



Mobile Homes (Caravan Site) Licensing & Fees Policy



OVERVIEW

The Caravan Sites and Control of Development Act 1960 (the 1960 Act) was amended by the Mobile Homes Act 2013 (the 2013 Act)¹ and enables Local Authorities to reclaim the costs associated with administering and monitoring site licences for relevant protected sites².

This Policy has been developed in conjunction with the above Acts and with reference to specific Government Guidance³. In addition, this Policy has been framed in conjunction with the Pan-Sussex Group dealing with caravan site licensing and which comprises of most local authorities across East and West Sussex. The Group is attended by Local Authority Officers who regularly deal with caravan site licencing matters.

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¹Department for Communities and Local Government: “Mobile Homes Act 2013: A guide for local authorities on setting licence fees.” (March 2014).

²As per the definition in Appendix A of Department for Communities and Local Government Guidance: advice to local authorities on the new regime for applications for the grant or transfer of a site licence (March 2015).

³Open for Business – LGA guidance on locally set licence fees (June 2017).

2. BACKGROUND

2.1 Local authorities can reclaim costs for administering and monitoring site licences for relevant protected sites¹. This allows for a fee to be levied in relation to the following:

- A new site licence
- Transfer of a site licence
- Variation (amendment) of a site licence
- An annual fee
- Deposition of site rules

2.2 This policy relates to the following:

- the fee payable in each circumstance
- the method of apportionment of those costs in setting the fee
- if an annual fee is payable, when it is to be paid
- determining an implementation date
- how surpluses and deficits will be managed
- other matters that are deemed to be relevant.

3. REVIEW AND PUBLICATION

3.1 This Policy is a working document that may be subject to change from time to time, for example, due to changes in legislation or national guidance. This Policy and associated fees came into force in the borough of Crawley in May 2023, when it was deemed necessary and appropriate. This Policy and fees ,will be reviewed annually. Minor changes and corrections can be made by the Head of Community Services and will be recorded as History of Policy Revisions as appropriate

3.2 This Policy will be published on Crawley Borough Councils website at www.crawley.gov.uk

4. DEFINITION OF A RELEVANT PROTECTED SITE

4.1 Any licensable caravan site will be deemed to be a relevant protected site unless it is exempt. A site is exempt if it has planning permission or a site licence for exclusive holiday use or if there is a restriction on its use as a permanent residential site.

4.2 If a site has consent for holiday use with ancillary residential use (and the residential use is only by the owner or his employees working on the site), then the permanent occupation does not make the site a relevant protected site.

4.3 If any doubt arises as to whether a site falls under the definition of a relevant protected site, the Guidance issued by the Department for Communities and Local Government (DCLG) entitled '*Park Homes: Site Licensing - Definition of relevant*

protected sites will be referred to by Officers to clarify the status of the site and legal advice taken where necessary.

5. BREAKDOWN OF COSTS

5.1 The Mobile Homes Act 2013 enables a Local Authority to reclaim costs for administering and monitoring site licences but prevents the Authority from:

- Making a profit
- Recovering enforcement costs for a breach of condition etc. (separate provisions are provided for under the Mobile Homes Act 2013)
- Recovering costs associated with unlicensed sites.

5.2 Each application type and annual inspection has been broken down into constituent parts in order to clearly identify:

- Each task involved in the process
- The average amount of time taken to complete each task
- The job role of the officer completing the task.

5.3 The 'on-costs' (salary of post holder plus any additional costs incurred by the employer as a result of employing a person in that position) for each job role have also been applied to determine the overall fee associated with each application type and in order to calculate the annual fees. These fees have been agreed as part of the Pan Sussex Working Group previously referred to and will be reviewed annually and adjusted to recover the costs listed above, but this list is not exhaustive.

6. FEES PAYABLE

6.1 The fees are based on the number of units located on each site and are split into individual bandings.

6.2 Below is a table stating the fee associated with each application type within each banding **for 2022/23**.

Number of caravans on the site	2-5 (Band A)	6-24 (Band B)	25-99 (Band C)	100+ (Band D)	Single caravan sites and single-family sites (Band E)
New licence*	£554*	£680*	£775*	£886*	£140
Transfer of licence*	£501*	£596*	£659*	£723*	£140
Variation of licence	£400	£400	£400	£400	£100
Annual Fee	£310	£322	£345	£359	Exempt
Deposition of site rules	£210	£210	£210	£210	N/A

*If the number of land registry titles for the site exceeds one, an additional fee of £100 per additional title will be added to any new and/or transfer application fees stated in the table above.

6.3 The fees stated above are subject to change for the reason outlined in the paragraph below with revised fees published on the Council's website. These will be agreed in accordance with the Council's Constitution by the Head of Community Services and the relevant Portfolio Holder and Licensing Chair.

6.4 A Local Authority cannot make a profit from the proceeds raised from the licensing fees associated with relevant protected sites. To ensure that any surplus or deficit can be responded to quickly, Officers, in consultation with the above, are authorised to amend and update the fees calculations as the need arises.

6.5 Single unit sites and single family sites

6.5.1 The following sites are, as a Policy decision, exempt from having to pay an annual fee:

- site consisting of one unit where the site is considered low risk and the cost of inspection outweighs the cost of administering any charges and where it is not run for financial gain.
- Sites occupied solely by the owner and their immediate family and not run for financial gain (this would include typical small Gypsy Roma and Traveller community sites).
- Designated Gypsy Roma and Traveller (GRT) sites under a specified size. Even if no fees are charged the local authority still has a duty to license such

6.5.2 The above sites have been exempted to not unduly burden individual households. However, even if no fees are charged, the Local Authority still has a duty to licence such sites, subject to planning permission being in place, and has powers of enforcement.

