

GENERAL LICENSING COMMITTEE

17 August 2021

MOBILE HOMES FEES POLICY FOR FIT AND PROPER TEST

Purpose of the Report

1. The purpose of this report is to invite Members to approve a fees policy required under newly introduced Mobile Homes (Requirement for Manager to be Fit and Proper Person) (England) Regulations 2020.

Background

2. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, prohibit the use of land as a residential mobile home site unless the local authority is satisfied that the owner or manager of the site is a fit and proper person to manage the site. The purpose of the fit and proper person test is to improve the standards of park (mobile) home site management.
3. The Regulations were made on 23rd September 2020 and allow local authorities to receive applications from site owners. By 1st October 2021 all site owners must submit an application for a relevant person to be assessed as fit and proper persons.
4. The Regulations apply in relation to all relevant protected sites other than non-commercial family-occupied sites. These include both “residential parks”, which are used exclusively residentially, and “mixed use parks”, which are used for both residential and holiday purposes.
5. In order to lawfully operate a site when the Regulations come into force, the site owner or the person appointed to manage the site must be a fit and proper person to manage the site. The person subject to the assessment is the “relevant person”.
6. The site owner must apply to the local authority for the relevant person (either themselves or the site manager), to be included on a register of fit and proper persons. A site owner may only apply if they hold or have applied to obtain a licence for that site. The same requirements apply where the owner or the site manager is not an individual, such as a park owned or managed by a company.
7. Sites that are exempted by the Regulations are those that are only occupied by members of the same family and are not being run as commercial residential sites.

8. The site owner must provide sufficient information for the local authority to make an assessment whether the relevant person is a fit and proper person and this will include the disclosure of specified criminal convictions.
9. Local authorities will be able to charge fees to cover the cost of assessing applications to be included on the fit and proper register and an annual fee to cover the cost of maintaining the scheme. An application must be accompanied by the relevant application fee.
10. It is for the local authority to fix application fees and decide the amount and frequency of any additional payments that may be required by way of annual fee.
11. The authority must prepare and publish a fees policy before they can charge a fee (**Appendix A**). It may revise the fees policy and, where they do so, they must publish the revised fee policy. Fees should be fair and transparent so that anyone required to pay a fee will know what they will be or are being charged for. Fees should only cover the costs (or part of the costs) incurred by a local authority in carrying out their functions under the Regulations.
12. Darlington currently has 19 licensed caravan sites and the fee to license these ranges from £200 to £260 depending on the number of pitches. There is a charge of £100 for a variation to be made to this licence.

Proposal

13. When determining a fee structure, local authorities are able to take into account a number of factors for a person to be entered on the fit and proper register (**Appendix B**). As these are new regulations it is impossible to determine what issues may arise during this process. It is therefore proposed that a fee of £100 is charged to cover costs incurred in the first instance, whereupon a process mapping exercise will be carried out to provide an accurate cost for subsequent annual applications.
14. Although the fit and proper test registration fee is separate to a Caravan Site Licence fee, as £100 is the current fee for a variation to that licence, this is considered a fair and transparent cost that has already been approved, until such a time process mapping can take place. The fees policy will then be amended with any change to the fee and brought to the licensing committee for approval before publication.
15. There is no requirement under the Regulations to consult with site owners or homeowners on setting fees.

Recommendation

16. Members are invited to approve the Fees Policy with a charge of £100 for publication.

Dave Winstanley
Group Director of Services

Appendices

Appendix A – Draft Fees Policy

Appendix B – Costs incurred for fee