



Report to Licensing (Public Protection) Committee


Date:	17th June 2025
Title:	Approval of mobile home site licensing fee policy
Author:	Charlie Robinson, Environmental Protection Team Leader
Recommendations:	Licensing Committee consider and approve the draft Mobile Home Site Licensing Fee Policy (Appendix 1) for public consultation.

1. Background

- 1.1 The Mobile Homes Act 2013 permits local authorities to set fees in order to recover the cost of administering the mobile home site licensing regime. Currently, there are some historical fees set by the legacy Chiltern and South Bucks Council's and no fees for the legacy Wycombe or Aylesbury Vale areas. This report presents a newly drafted fees policy which aims to set consistent fees across the Buckinghamshire Council area to ensure that the service is able to recover the cost of administering the regime.

2. Context

- 2.1 The Council currently has a statutory duty under the Caravan Sites and Control of Development Act 1960 as amended (the 1960 Act) to licence caravan sites (including mobile home parks) which have planning permission. There is no discretion regarding the issue of a licence where planning permission has been granted. The mobile home site licensing regime is delivered by the Environmental Health service due to the significant connections and cross over with housing enforcement and similar regimes such as HMO licensing.
- 2.2 The Mobile Homes Act 2013 Act (the 2013 Act) received Royal Assent on 26th March 2013. Its provisions partially came into force 26th May 2013, but the majority were implemented with effect from 1st April 2014. The 2013 Act was introduced as the previous existing law relating to mobile homes was viewed as ineffective and outdated.

- 2.3 The 2013 Act aims to ensure local authorities are properly funded for exercising their powers and have sufficient tools for enforcement action. It aims to raise standards in the industry so as to deliver a more professional service to homeowners and to ensure the opportunity for blocking sales of homes on licensed sites by site owners is removed and effective enforcement action can be taken against those operators who fail to comply with their licence obligations.
- 2.4 The provisions in relation to local authority powers include:
- i. Power to charge fees for new residential site licences, licence transfers and variations.
 - ii. Power to charge an annual fee to existing residential site licence holders.
 - iii. Power to refuse a licence (or to refuse to transfer a licence).
 - iv. Enforcement powers to tackle breach of licence conditions including powers to serve and enforce 'compliance notices' and undertake emergency works together with the power to recover expenses and costs relating thereto.
 - v. Requirement for site operators to deposit site rules in respect of protected sites with the local authority (for which a fee may be charged) and for the local authority to publish and maintain a registers of the protected sites in its area.
- 2.5 The Act allows a local authority to charge fees in relation to the licensing of "relevant protected sites" within their district to enable them to recover the costs incurred in operating licensing schemes. A relevant protected site is a site requiring a licence unless it is granted for holiday use only or there are restrictions which mean that the site is otherwise not able to be used all year round (only residential sites). The definition therefore includes mobile home sites that are permitted for residents to live on site all year round. The 2013 Act requires that where a local authority intends to charge fees it must prepare and publish a fee policy which can be revised from time to time.
- 2.6 Within Buckinghamshire, records indicate that there are currently 111 licensed sites that would be classed as relevant protected sites. Of those 111 licensed sites, 75 sites are considered smaller sites that are permitted to locate 5 or less caravans at any one time on the site. Some of these sites will already be subject to the existing legacy Chiltern and South Bucks fees structures. This means that the introduction of fees will be new to 93 licensed sites, 74 of which are sites with 5 or less caravans permitted on site and accordingly will not be required to pay annual licence fees under the proposed fee structure.
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3. Legacy arrangements

3.1 Wycombe District and Aylesbury Vale District Council's did not undergo a fee setting exercise following the introduction of the 2013 Act. However, Chiltern and South Bucks District Councils underwent a fee setting process and full review of the existing licensed sites within their legacy district areas. Both authorities set fee policies which were reviewed by the respective Licensing Committees and came into effect in July of 2014. A copy of the two legacy policies can be found at Appendix 2 & 3. These fees were regularly reviewed, with the most recent fees policies being published in April 2018.

