

North Hertfordshire District Council



Fee Policy For

**The Mobile Homes (Requirements for
Manager of Site to be Fit and Proper)
(England) Regulations 2020
Statutory Instrument No.1034 made
23rd September 2020**

Fee Policy

1.0 Introduction and Summary

- 2.1 Following a Government review of the Mobile Homes Act, 2013, they introduced the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI No.1034) – ('the Regulations'), require that a local authority must be satisfied that the owner of a mobile home site is fit and proper person to manage the site, or that a person appointed by the owner to manage the site is a fit and proper person to do so. The local authority also has the power to appoint a fit and proper person to manage the site, with the owner's consent.
- 2.2 This requirement is to ensure that those responsible for operating the site licence and managing the site are of sufficient integrity and good character to be involved in the management of a regulated site for mobile homes to which an application relates and as such they do not pose a risk to the welfare or safety of persons occupying mobile homes on the site.
- 2.3 These Regulations do not apply to non-commercial family-occupied sites which are not operated on a commercial basis in accordance with Regulation 3.
- 2.4 The timetable for these Regulations being implemented is as follows:
 - A. Local authorities in England have until 1st July 2021 to prepare to receive applications from site owners/licence holders, to establish the processes for making and issuing decisions, and establish a fit and proper person register for their local area.
 - B. Site owner's/licence holders will have 3 months from 1st July 2021 to submit completed applications to local authorities. The deadline for applications is 1st October 2021.

3.0 Background

- 3.1 This is a new function which Local Authorities are able to recover their costs in accordance with an adopted fees policy. The legislation states that applications can be received by local authorities from 01 July 2021 until midnight on 30 September 2021.
- 3.2 The proposed Fee for the F&PP application is separate and in addition to the current fee charged for the administration of the licensing functions in respect of 'Relevant Protected Sites'.

4. Fees for Fit and Proper Persons Register Applications

- 4.1 The Local Authority must have regards for the Fee Policy Guidance when calculating the Fee, any fee to be based on costs incurred or likely to be incurred as part of the application process and it's the determination
- 4.2 North Hertfordshire District Council (NHDC) operates a fixed initial application fee which must be paid at the point of making the online application. Upon receipt of a completed application form, relevant supporting documents and the correct fee,

NHDC will notify the applicant that payment has been received and their application is in progress. To arrive at a fixed fee, NHDC has estimated the average time to conduct a fit and proper person assessment and checks required so that we could determine the application and if appropriate include the person managing the site on the register.

- 4.3 Based on that and the hourly rate of officers dealing with applications, we have calculated the fee per application to be a minimum of **£214.00**. This could increase depending on the works required on each application. This means we will charge an hourly rate of £47.00, in 30-minute units, if we need to undertake further works / investigations to complete an application so that an application is deemed complete for determination. We have adopted a hybrid principle for calculating this fee which means the more complete an application the less cost to the applicants. Needless to say, the fee charged will need to be justifiable and reasonable, ensuring full transparency for site owners.
- 4.4 Fee charged must be limited to recovering the costs of exercising the F&PP test function only and no other costs that have already been charged for by other service areas.
- 4.5 The purpose of publishing the fee policy is to show that the fee that has been set by the local authority is fair and transparent so that anyone required to pay a fee can understand the charges. Any revised Fee Policy must be published and communicated appropriately.
- 4.6 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 "Regulation".
- 4.7 If a local authority decides not to approve an application or the applicant chooses not to continue with an application, then the applicant is not entitled to a refund of the fee paid.
- 4.8 Any preliminary advice the local authority provides, prior to receiving an application, must be accounted for in the fee and cannot be charged separately.
- 4.9 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 **must** be recovered from the site owner.

5.0 Policy Context

- 5.1 Section 10A (2) of the Act requires the fee policy to be published prior to implementation. There is no legal requirement for a consultation exercise to be undertaken. As a minimum it is proposed to post a copy of our approved fee policy on NHDC's website and write to the respective site owners drawing their attention to it and the new requirement.