

## Appendix 1

### City of Wolverhampton Council Mobile Home Sites Licensing Fees Policy

#### Introduction

The Caravan Sites and Control of Development Act 1960 is the primary legislation governing the licensing and control of caravan sites. Local authority discretion to charge for the delivery of their functions under that Act was introduced by The Mobile Homes Act 2013. Local authorities can charge a locally set fee for the following functions:

- Considering applications for the issue of a site licence.
- Considering applications for the transfer of a site licence.
- Considering applications for altering conditions in a site licence.
- Holding a register of site rules.
- Annual fees for the administration and monitoring of site licences.

The licensing scheme, controls and charges apply to 'relevant protected sites' which are defined under the Caravan Sites and Control of Development Act 1960 as any land to be used as a caravan site other than one where a licence is:

- Granted for holiday use only.
- In another 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.

'Relevant protected sites' include gypsy sites but not those owned by the local authority.

In considering and determining whether and to what extent to charge fees, Wolverhampton City Council has had regard to The Mobile Homes Act 2013 – A Guide for Local Authorities on setting site licence fees – published in February 2014 by the Department for Communities and Local Government.

Before a local authority can charge any fees for the licensing and control of 'relevant protected sites' it must publish a fees policy.

It has been agreed that Wolverhampton City Council will make charges for the licensing and control of 'relevant protected sites' within Wolverhampton. This is the required fees policy.

#### Exemptions from Fees

The local authority is able to exempt some 'relevant protected sites' from some or all fees. The Council has decided that sites with five or fewer pitches are exempt from licensing and annual fees. However, such sites are still required to hold a license and subject to the controls.

#### Calculation of Licence Fees

In setting fees for applications for the issue/variation/transfer of a site licence and annual fees for the administration and monitoring of site licences the Council has had full regard to above guidance which lists those costs that can be recovered via the fees and those which cannot.

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Costs to be recovered:

- Administration of the licensing process.
- Site inspections.
- Travel.
- Consultations.
- Meetings.
- Informal Advice.

Costs that cannot be recovered via the licence or annual fees:

- Cost of enforcement due to breach of licence conditions.

The fees are set out in the attached **Schedules 1-4**

### Overall Review of the Mobile Home Sites Licensing Fees Policy

This a new policy it will therefore undergo a full review after one year, further full reviews will be undertaken at least every three years thereafter. The policy will be republished after every review.

### Review of Annual Fees

The local authority is required to consider the previous year's surplus or deficits in determining the annual fee for the administration and monitoring of licences. The local authority should not make a profit from this fee nor should it make a loss which would have to be subsidised by taxpayers. The local authority is required to inform site owners of the extent to which they have considered the surplus or deficit in setting the annual fee.

The annual fee will therefore be reviewed on a yearly basis, and the fees policy agreed and republished.

### Payment of Fees

The local authority is not required to consider an application for the grant/transfer/variation of a licence unless it is accompanied by the appropriate fee. If the local authority does not approve the application the applicant is not entitled to a refund.

The annual fees will run from the 1<sup>st</sup> April each year starting with 1<sup>st</sup> April 2022. The request for payment will state the date payment is due in accordance with the Councils standard terms. The request will also be accompanied by a copy of this policy.

Where the fee becomes overdue, the local authority may apply to the Residential Property Tribunal for an order requiring its payment, the order will specify when the fee must be paid. If the fee is not paid by this date, the local authority may enforce the order through the county court. Further if the fee is not paid within three months of the date specified in the order, the local authority may apply to the Residential Property Tribunal for an order revoking the site licence.

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### **Publishing the fees policy**

This policy will be published on the Councils website. The Council will provide an electronic copy or printed copy upon request.

The policy will be republished after any review.