**FEE POLICY**

Appendix B

**Mobile Homes – Manager Fit and Proper Person**

**1.0 Introduction**

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (‘the Regulations’) came into force in July 2021. This is a new statutory function that Local Authority, Environmental Health services, have been tasked with undertaking. The new function ensures that site owners, and/or managers, have integrity and follow best practice when managing the site. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on their site (i.e., site residents). Knowsley Metropolitan Borough Council (‘the council’) will apply the provisions of the new function for each relevant protected site within the borough.

A ‘relevant protected site’ is one which requires a licence and is not solely for holiday purposes or is otherwise not capable of being used all year round. All mobile home site licence holders and persons with control over the management of sites, must apply to the council to be assessed as a fit and proper person to operate a licenced mobile home site by 01 October 2021, the only exception to a requirement to apply being if the site is ‘non-commercial, family occupied’. A relevant protected site cannot operate unless the council is satisfied that the owner and/or manager is considered a ‘fit and proper person’. The site owner may only apply if they hold, or have applied for a site licence for the site, this includes applications from registered companies.

Upon assessing the information supplied, the council will either approve or refuse the application and the council will create and maintain a register of those whose applications are accepted. Applicants will have the right of appeal against the council’s decision. A Fit and Proper Person Determination Policy will be used to ensure a consistent and transparent approach for assessing individual applications, based on the Government’s criteria.

The Regulations permit the council to set an application fee to enable the recovery of the costs to assess applications and maintain the register. The fee must be included with the application and failing to include this may mean that the site owner is in breach of the requirements of the Regulations. Where applications are rejected and no fit and proper person is available, with the consent of the site owner, the council can instead appoint a person to manage the site.

Site owners must submit a completed application form and pay the application fee to the council by 01 October 2021.

**2.0 Fee Policy**

The Regulations require the council to publish a Fee Policy to ensure fair, appropriate and transparency in accordance with a cost-recovery model. This enables site owners/managers to understand the charges set by the council.

The council has set an application fee of £258 for an application to the fit and proper person register. If the application fee is not paid, the application will not be valid and the site owner could be considered in breach of the Regulations.

Where a fee is not paid, application may be made to the tribunal for an order requiring payment and if still not paid after 3 months, and application can be made to the tribunal to revoke the licence.

In determining the fee, the council has specifically considered the following elements of an application which will likely be required as part of the process:

1. Responding to any pre-application advice and enquiries
2. Publishing and sending application forms
3. Recording all communications and logging information on database
4. Maintaining and updating the public register and website
5. Adding, removing, and varying conditions of the public register
6. Processing the application and fee, ensuring all information is provided and signed
7. Carrying out required checks such as Land Registry, certificates and declarations including information on management and financial standing
8. Considering representations from applicants and third parties
9. Granting of application (Final Notice or Preliminary decision Notices)
10. Reviewing Appeal documents including Team Leader input
11. Enforcement - removal of persons from register

The Regulations provide for the additional charging of an annual fee, separate to the application fee, however as Knowsley has a small number of sites, and visits are not anticipated to be a necessity, it has been decided that there will be no additional annual fee required.

A time period of 30 minutes has been proposed for pre-application advice and included in the determination of the application fee. The council’s officers will therefore limit this advice to general guidance on what is required when making an application.

If the council, upon assessment of an application, decides not to approve an applicant as fit and proper, the applicant will not be entitled to a refund of the application fee.

The council may amend, vary, include or remove any conditions of the register as and when justified. Any amendments to conditions within the register have been considered within the application fee and time associated with these amendments will not be charged separately.

If upon receipt of an applicant(s) no person has been decided upon assessment of their application to be fit and proper to manage a site, the council can, with the owner’s consent, appoint a suitable site manager. Should this situation arise, the legal team will be consulted to consider options regarding appointment of a manager. The costs associated with appointing a manager are not covered within the application fee and will be recovered separately from the site owner. These costs will be reasonable and determined in a transparent manner following discussion with the legal team on a case-by-case basis.

The council will review the application fee and Fee Policy every 12 months to ensure transparency and to evaluate the process. Any amendment will be formally communicated with justified decisions.