



RUSHMOOR
BOROUGH COUNCIL

MOBILE HOMES FIT AND PROPER PERSON FEES POLICY

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

September 2021

1.0. SUMMARY

This document sets out Rushmoor Borough Council's fees policy for mobile home site 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.

This policy document was approved and adopted by the executive (Cabinet) meeting on the 21 September 2021. While subject to review, this document shall constitute RBC's mobile homes fit and proper person fees policy.

2.0 INTRODUCTION

Background

The [Mobile Homes \(Requirement for Manager of Site to be Fit and Proper Person\) \(England\) Regulations 2020](#) (hereafter "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 allow the local authority to charge fees to cover its costs of assessing applications to be included on the fit and proper person 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 fees 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 licensing of mobile homes sites. However, it is entitled to do so, and these fees will be reviewed as part of the mobile homes licensing policy which is also being developed. As the fit and proper person regulations give new responsibilities to the local authority, it is considered appropriate to introduce fees for this function now in advance of a review of licensing fees for mobile home sites.

Status

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.

The 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 is also currently being 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.

Applicability

This document applies to the fees related to the functions of the Council as the authority responsible for administering the fit and proper person requirements for relevant mobile homes sites within the Borough.

3.0 FEES FOR FIT AND PROPER PERSON 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 will in the first instance, (given that there is no actual data as this is a new regime), estimate the average time to process an application, and will apply the hourly rates based on the officer posts that will be involved in the process.

The following matters will normally be considered as costs incurred, or likely to be incurred when setting the fee 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 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.

Charges will be limited to recovering the costs of exercising the fit and proper person test function only and not other costs that have already been charged for by other service areas.

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
- (f) 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 changes 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 (annual fees)

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 a 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 condition relating to annual fees.