



**WOKINGHAM
BOROUGH COUNCIL**

**Wokingham Borough Council
Fee Policy for Relevant Protected Sites
Caravan Sites and Control of Development Act 1960 & Mobile Homes Act 2013**

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1. Summary

These fees have been arrived at in accordance with government guidance issued under the [Mobile Homes Act 2013](#) (MHA) and will be reviewed regularly as part of the Council's annual review of its fees and charges.

Section 10A (as amended by MHA) of Caravan Sites and Control of Development Act 1960 (CSCDA) requires a local authority to prepare and publish a Fee Policy where they propose to charge for the following functions associated with the regulation of relevant protected sites:

- Issue of site licences (s.3)
- An annual fee for administering and monitoring licences (s.5A)
- Alteration of conditions attached to site licences (s.8)
- Transfer of site licences (s.10)
- Depositing, varying or deleting site rules (s.2C MHA 1983)
- Registration as a fit and proper person (s.12C)

In addition, when serving a compliance notice under section 9A, a local authority may impose a charge on the occupier as a means of recovering expenses incurred by them in deciding whether to serve the notice, and in preparing and serving the notice or a demand for payment.

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA, but the provisions relating to payment of fees do not apply.

2. Site licences and relevant protected sites

A site licence is required for any use of the land as a caravan site, namely land (and land which is used in conjunction with it) on which a caravan is stationed for the purposes of human habitation, provided that

- The land has planning permission for use as a caravan site (CSCDA s.3(3)), and
- The land is not exempt from licensing under schedule 1 of CSCDA (an example of exemption is that the use is incidental to the enjoyment of a dwellinghouse within the curtilage of which the land is situated).

"Relevant protected site" means land in respect of which a site licence is required (see above), unless it has planning permission or a site licence which stipulates:

- Exclusive holiday use
- Times of the year when no caravan may be used for human habitation
- Occupation only by the site owner and his/her family or by persons employed by the site owner except where under an agreement to which the Mobile Homes Act 1983 s1(1) applies.

3. Fee Structure

The Council has calculated fees in accordance with the provisions of MHA, which allows a local authority to include all reasonable costs including administrative costs, officer visits to the site, travel costs, consultations, meetings undertakings and informal advice.

The fees in this policy are based on an hourly rate which is reviewed annually and presented to Council as part of the Fees and Charges schedule, and is published on the Council website.

The number of caravans taken for the calculations are from the number of caravans applied for within the caravan site licensing application; or on the actual number of caravans on site deemed safe if not explicit on the licence.

4. Application for a new licence

An application fee must be paid with new applications for licences. The fee reflects the costs which would apply to processing the licence application plus an amount to reflect the variation in the cost according to the size of the site. This amount per unit additional cost will be capped at 200 units as reflects the Government charging regime.

5. Transfer of an existing licence

Where a licence holder wishes to transfer the licence an application must be made to the Council. An application form produced by the Council is available for this purpose. The fee must accompany the application.

6. Alteration of conditions on an existing licence (also known as a variation of site licence conditions)

Applications can be made by licence holders to alter or cancel conditions. An application form produced by the Council is available for this purpose. Where a site owner requests an alteration to the site licence conditions the Council will charge a fee, except if the council instigates the process to alter the conditions, where no fee is payable. The fee will be based on the direct work involved when considering the alterations.

As this fee is based on cost recovery an indication will be given in advance of an estimation of the time taken, this will be subject to change should subsequent matters that require consideration arise. The officers will attempt to keep the applicant aware of such issues. Areas of work that arise as a result of the application, but which are not relevant to the application for alteration, will not be included in the fee determination. The fee determination will relate to hours worked by officers of Public Protection Partnership.

7. Annual fees

All relevant protected sites must pay an annual fee to the Council (subject to any exemptions stated in this policy). The process will begin on 1 April each year and annual fees must be paid by 31 May.

The annual fee covers the costs associated with site inspections and reviews to ensure compliance with the site licence conditions and any follow up visit to ensure compliance with any informal schedule of works identified.

The fee takes into account the variation in size of the sites as it is based on the number of units on the site.

Exemption from annual fees; sites where there is only 1 unit and or 1 pitch are excluded from the annual fee. This category of site is exempt from the annual licensing fee as

the council do not intend to carry out annual inspections of these sites, however, any complaints or enquiries would be dealt with as appropriate. This is in line with the government guidance.

The calculation is based on the number of caravans stated within the caravan site licensing application; or on the actual number of caravans on site deemed safe if not explicit on the licence, (this is in line with the government guidance option 1).

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee will be calculated on a pro-rata basis for the remainder of the year.

In the event an annual fee is not paid as required, the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due by the date specified in the order; and the order may make provision about the manner in which the payment is to be made. Where a licence holder fails to comply with an order made by the First Tier Tribunal within the period of three months beginning with the date specified in the order for the purposes of that subsection, the local authority may apply to the First Tier Tribunal for an order revoking the site licence.

8. Enforcement Action

Where there has been a breach in a site licence condition the Council may serve a compliance notice, and may also impose a charge to recover expenses in so doing. The expenses may include the costs of obtaining legal or other expert advice.

The demand for payment is to be served with the compliance notice and will set out the total "relevant expenses" the local authority seek to recover; a detailed breakdown of the relevant expenses; and the rate at which the relevant expenses may carry interest.

Charges would be based on the hourly rate for the relevant officers.

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.

9. Fees for depositing, varying or deleting site rules

Site rules are put in place by the owner of a site to ensure acceptable standards which benefit residents and promote and maintain community cohesion on the site. 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 variation or deletion as the process is very similar for all three types of deposits.

The Council must keep an up to date register of site rules in relevant protected sites and publish the register on line.

Charges would be based on the hourly rate for the relevant officers.

10. Fit and Proper Person Register

For new and existing Caravan sites that fall into the scope of the Fit and Proper Person Register the application fee is set at a two hour fee based on existing hourly rate, plus hourly rate for each hour or part thereof should the application determination go over the two hours.

The fee for annual checking is directly cost recovery, based on the hourly rates and time taken.

11. Revising the Fee

The fees detailed in this policy have been determined based on full recovery of costs.

Fees will be reviewed as part of the annual review of Council fees and charges.

12. Elements included in fee setting

The government guidance sets out the activities that the Council can and cannot include when calculating its annual fee. A local authority can include:

- Letter writing/calls etc. to make appointments and request documents or other information from the site owner or any third party in connection with the licensing process;
- Handling enquiries and complaints;
- Updating hard files/computer systems;
- Processing the licensing fee;
- Land registry searches;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports on contraventions;
- Preparing draft and final licences;
- Review by manager or lawyers;
- Review any consultation responses from third parties;
- Updating public register;
- Carrying out any risk assessment process considered necessary;
- Reviews of decisions or in defending appeals;
- A pre-programmed full site inspection;
- A follow-up inspection to check compliance following programmed inspection.

13. Current Fees and Charges

Current fees and charges are on the Council website – [Fees and payments \(wokingham.gov.uk\)](https://www.wokingham.gov.uk/fees-and-payments)