3.2 There is clearly a need to harmonise the approach to site licensing fees across the Buckinghamshire area to ensure that a consistent approach is applied for site operators and those living on these sites across the Council area.

Due to the historic nature of the majority of relevant protected sites within Buckinghamshire and the differences in approach prior to unitarisation, the records held by the different legacy areas are inconsistent and the Environmental Health Service are embarking on a review of these records to ensure that records are complete and up to date, and to ensure that all sites within the area are appropriately licensed and operated in accordance with the legislation and their respective licence conditions.

4. Fee setting

4.1 On 1st March 2014, the Department for Communities and Local Government published guidance for local authorities on setting licence fees in respect of the Mobile Homes Act 2013. The guide clearly sets out how local authorities should approach fee setting and what is within scope when considering the level of fee to set.

4.2 It is for a local authority to decide whether to charge fees for their licensing functions in relation to relevant protected sites. If an authority decides to charge fees, those must be set out in its fee policy. Both the level of fees and how they are charged are, subject to legal restrictions, at the discretion of the local authority. They should fairly cover the costs (or part of the costs) incurred by a local authority under its functions in delivering the licensing regime, other than the costs of enforcement action.

4.3 The guidance states that when setting fees, local authorities should consider the overall costs in respect of the licensing function and/or base such fees on a "typical" site. The guidance outlines a number of different options available in setting a fee structure, such as banding by risk or size or a flat rate charge, but emphasises it is important not to target individual sites because they require greater action in terms

of enforcement. Likewise, the cost of enforcement action cannot in law be reflected in the fee structure adopted by the local authority.

- 4.4 As with all fee setting, the overriding consideration is that fees set by the local authority must be reasonable and transparent and whilst different fees can apply to different types of cases, there must be consistency in the fee structure and its application.
- 4.5 Having considered the guidance and legacy implementation of administering the mobile home site licensing regime, it is considered that the most appropriate and proportionate approach is to set fees based on a banding in respect of the size of sites (based upon number of mobile homes permitted on the site). This is preferred over a risk-based approach due to the lack of specific information about sites and the complexity of risk rating individual sites. Equally, it is not considered fair to set a flat fee for all sites due to the disproportionate charge that smaller sites (which form the majority of sites licensed within Buckinghamshire) would receive in order to cover the cost of delivering the full service to a larger site.
- 4.6 When setting fees previously, Chiltern and South Bucks District Councils opted to set a flat fee for all sites, however these fees were set shortly after the implementation of the 2013 Act and from experience of having delivered the licensing regime since 2013, it is felt that a banded approach based on the number of mobile homes permitted on site is accepted as better practice.
- 4.7 The existing fee policies for Chiltern and South Bucks outline two situations when a site is exempt from paying annual fees. These are:
 - i. Sites with 5 or less units. And,
 - ii. Sites solely for the Site owner and their immediate family (does not include sites that are run for financial gain)
- 4.8 The justification for these exemptions was that these types of sites tend to need infrequent inspections due to the lower risk generally associated with them and collecting annual fees from them would not be cost effective. It is recommended that this exemption is carried over into the newly proposed Buckinghamshire Council fee policy with a view to ensuring proportionality. Based on current records this would mean that 75 out of the 111 licensed sites would not be required to pay an annual fee.
- 4.9 In line with the DCLG guidance, the proposed fees have been set based on calculations for the expected time taken to carry out the following activities:
 - i. letter writing/ telephone calls etc. to make appointments and requesting any documents or other information.

- ii. information from the site owner or from any third party in connection with the licensing process.
- iii. handling enquiries and complaints.
- iv. updating document storage and computer systems (including maintenance and upgrade of such systems and the future development e-forms etc.)
- v. updating the website as appropriate.
- vi. processing the licensing fees.
- vii. time for reviewing necessary documents and certificates.
- viii. review by manager and/or legal services.
- ix. carrying out any risk assessment process considered necessary.
- x. full site inspections and reports.
- xi. any follow up inspection to monitor compliance as necessary.

