

Thurrock Council

Caravan and Park Homes fees policy

April 2020

1. Purpose of policy

- 1.1. This policy establishes the principles and methods of calculation for fees and charges permitted to be charged under the Mobile Homes Act 2013 (and related regulations).
- 1.2. The council has a duty to grant licences for caravan sites under the Caravan Sites and Control of Development Act 1960 for sites that have been granted planning permission. The Control of Development Act 1960 has now been amended by the provisions of the Mobile Homes Act 2013. The Mobile Homes Act 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years.

2. Scope and application

- 2.1. This policy details all fees and charges permitted to be made under the Mobile Homes Act 2013 (“the Act”).
- 2.2. Any review of fees shall have regard to this policy.
- 2.3. This policy shall not take precedent over any legislation or statutory guidance where it exists.
- 2.4. The changes introduced by the Act, in respect of Site Licensing, came into force on 1st April 2014. The powers in the Act include powers for local authorities to charge fees for their licensing functions in respect of “Relevant Protected Sites”.
- 2.5. A Relevant Protected Site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:
 - Granted for holiday use only although the new requirements DO apply to sites which have a mix of holiday and residential units
 - In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).
 - It does not include sites that are owned by the local authority, a caravan occupied by the owner of the land, or person employed by the occupier of the land who does not occupy the caravan under an agreement which the Mobile Homes Act 1983 applies
- 2.6. Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks and/or Gypsy Roma and Traveller sites.

3. The fee structure

- 3.1. In setting this fee policy and the fees to be charged the council has had regard to the Guide for local authorities on Setting Site Licensing Fees issued by the Department for Communities and Local Government (2014)
- 3.2. Local authorities can charge:
 - a licence fee for applications to grant or transfer a licence or application to alter the conditions of a licence

- 3.3. In calculating the fee structure the council will calculate is fees in accordance with Mobile Homes Act 2013 which allows the council to include all its reasonable costs, including administrative costs, officer visits to the site, consultations, meetings, informal advice and updating the public register. Appendix 1 details the breakdown of these activities.

4. Review of the fee structure

- 4.1. A review of the fees structure may be carried out annually

5. Payment of fees

- 5.1. All fees are to be included with the application for a new site licence, for amending a site licence, for transferring a site licence or the deposit of site rules.
- 5.2. Where customers fail to pay for fees and charges, they will be made liable for the additional costs of enforcement and collection where possible.

6. Application fee

- 6.1. All sites require a site licence to operate (subject to exemptions in the Caravan Sites and Control of Development Act 1960); failure to apply for licence is an offence under Section 1(2) of the Caravan Sites and Control of Development Act 1960. The council may only issue a licence for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application
- 6.2. The size of the site will be taken as the maximum amount of caravans permitted under the planning consent for the site not the amount of caravans on the site at the time of the application.
- 6.3. An additional time factor may need to be added if a 'fit and proper' person test is introduced.
- 6.4. The fee for a licence can be found at:
www.thurrock.gov.uk/caravan-licensing/caravan-site-licence-fees.
This is to reflect the variation in the cost of processing the application depending on the size of the site.
- 6.5. See Appendix 1 for information on how the fees are calculated.
- 6.6. The council will publish an up to date register of licenced caravan sites on line.

7. Transfer or amendment of site licence

- 7.1. Where a licence holder wishes to transfer the licence an application must be made to the council, for which a fee is payable. The fee must accompany the application to transfer the licence.
- 7.2. Similarly where a site owner requests an amendment to site licence conditions the council can charge a fee for this function.
- 7.3. Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

- 7.4. This fee is based on the estimate of time that it is considered a transfer of a licence will take.
- 7.5. An additional time factor may need to be added if the 'fit and proper' person test is introduced.
- 7.6. Please see for transfer/amendment site fees www.thurrock.gov.uk/caravan-licensing/caravan-site-licence-fees
- 7.7. See Appendix 2 for information relating to the calculation of fees

8. Enforcement costs

- 8.1. Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice. The Caravan Sites and Control of Development Act 1960 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. A detailed breakdown of the relevant expenses would be provided with the compliance notice. .
- 8.2. 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 at the discretion of the court. If a prosecution was successfully taken, the council would have the power to carry out the works in default of the licence holder.
- 8.3. Where the prosecution is successfully taken, the council would have the power to serve notice to enter the site and carry out the works in default of the licence holder. An administration cost of 20% would be added to the cost of the works.
- 8.4. The council may enter the site and take emergency action where there is imminent risk of serious harm to residents or the wider community.
- 8.5. Unpaid charges can be placed against the site owner land.
- 8.6. Charges for enforcement costs cannot be passed onto the residents via the pitch fee.

9. Exemptions

- 9.1. Sites which meet the following criteria will not be subject to the fees set out in this policy.
 - Site that are not relevant protected sites
 - Sites with five or less caravans as they are considered low risk and the cost of inspection is outweighed by the cost of the administration charges
 - Sites with caravans all occupied by members of the same family and not run for financial gain.
- 9.2. The local authority may request evidence from a site owner in connection with an exempt site to ascertain the site qualifies for an exemption.

10. Reviews and changes

- 10.1. At the time of producing this policy some elements of the licensing regime are still awaiting further regulation by government which may impact on the processes and the time involved.
- 10.2. The council reserves the right to review and amend this Policy at any time.

Appendix A – applications for grant of a new licence

In order to set the fees for these applications we can take into account the following matters on which costs are incurred. A site licence fee will vary according to the site size taking into account officer time to inspect and follow up compliance checks.

Initial licence fee time costs
Enquiry received and service requested Opening a new licence Pre-application advice
Obtain Planning documents and liaise with planning Send out application form with covering letter
Letter/writing to make an appointment to carry out an initial site inspection and requesting any documents or information from the site owner or from a third party in connection with the licensing process
Travel time of Licensing Office and Environmental Health Officer
Conducting the initial site inspection [Licensing Officer and Environmental Health Officer}
Check application valid and correct fee included Handling enquiries and complaints
Carry out Land Registry Search to verify applicant is owner of land
Examine electrical certificate and any other documentation submitted with licence for validity
Prepare reports on contraventions
Prepare draft site licence and send to applicant with covering letter
Discuss with applicant proposed licence conditions Review of any consultation responses from third parties Consultation with Planning and Fire Authority Prepare final licence
Scan documents into electronic format and update public register
Telephone calls
Travelling time of Licensing Officers and Environmental Health Officer
Carry out full site inspection and follow up inspection to check compliance
Obtaining Legal Advice on any issues which arise
Record visits
Land Registry Search Fee

Appendix B – applications for amendment or transfer of a licence

This is based on historical costs to carry out this function.

Amendment or transfer time costs
Enquiry received and service requested
Send out site application from with covering letter
Processing application form including application valid and correct fee included
Carry out Land Registry Search to confirm applicant is new owner of the site
Liaising with Debt recovery team to ascertain records of outstanding notices unpaid
Amending site licence where necessary to be checked by Solicitor
Send amended site licence to site owner with covering letter
Amend public register
Environmental Health Officer administration time
Licensing Assistant administration time
Land Registry Search fee

Contact details: private.housing@thurrock.gov.uk