

Regeneration, Culture and Environment

Overview and Scrutiny Committee

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Introduction of Mobile Homes Fee Policy

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Summary

A resourced mobile home licensing function helps communities to be safe and feel safe. It also helps to ensure a clean and well-maintained environment for residents.

The Mobile Homes Act 2013 introduces new powers allowing local authorities to charge fees for their licensing functions in respect of mobile home parks and to charge for enforcement under the Act.

The Mobile Homes (Site Rules) (England) Regulations 2014 allow the authority to charge for the inspection and for depositing site rules on its published Park Rules Register.

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 allows the authority to charge for the maintaining of a Fit and Proper Person Register and to evaluate a nominated Relevant Persons suitably for their inclusion on the said register.

It is at the authority's discretion whether they charge for all or any aspect of licensing. If fee charges are approved these will be reviewed and adjusted each year to reflect actual costs to the Council. The authority is not expected to make a loss or profit in carrying out its licensing function.

1. Recommendation

1.1. The Committee is asked to note and submit any comments on the Mobile Homes Fee Policy to the Cabinet.

2. Budget and policy framework

2.1. The Mobile Homes Act 2013 places a mandatory duty on the authority to inspect, to ensure and to record via a register of existing approved Park Rules and conduct a Fit and Proper Test.

- 2.2. This function is a Key Performance Indicator.
- 2.3. A current and Cabinet approved fees policy must be published prior to charging.
- 2.4. The licensing functions outlined in the Mobile Homes Fee Policy will be carried out by the Private Sector Housing team (PSH). This service is funded through the General Fund, with costs being offset through financial penalties, enforcement notices and fees collected through mandatory licensing.
- 2.5. Cabinet is required to approve any Mobile Homes Fee Policy prior to implementation.

3. Background

- 3.1. The Caravan Sites and Control of Development Act 1960, as amended by the Mobile Homes Act 2013, authorises the authority to issue licences in respect of 'relevant protected sites' typically known as residential parks or mobile home parks unless they fall into the category of exempted sites (as covered by the First Schedule of the Act).
- 3.2. Medway Council has a duty to licence park homes within its district. The Mobile Homes Fee policy sets out charges for the licencing of relevant protected sites in accordance with the powers granted under the Act.
- 3.3. The Act grants powers to charge a fee for:
 - Applications to grant or transfer a licence or to alter the conditions on a licence
 - Administering and monitoring annual licences
 - To administer and publish an annual Park Rule Register
 - To administer and publish an annual Fit and Proper Person Register.
- 3.4. When fixing a fee, the authority:
 - Must act in accordance with its fee policy;
 - May fix different fees in different cases;
 - May determine that no fee is required in certain cases or descriptions of cases;
 - Ensure that any fees charged fairly cover the costs (or part of the costs) incurred by the authority in performing its functions under Part 1 of the Act, (excluding the costs of enforcement action or any functions relating to the prohibiting of caravans on commons or provision of sites by the local authority itself).
- 3.5. Before the authority can charge a fee, it must prepare and publish a fees policy.

- 3.6. These fees and charges will be set/reviewed annually each January as part of the Council's normal fee and charges setting process.
- 3.7. In determining those fees, the authority has taken in to account all administrative costs incurred in the licensing process, officer visits to sites, average travel costs, consultations, meetings, investigation of complaints and the giving of informal advice.
- 3.8. There are five licenced relevant protected mobile home parks, consisting of 612 units in the Medway district. These are listed in the table below:

Site name	No of Units	Band
Avery Way Mobile Home Park Avery Way, - licenced Allhallows, Rochester, ME3 9QJ	PP 81 Licenced 81 Actual 1	B
Hoo Marina Mobile Home Park - licenced Vicarage Lane, Hoo, Nr. Rochester, Kent. ME3 9TF	PP 390 Licenced 435 Actual 315	D
Island Park - licenced Peninsula Crescent, Port Werburgh, Vicarage Lane, Hoo, Rochester. ME3 9GR	PP 30 Licenced 30 Actual 30	A
Kingsmead, - licenced Allhallows-on-sea, Rochester, Kent, ME3 9TD.	PP 150 Licenced 150 Actual 150	C
Port Werburgh Park – licenced Vicarage Lane, Hoo, Rochester, Kent, ME3 9TW.	PP 60 Licenced 5 Actual 11	A

4. Options

- 4.1. To agree the implementation of the Mobile Homes Fee Policy to recover costs incurred by Medway Council in carrying out licensing functions in respect of mobile home parks.
- 4.2. To not implement the Mobile Homes Fee Policy, which will lead to failure to comply with current legislation.

