

# Public Protection

## Mobile Home Fees and Charges Policy

2022-2023

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## 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.

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<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	£330	£450	£545	£640	£755	£870	£1000	£1170

## 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	£550	£520	£720	£850	£945	£1055	£1150	£1345

## 5.4 Transfer and Standard Amendment Fee

A fee of **£275** 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 **£330** 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.
- (m) time taken to make inquiries in connection with the application
- (n) any advice or work in advance of an application

### 9.2. Annual Fee

A fee of **£155** will be charged whereby a condition(s) is/are imposed in relation to the fit and proper person entry on the register.

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 the annual fee:

- (a) 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;
- (b) handling enquiries and complaints;
- (c) updating files/ computer systems and websites;
- (d) processing the annual fee;
- (e) time for reviewing necessary documents and certificates;
- (f) review by manager or lawyers; review any representations made by applicants or responses from third parties;
- (g) carrying out any risk assessment process considered necessary;
- (h) time spent on consulting the site owner and third parties;
- (i) time spent on meetings/discussions and in giving informal advice and assistance to site owners
- (j) monitoring and enforcement of fit and proper person requirements.
- (k) Site visits to assess whether or not a condition has been met

## 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.

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