



**DARLINGTON**  
Borough Council

## Fit and Proper Fee Policy (Mobile Homes) 2021/2022

## **Introduction**

1. A relevant protected mobile home site is a one that requires a licence, which is not solely for holiday purposes or is otherwise not capable of being used all year round. A relevant protected site cannot operate unless the local authority is satisfied that the manager qualifies as a fit and proper person, Sections 12A -12E of the Caravan Sites and Control of Development Act 1960, as implemented by Section 8 Mobile Homes Act 2013 (subject to paragraph 10 below).

2. A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) must apply to their local authority for the relevant person (themselves or their appointed manager) to be added to a register of fit and proper persons managing sites in their area.

3. The site owner may only apply to be added to the register if they hold, or have applied for, a site licence for the site. This provision also applies where the site owner or site manager is a registered company.

4. The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the register. It is imperative that the fee is included with the application and failing to include this may mean that the site owner is in breach of the requirements of the Regulations.

5. It is important to highlight that this fee policy will not refer to the recovery of costs, which the local authority may have incurred, or will be incurred, in appointing a person to manage a site with the site owner's consent. This will be calculated separately to the application fee.

6. Site owners will be required to submit a completed application by 30 September 2021 and pay the fee, outlined below, to Darlington Borough Council.

## **Fees for Fit and Proper Persons Register Applications**

### **Application fee**

7. Darlington Borough Council has provided a breakdown of tasks associated with the fit and proper person assessment and/or checks for applicants to be included on the fit and proper register at **Appendix 1** to this document. The application fee will be £100 and this will be paid annually subject to a condition.

8. The local authority have taken into account the following matters on which costs are incurred, or likely to be incurred, when determining its fee policy for consideration of applications for entry on a fit and proper person register:

- (a) Initial enquiries;
- (b) letter writing/emails/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;
- (c) sending out forms/processing online application forms;
- (d) updating files/ computer systems and website;
- (e) processing the application fee;
- (f) land registry searches;
- (g) time for reviewing necessary documents and certificates;
- (h) preparing preliminary and final decision notices;
- (i) review by manager or lawyers; review any representations made by applicants or responses from third parties;
- (j) updating the public register;
- (k) carrying out any risk assessment process considered necessary and
- (l) reviews of decisions or in defending appeals.

9. The charges are limited to recovering the costs of exercising the fit and proper person test function only and do not include other costs that have already been charged for by other service areas.

10. **Appendix 1** to this document outlines what Darlington Borough Council considers to be reasonable costs, that provide transparent justification for the fee to be imposed upon receipt of the initial application.

11. Darlington Borough Council will be required to conduct relevant checks regarding the applicant's background in management and their financial standing. The results of these checks will allow the local authority to make a decision whether to accept the application. Time taken for these checks will be taken into account whether the application is granted or not.

12. Where an applicant contacts the Licensing team before making an application, to ascertain the likelihood of the success of that application, the authority is expected to provide informal advice, for example, the conditions surrounding an application, the information required to be submitted and general guidance on making the application.

13. Any preliminary advice the local authority provides is accounted for in the fee and will not be charged separately.

### **Revising Fees**

14. Darlington Borough Council will review this fee policy after 12 months and will publish the revised policy. Any changes will be justifiable and reasonable, ensuring full transparency for the site owners.

15. The purpose of publishing the fee policy is to show that the fees imposed by the local authority are fair and transparent, so that anyone required to pay a fee can understand the charges.

### **Amending conditions attached to an entry on a register**

16. Darlington Borough Council may alter the conditions attached to an entry on a register (by adding new conditions or changing or deleting existing ones), following a review. Officers must notify the site owner of its interim decision (except in the case where it is deleting a condition) and consider any representations made by the site owner, before reaching a final decision. If the site owner is unhappy with the decision to alter, or not alter, the conditions, they will have a right of appeal to the First-tier Tribunal (Property Chamber).

17. There are no requirements for a site owner to make an application for a condition to be altered. Any costs involved with amending existing conditions, or adding new conditions to an entry, are factored into the application cost.

### **Payment of fees**

18. As outlined above in paragraph 4, Darlington Borough Council 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.

20. If Darlington Borough Council decides not to approve an application the applicant is not entitled to a refund of the fee paid.

### **An appointed manager fee**

21. 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. These fall outside the application process.

22. Costs that can be recovered will depend on the agreement made between Darlington Borough Council and the site owner. Before entering into any discussions or agreements relating to the appointment of the manager, advice will be sought from the legal team.

## **Appendix 1**

### **What is included within the fee**

Pre application advice

Receipt of application and record on Uniform computer system

Ensure all documents are correct and fee paid

Document checking

Consult with key partners

Review any representations

Grant of application

Add details to public register

Add/alter any conditions

Total cost per application

£100

The above cost makes an assumption that no cases will result in an appeal to the First Tier Tribunal Service.

