legal
- Officer grade – Officers involved with caravan site licensing functions span Grades PO3 for Environmental Health Officer and PO10 for Public Protection Manager.

Caravan site fees and charges will be reviewed annually, taking into account the regulatory activity undertaken in the previous 12 months.

## 5.2 Annual Inspection Fee

Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
No. of Units	1-5	6-10	11-20	21-30	31-40	41-50	51-74	75+
Fee	£260	£365	£450	£530	£635	£740	£860	£1020

## 5.3 New Application Licence Fee

It is estimated that processing a new license would not be considerably different to the work proposed for the annual licence thus we propose to duplicate the annual licence fee as the new licence fee in the first year of fee setting

Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
No. of Units	1-5	6-10	11-20	21-30	31-40	41-50	51-74	75+
Fee	£460	£520	£610	£730	£820	£910	£1000	£1185

## 5.4 Transfer and Standard Amendment Fee

A fee of **£240** will be charged to process a transfer of licence or a standard amendment

## 5.5 Fee Combination

New sites are required to apply for a site licence on a non refundable fee basis as this will cover the administration and verification of application documents, whether granted or refused. Where the licence is granted the annual fee is also payable within the same year.

## 6. Fees for Depositing Site Rules

Site rules are different to site licence conditions in that they are neither created nor enforced by the Council. They are a set of rules created by the site owner with which residents have to comply, which may reflect the site licence conditions, but will also cover matters unrelated to

licensing. Local Authorities will need to satisfy themselves that new rules deposited with them have been made in accordance with the statutory procedure. They will also be required to establish, keep up to date and publish a register of sites which have deposited their site rules. In doing so a Local Authority may levy a fee for the depositing of site rules, or the variation or deletion of site rules.

A fee of **£65** will be made for the checking and depositing of site rules by site owners.

This fee would also be levied in the event that the posted site rules are amended and require updating.

## **7. Exemptions**

Local Authorities can elect to exempt sites for reasons of risk and/or cost, scale etc.

- Any site that does not require a licence.
- Any site used exclusively for recreational type use.
- Any site exempted by legislation such as the Caravan Sites and Control of development Act 1960; Schedule 1.
- A recreational site where planning permission/Certificate of Lawful Use has been issued and the number of residential units on the site is 5% or less of the overall capacity.
- In accordance with the legislation Gypsy and Traveller sites owned by the Local Authority that do not require a site licence.

## **8. Charges for Enforcement Notices**

Section 9A of the Mobile Homes Act 2013 allows Local Authorities to serve statutory notices on site owners for non compliance with licence conditions and such a Notice incurs a charge to the site owner. These notices will set out how the site owner needs to comply with the relevant licence condition and the timescales involved. In accordance with the legislation the site owner is not allowed to pass this charge on to the residents of the site.

Under section 9C of the Mobile Homes Act 2013, the Council is entitled to recover costs associated with the service of a notice. This includes the costs incurred with inspections, preparing the notice and obtaining expert advice (including legal costs) and any interest the authority intends to charge. The demand for recovery is served with the notice and must clearly breakdown the costs. The right to recover costs is subject to appeal by the site owner in certain circumstances. These will therefore be calculated on a case by case basis.

This charge is only for the service of enforcement notices and costs associated with taking any action for non-compliance with such a notice would be recoverable through the courts. This will be costed at a rate per hour as shown below.

Manager	Discussion and agreement to serve	<b>£60</b>
Licensing Officer	Preparation and service of notice	<b>£45</b>

In addition, if compliance with such a notice is through works in default the costs for this would be as a charge against the site owner. This will include the cost for the actual cost of works in default and the officer time to administer this process.

This will be costed at a rate per hour as shown above.

## 9. Fee for the Fit and Proper Person

In setting the fees the Council has taken into account the [“Mobile Homes: Guide for local authorities on setting fees for the fit and proper person test”](#)

### 9.1. Initial application fee

A fee of **£310** will be charged to process an initial application for a Fit and Proper Person.

The Council has taken into account the following matters on which costs are incurred, or likely to be incurred when determining its fee policy for consideration of applications for entry on a fit and proper person register:

- (a) Initial enquiries;
- (b) 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 fit and proper process;
- (c) sending out forms;
- (d) updating files/ computer systems and websites;
- (e) processing the application fee;
- (f) land registry searches;
- (g) time for reviewing necessary documents and certificates;
- (h) preparing preliminary and final decision notices;
- (i) review by manager or lawyers; review any representations made by applicants or responses from third parties;
- (j) updating the public register;
- (k) carrying out any risk assessment process considered necessary and
- (l) reviews of decisions or in defending appeals.

## 10. Review

This fees and charges policy will be published on the Telford & Wrekin Council website. The fees detailed in this policy have been determined based on experience of dealing with site licensing historically and with consideration of the changes the Mobile Homes Act 2013 has introduced.

This page is intentionally left blank