5. Advice and analysis

- 5.1. The Mobile Homes Fee Policy responds to the key changes in the legislation as follows:

- Mobile Homes Act 2013 allows Local Authority to recover operational charges on an annual basis.
- Provides the Local Authority with a legal framework to ensure adequate Mobile Homes management, procedures and control of development.
- Ensures that a responsible person(s) is deemed a Fit and Proper Person and complies with the financial, managerial structures and training criteria via the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020)
- To manage and maintain a publicly accessible register to contain issued Site Licence, Park Rules, via the Mobile Homes (Site Rules) (England) Regulations 2014.

5.2. The policy describes a range of interventions aimed at safeguarding and improving the health and safety and wellbeing of people living within Medway's Mobile Home Parks.

5.3. In developing this policy, no adverse impact associated with the protected characteristics were identified.

6. Risk management

6.1. Identified risks are noted below:

Risk	Description	Action to avoid or mitigate risk	Risk rating
The policy is not implemented	If the policy is not implemented it will not effectively adhere to current legislation and result in lost revenue stream	Implement the policy	DII
That the policy does not remain relevant	New legislation or guidance could determine change is required	Regular contact with Central Government, Kent Caravan Site Licensing Technical Group, Fire Service will ensure Medway remain current and aware of any changes and able to make the necessary changes	BII

Risk	Description	Action to avoid or mitigate risk	Risk rating
Resources	<p>Officers within the PSH Service lack the relevant experience and knowledge of legislation to carry out works outline within the policy</p> <p>If there is a substantial increase in the number of investigations, this is likely to have a result in corresponding pressure on the existing staffing resources of the Private Sector Housing Service</p>	<p>Assess staff and training need to determine where additional support is needed.</p> <p>Consider market premia and different ways of working</p>	BII

For risk rating, please refer to the following table (please **retain** table in final report):

Likelihood

- A Very likely
- B Likely
- C Unlikely
- D Rare

Impact:

- I Catastrophic
- II Major
- III Moderate
- IV Minor

7. Consultation

7.1. Fees have been set after consultation with various other Kent authorities.

8. Climate change implications

8.1. [The Council declared a climate change emergency in April 2019](#) - item 1038D refers, and has set a target for Medway to become carbon neutral by 2050.

8.2. While the policy does not have an impact on the energy of mobile homes, its noted that mobile homes are a form of accommodation that be challenging to achieve efficiencies. As part of the Council's successful bid under the Home Upgrade Grant: Phase 2 [HUG 2], the Council was able to upgrade 35 park homes during 2024/25.

9. Financial implications

- 9.1. Charging for licensing and enforcement action will allow the authority to recover operating costs associated with carrying out its functions under the Mobile Homes Act 2013.
- 9.2. Fixed costs will be incurred, including the Officer completing the works. If the costs are not recovered in full this will result in a budget pressure.
- 9.3. The Council can only recover allowable costs and must review the fees yearly to reflect this.

10. Legal implications

- 10.1. Councils have granted caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) for sites which hold appropriate planning permission for use as a caravan site. This Act has now been amended by the Mobile Homes Act 2013.
- 10.2. The Mobile Homes Act 2013 was introduced to provide greater protection to occupiers of residential park homes/caravans, as the existing legislation had not been updated for more than 60 years and was considered inadequate to deal with problems associated with such sites.

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Appendices

Appendix 1 – Medway Mobile Homes Fee Policy

Appendix 2 – Medway Council fees

Appendix 3 – Diversity Impact Assessment

Background papers

None