6.5.3 Any complaints received will be responded to in accordance with our complaints procedure.

6.5.4 A nominal fee for the other application types will be charged in respect of single unit site occupiers and family sites to reduce the financial burden upon individual park home-owning households.

6.5.5 If the applicant claims to qualify for B and E due to being a single family site, additional information may be requested by officers in order to verify this claim. If there is any doubt as to the legitimacy of the claim, the matter will be referred to the Health, Safety and Licensing Team Leader or another more senior Manager in Community Services to determine what banding the site falls into, therefore the appropriate fee that needs to accompany any application.

6.6 Depositing Site Rules

- 6.6.1 Site Rules are different to the site licence conditions. Site Rules are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The Council must keep an up-to-date register of Site Rules on relevant protected sites and publish the register online.
- 6.6.2 Before publishing the Site rules, the council must ensure that the rules deposited with them have been made in accordance with the statutory procedure. A fee can be charged for this function, and this is shown in the table at section 6.2.
- 6.6.3 Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent amendment or deletion. This is because the process is very similar for all three types of deposits.

7. ENFORCEMENT

- 7.1 Where a breach in a Site Licence condition comes to the attention of the Council, we may serve a Compliance Notice. The 2013 Act has amended the 1960 Act so that it details the elements which a Local Authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice as well as the action itself.
- 7.2 A detailed breakdown of the relevant expenses will be provided with the compliance notice. Charges will be based on an hourly rate in addition to any other costs incurred (for example legal costs).
- 7.3 Charges for enforcement costs cannot be passed on to the resident's pitch fee.
- 7.4 If any works in the Compliance Notice are not carried out, the licence holder commits an offence and the Local Authority may consider taking legal proceedings. Any costs associated with this process would be awarded at the discretion of a Magistrates Court. If a prosecution was successfully taken, the Council would have the power to carry out the works in default of the licence holder who would be liable for any costs arising.

8. IMPLEMENTATION DATE

This Fees Policy first came into force on XXXX ..

9. ANNUAL FEE CHARGING ARRANGEMENTS

At the time of writing this Policy, the Authority has no sites which require a licence, Any sites licensed for the first time will be subject to an application fee and then after the implementation date of this Policy, will attract an annual fee on the anniversary of the granting of the site licence.

10. MANAGEMENT OF SURPLUSES AND DEFICITS

- 10.1 A Local Authority can only charge in order to recover costs. Therefore, the fees will need to be reviewed annually and adjusted accordingly if a surplus or deficit has inadvertently been made.
- 10.2 Any changes to the calculation of fees will be made by Officers in conjunction with the Councils Constitution via the route described above.

11. FIT & PROPER PERSON & OTHER MATTERS

- 11.1 A Local Authority is not required to consider any application made in relation to a relevant protected site unless that application is accompanied by the correct fee. This also applies to fees due when park rules are being deposited with the Local Authority.
- 11.2 If the application is not approved then the applicant is **not** entitled to a refund. This is because the application has been processed and work carried out by the Local Authority.
- 11.3 If an annual fee is not paid, the Local Authority is entitled to apply to a tribunal for an order requiring it to be paid. If that order is breached, the Local Authority can enforce the order in the County Court. If, after three months from the order the arrears have still not been paid, the Local Authority can apply for an Order to revoke the site licence.
- 11.4 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 apply to owners and licence holders of residential caravan sites.
- 11.5 The purpose of the legislation is to improve the standards of park home site management, by introducing an assessment to ensure that the person responsible for managing the site is suitable and of good character, and as such does not pose a risk to the welfare or safety of persons occupying mobile homes on the site.
- 11.6 The requirement for the person responsible for managing the site to be a fit and proper person is in addition to the requirement for a site to be licensed.
- 11.7 The fit and proper person requirement makes it an offence for a site licence holder to operate a park home site unless they, or their appointed manager,

are a fit and proper person to do so. Under some circumstances, the Local Authority have the power to appoint a fit and proper person to manage the site, with the owner's consent.

- 11.8 A site is exempt from the requirement for a fit and proper person if it is "a non-commercial family occupied site". This is a site only occupied by members of the same family and not being run on a commercial basis for financial gain. See the [GOV.UK - legislation website](#) for more details.

12. Caravan Site Licence Conditions

- 12.1 The Local Authority may put conditions a site licence which must be complied with including:

- restrictions on when caravans can be placed on the site
- restrictions on the total number of caravans on the site at any one time
- controls on the types of caravans allowed on the site
- positioning of caravans, structures, vehicles or tents
- preservation and enhancement of the land, including bushes and trees
- a requirement that fire safety and firefighting systems are provided and maintained as part of a fire safety and risk assessment process.
- provision of sanitary and other facilities and their maintenance
- a requirement for work to be carried out to the land

- 12.1.1 The Local Authority may also change these conditions at any time, and require you to return the licence to them to do so Licence conditions must be complied with. Applicants and/or licence holders must also allow a Council Officer to enter the site in order to decide what conditions should be attached to your licence as well as any actions or scheme of work required to comply with such. The Council Officer will also determine whether you are complying with licence conditions and may take enforcement action as detailed previously.

- 12.1.2 There is a right of appeal to the Magistrates Court within a specified period where licence conditions are in in dispute.

APPENDIX A

History of Policy Revisions

The below table provides a history of changes to this policy:

Policy version no.	Date	Status	Summary of change(s)
1	May 2023	Pending approval by Licensing Committee	