

MOBILE HOMES FIT AND PROPER PERSON FEES POLICY

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

Summary

This document sets out the City of Bradford Metropolitan District Council's fees policy for fit and proper person applications and registration in recognition of its role and functions as the relevant local authority in this regard.

In preparing this document, consideration has been given to the relevant legislation and the non-statutory guidance for local authorities produced by Ministry of Housing, Communities and Local Government regarding the fit and proper person test and setting fees for the fit and proper person test.

Introduction

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") prohibit the use of land as a residential mobile home site unless the local authority is satisfied that the occupier and anyone appointed to manage the site is a fit and proper person to do so.

Under this legislation, all site owners must submit an application for a relevant person to be assessed as a fit and proper person by the local authority.

The Regulations permit the local authority to charge fees to cover its costs of assessing applications to be included on the fit and proper register and for an annual fee to cover the costs of monitoring the scheme or condition's attached to the register entries. All fees must be set in accordance with the local authority's published fee policy and be transparent and reasonable. In circumstances where the local authority appoints a person to manage the site, then the local authority is able to recover the costs incurred in making this appointment from the site owner.

The Council does not currently charge application or inspection fees for the licensing of mobile homes sites. However, it is entitled to do so, and these fees could be reviewed as part of a mobile homes licensing policy which may be developed in the future. As the fit and proper person regulations give new responsibilities to the local authority, it is considered appropriate to charge fees for this function.

This policy sets out the arrangements the local authority will normally apply and consider in setting the fees for carrying out its responsibilities for the mobile homes fit and proper person test. This document will be used to inform and direct the local authority's decision making in respect of fee setting.

This document is not intended to be a full and/or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The relevant statutory provisions together with any subordinate legislation will take precedence.

A mobile homes fit and proper person determination policy has also been developed, which will set out the arrangements the local authority will normally apply and consider in carrying out its responsibilities for the mobile homes fit and proper person test. The determination policy will be used to inform and direct the local authority's decision making, particularly when making decisions on relevant applications and enforcement action.

Fees for Fit and Proper Persons Applications and Registrations

Initial application fee

The local authority operates a fixed initial application fee which must be paid when the application is submitted. The application will not be considered until the fee has been paid.

To calculate the application fee, the local authority has determined the average time to process an application and has applied the hourly rates based on the officer posts that will be involved in the process.

The local authority will take into account 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) Correspondence with site owner, relevant persons or any third party in connection with the fit and proper person process;
- (c) updating files/ computer systems and websites;
- (d) processing the application fee;
- (e) checks, searches and reports to determine applications;
- (f) reviewing documents and certificates;
- (g) preparing decision notices;
- (h) determination and review by manager and legal advisors;
- (i) updating the public register; and
- (j) reviews of decisions and/or defending appeals.

Annual fee for an existing entry on the register:

There will be no annual fee for simple inclusion on the register. In the event that specific conditions are added to a fit and proper person determination, then the local authority will charge an annual fee due to the additional work relating to these matters.

The following matters will be included when calculating the annual fee:

- (a) correspondence with site owner, relevant persons or any third party in connection with the requirements of the condition(s);
- (b) updating files/computer systems and website if appropriate;

- (c) processing the annual fee;
- (d) reviewing documents and certificates; and
- (e) any other action required to ensure compliance with specific conditions.

Where applicable, the annual fee is to be paid on the anniversary of inclusion on the register each year.

Appointed manager fee

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 will be calculated based on the actual costs and officer time of identifying and administering the appointment of a suitable individual, on a case by case basis. These and any ongoing related costs will be payable by the site owner.

Revising Fees

The local authority will normally revise its fees annually and implement new fees to take effect from 1 April each year. The revised fees will be published online. Any change will be calculated in accordance with the fees policy and based on actual data of average processing time/costs. The purpose of publishing the fees policy is to show that the fees imposed by the local authority are reasonable and transparent, so that anyone required to pay a fee can understand the charges.

Amending conditions attached to an entry on a register

The 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. Where the number of conditions is amended, the annual fee will be amended in accordance with the published fees from the date that it is next due. Annual fees already paid will not be partially or fully reimbursed, or additional fees charged.

Payment of fees

The 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.

If the local authority decides not to approve an application the applicant is not entitled to a refund of the fee paid.

The annual fee, where applicable will be set as a condition to any entry being added to the register. The condition will 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. No fee will be payable for the inclusion of the conditions relating to annual fees.