4.10 As there are a large number of licensed relevant protected sites within Buckinghamshire, it is considered disproportionate and impractical for all sites to receive a full inspection each year. As such, the proposed fees have been calculated based on inspecting each site on a three yearly basis. Therefore, the annual fee is partly made up of the cost of an inspection for the relevant sized site, divided by three. This would not prevent officers carrying out site visits more frequently as required, based upon received complaints or intelligence of non-compliance.

4.11 A draft fees policy is attached to this report at Appendix 1. This outlines the types of fees that the Council proposes to charge, what has been considered when setting the fees and how the fee structure will be implemented.

5. Benchmarking

5.1 A benchmarking exercise has been undertaken with the neighbouring authorities and a full table of comparison can be found at Appendix 4 of this report. Overall, it demonstrates that the proposed fees for Buckinghamshire Council are largely consistent with the fees being charged by authorities bordering Buckinghamshire, although there are a number of different approaches applied by these authorities, including some with no fees set/published and one authority taking a risk-based approach. The majority of authorities have taken the approach of setting fees by size of site, some by way of banding and others setting a base fee plus an additional cost per individual pitch.

6. Consultation

- 6.1 There is no requirement to consult with site owners, but the fee setting guidance does state that whilst it is not necessary, a local authority may consider doing so. It is considered transparent fair and appropriate to consult all site owners across the Buckinghamshire Council area on the proposed introduction/amendment of fees.
- 6.2 It is therefore recommended that Licensing Committee agree an 8-week targeted consultation, the responses from the which will then be reported back to Licensing Committee at a later date for consideration along with any proposed changes as a result of feedback received.

7. Equalities Impact Assessment

- 7.1 A full Equalities Impact Assessment has been carried out in respect of the proposed fees and fee policy. As part of the assessment, the introduction of fees was considered against the potential impact on all protected characteristics. The assessment established that the introduction of fees will impact the licence holders for the relevant mobile home sites as they will be required to pay fees under certain circumstances. It could also affect residents of the licensed sites as the licence holders are able to pass the cost of the proposed annual fee on to their resident through the process of reviewing their annual pitch fees.
- 7.2 It is understood that residents of mobile home sites are more likely to include the elderly, the Gypsy, Roma and Traveller community, and those on lower income (which includes a higher proportion of people with disabilities).
- 7.3 It is considered that there could be both positive and negative impacts on residents living on permanent residential mobile home sites, should the proposed fees be adopted. The positive impacts being that the introduction of the fees will support the council's regulatory activities to achieve greater compliance with licensing requirements including those contained within the Mobile Homes Act 2013.
- 7.4 However, the ability for licence holders to pass on the fee could result in residents being financially impacted through a pitch fee review. Pitch fee reviews are strongly regulated to ensure that site owners do not increase pitch fees by more than is appropriate and necessary and therefore residents are protected from unreasonable rises. Site owners can propose to change pitch fees once a year but must give residents 28 days' notice. In circumstances where there is a dispute over pitch fees, residents and the site owner can apply to the First-Tier tribunal to decide the pitch fee level. Although the introduction of a fee could lead to additional burdens on some, the Council's proposed approach of a banded fee based on the size of the site (rather than a flat fee for all sites) will mean that those living on smaller sites are not as disproportionately at risk of incurring a larger portion of the fee being passed on to them.

8. Legal and financial implications

- 8.1 The Mobile Homes Act allows for the recovery of a reasonable fee for the grant of a licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in subsequent fee reviews, to be recovered or refunded over a rolling three-year cycle.
- 8.2 There are no negative impacts on the Council's medium term financial plan.

9. Next steps and review

- 9.1 If agreed, the draft proposed fees and fee policy at Appendix 1 will be launched for targeted consultation with affected licence holders.
- 9.2 The consultation responses and any suggested changes as a result of the consultation will then be fed back to Licensing Committee later in 2025 with a recommendation to approve the proposed policy and fees, with or without amendments.

Key documents:

[LGA Guidance on locally set licensing fees](#)

[Mobile Homes Act 2013: a guide for local authorities on setting licence fees - GOV.UK \(\[www.gov.uk\]\(http://www.gov.uk\)\)](#)

Equalities Impact Assessment: Introduction and change of Mobile Homes Act 2013
Fees Structure & Policy

