



The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (as amended)

Fee Structure for Fit & Proper Person Checks for Owners of Residential Park Home Sites in North West Leicestershire

June 2021

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1. Introduction

- 1.1 In 2014, the Caravan Site and Control of Development Act 1960 (CSCDA 1960) was amended by the Mobile Homes Act 2013 (MHA 2013) to provide greater protection to occupiers of residential caravans (park homes). This amendment allowed councils to charge site owners a fee for new site licences, annual fees for administering and monitoring of existing sites and fees for amendments or transfers of existing licences. North West Leicestershire District Council (NWLDC) introduced a fee structure in line with the legislation and guidance.
- 1.2 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (the “Regulations”), require the manager of a site to be a fit and proper person. Local authorities are accordingly required to implement the fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless they are eligible for an exemption under the Regulations. The Regulations set out a number of factors that Local Authorities must take into account in determining if an application is a fit and proper person.
- 1.3 The fit and proper person test applies to “relevant protected sites” other than non-commercial family-occupied sites. A “relevant protected site” is a site, which requires a site licence under the CSCDA 1960 and which is not solely for holiday purposes or is otherwise not capable of being used all year round. The fit and proper person requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on the site i.e. park home owners.

2. Fees for Fit and Proper Persons Register Applications

- 2.1 The Regulations, made on 23 September 2020, allow local authorities to receive applications from site owners, or the person appointed to manage the site, from 1 July 2021 up to and including 30 September 2021.
- 2.2 The Regulations permit the local authorities to determine the fee for an application for someone to be added to the register of fit and proper persons. Fees should only cover the costs (or part of the costs) incurred by a local authority in carrying out their functions under the Regulations.
- 2.3 Site owners will be required to submit a completed application from 1 July until October 2021 (3 months) and pay the fee, outlined below, to NWLDC which will also include any additional fees such as an annual site fee.
- 2.4 Under the Regulations a fee can be charged for
 - Initial enquiries;
 - letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the fit and proper process;
 - sending out forms;
 - updating files/ computer systems and websites;

- processing the application fee;
- land registry searches;
- time for reviewing necessary documents and certificates;
- preparing preliminary and final decision notices;
- review by manager or lawyers of applications; representations made by applicants or responses from third parties;
- updating the public register;
- carrying out any risk assessment process considered necessary; and
- reviews of decisions or in defending appeals.

3. Fee Structure

3.1 There are two options for calculating fees

- Option 1 – A fixed initial application fee
- Option 2 – Risk based fee assessment

3.2 Option 1, a fixed initial application fee is the preferred option as there are no sites currently within North West Leicestershire that are of greater risk to others. Therefore in charging one set fee it will be fair across the whole District.

3.3 The cost of an application will therefore be £262.58 per application. The cost of this is shown in Appendix A.

3.4 Each registration will last for a maximum of 5 years. Once expired a new application will need to be submitted. The cost of this will be £262.58 again as all processes and checks will need to be repeated.

4. Exemptions

4.1 In certain circumstances, the local authority may determine that no fee is required to be paid.

4.2 An appointed manager fee - This is where the local authority is provided with the site owner's consent to appoint an individual to manage a site. The costs associated with this should be reasonable and are recoverable from the site owner. In the event that NWLDC have to appoint a person to manage a site the costs incurred by NWLDC will be recovered from the site owner in accordance with the Regulations. Costs that can be recovered will depend on the agreement made between NWLDC and the site owner.

5. Revising Fees

5.1 The local authority may revise its Fees Policy and will be required to publish the revised policy. Any changes will need to be justifiable and reasonable, ensuring full transparency for site owners.

- 5.2 The purpose of publishing the Fees Policy is to show that the fees imposed by NWLDC are fair and transparent so that anyone required to pay a fee can understand the charges.
- 5.3 Fees will be revised on an annual basis along with NWLDC's other fees and charges.

6. When Fees are Payable

- 6.1 A local authority is not required to consider an application for entry on the register unless that application is accompanied by the correct fee. If the correct fee is not paid, the application will not be valid and the site owner could be in breach of the Regulations.
- 6.2 If a local authority decides not to approve an application the applicant is not entitled to a refund of the fee paid.
- 6.3 The annual fee must be set as a condition to any entry being added to the register. The condition should state the amount and date by which the annual fee payment is due, also stating that failure to make such payment will be a breach of the condition and may lead to legal proceedings being issued.

Appendix A

Detail	Officer	Hourly rate	Time (mins)	Cost
Receipt of application and entry onto uniform	Technical Support Officer	£49.97	10	£8.33
Process application fee	Call Centre	£46.01	10	£7.67
Check application is valid (i.e. compulsory questions complete, correct fee included, correct fee paid)	Technical Support Officer	£49.97	20	£16.66
Check validity of any supporting documentation provided (e.g. DBS check)	Technical Support Officer	£49.97	20	£16.66
Follow up any missing paperwork	Technical Support Officer	£49.97	20	£16.66
Land registry search (officer time)	Technical Support Officer	£49.97	10	£8.33
Land registry search (Cost)	-	-	-	£6
Review application and evidence	Env Health Officer	£79.09	60	£79.09
Draft and issue preliminary decision	Env Health Officer	£79.09	30	£39.55
Draft final decision	Env Health Officer	£79.09	20	£26.36
Final decision signed off by management	Team Manager	£105.06	10	£17.51
Update uniform & public register	Env Health Officer	£79.09	15	£19.76
Total			225	£262.58