



East Cambridgeshire District
Council
Fit and Proper Person Fee Policy
for Mobile Home and Caravan Sites
2021

Directorate			
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Contents

1. Executive Summary.....	3
2. Introduction.....	3
3. Fee for Fit and Proper Person Application.....	4
4. Additional considerations for an application fee.....	5
5. Such other matters as the local authority considers to be relevant.....	5
6. Amending conditions attached to an entry on a register.....	6

1. Executive Summary

This Policy lays out the legislation and the requirements of the **Fit and Proper Person Fee Policy**. It is a legal requirement to publish this Policy prior to charging a fee. This Policy also shows how the fixed fee was calculated to aid transparency.

A fee of **£230** has been determined which is considered fair and reasonable. The fee covered by the **Fit and Proper Person Fee Policy** will be increased annually by the same percentage that is applied to other fees in the Council's Fees and Charges Schedule. However, should a more significant change in fees be required, then the **Fit and Proper Person Fee Policy** will be revised, subject to Committee agreement following a consultation and published.

2. Introduction

- 2.1 A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) ("the Regulations") must apply to their local authority for themselves or their appointed manager, to be added to the Register of Fit and Proper Persons managing sites in their area ("the register") for 'relevant protected' sites.
- 2.2 A 'relevant protected' site is a site, which 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.
- 2.3 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.
- 2.4 The Regulations permit the local authority to determine a fee for an application or registration for someone to be added to the Fit and Proper Person Register. It is necessary for this fee to be paid and failing to pay this may mean that the site owner is in breach of the requirements of the Regulations.
- 2.5 Site owners are required to submit a completed application from 1 July until October 2021 and pay the Fit and Proper Person application fee. Where an **annual** inspection fee is requested (see **Park Homes Fee's Policy April 2014**), the annual payment will be necessary in addition to the Fit and Proper Person Fee prior to inclusion on the register.

3. Fee for Fit and Proper Persons Register Applications

Initial application fee

3.1 A fixed initial application fee has been calculated:

The local authority has considered the following matters on which costs are incurred, or likely to be incurred (by various departments, including costs incurred by outsourcing contracts), when determining its fee policy for consideration of applications for entry on a fit and proper person register:

- (a) Initial enquiries;
- (b) 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;
- (c) sending out forms;
- (d) updating files/ computer systems and websites;
- (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.

3.2 **Appendix 1**, gives the breakdown of the necessary steps, the officer time, level of officer and full costs to process an average application. This is to show how the fee to be imposed was calculated. The fee imposed is considered fair and transparent. Other Local Authority fees have also been considered to ensure consistency.

3.3 Therefore, the fee has been set at **£230** for the fit and proper person application.

4. Additional considerations for an application fee:

- 4.1 The local authority will be required to conduct relevant background checks regarding the applicant's background in management and their financial standing. The results of these checks will allow the local authority to decide on whether or not to accept the application. The time taken for these checks should be accounted for in the fee, irrespective whether or not the entry on the register is granted.
- 4.2 Where an applicant contacts the local authority 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, for example the information required to be submitted and general guidance on making the application. There is further guidance relating to this in the **Fit and Proper Person Determination Policy**.
- 4.3 Any preliminary advice the local authority provides, prior to receiving an application, must be accounted for in the fee and cannot be charged separately.

5. Such other matters as the local authority considers to be relevant

5.1 Where no fee is applied

In certain circumstances, the local authority may determine that no fee is required to be paid. A site is exempted from a fee only if it is occupied by members of the same family and is not being run as a commercial residential site.

5.2 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.

5.3 Revising Fees

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.

The local authority may revise its fee at any time. Any changes will need to be justifiable and reasonable, ensuring full transparency for the site owner. The fee covered by the **Fit and Proper Person Fee Policy** will be increased annually by the same percentage that is applied to other fees in the Council's Fees and Charges Schedule. However, should a more significant change in fees be required, then the **Fit and Proper Person Fee Policy** will be revised, subject to Committee agreement, following a consultation and published.

6. Amending conditions attached to an entry on a register

- 6.1 A local authority may alter the conditions attached to an entry on a register (by adding new conditions or changing or deleting existing ones), following a review. The local authority 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).
- 6.2 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, must also be factored into the cost of calculating the annual fee.

Site visits – Officer and travel time

- 6.3 Officer time can be considered as part of the fee, where site visits are required to ascertain whether or not site condition(s) are met. Travel time to and from the site, including fuel costs, can also be considered and could be calculated using a single value for travel costs which could be applied to all sites.

Payment of fees

- 6.4 As outlined above, 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.
- 6.5 If a local authority decides not to approve an application the applicant is not entitled to a refund of the fee paid.
- 6.6 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.