

CITY OF
WOLVERHAMPTON
COUNCIL

Regulatory Committee

19 January 2022

Report title	Fees for fit and proper person application - Mobile Home Parks	
Wards affected	All	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Licensing	
Accountable employee	Paul Dosanjh	Service Manager; Trading Standards and Licensing Act
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Report to be/has been considered by	None	

Recommendations for decision:

The Regulatory Committee is recommended to:

1. Approve the adoption of the Mobile Homes Fit and Proper Person Fees Policy (Appendix 1)
2. Approve the proposed fees for 2022-2023 for the mobile homes fit and proper person function (Appendix 2)

1.0 Purpose

- 1.1 This report seeks approval from Regulatory Committee for the adoption of both the Mobile Homes Fit and Proper Person Fees Policy and the proposed fees for 2022-2023 for the mobile homes fit and proper person function. These are matters that relate to the operation of Mobile Homes sites

2.0 Background

- 2.1 As of 1st October 2021, The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (The Regulations) created a requirement for the person in charge of the a mobile homes site to pass a basic "fit and proper person test".
- 2.2 The Regulations prohibit the use of land as a residential mobile home site unless the local authority is satisfied that the owner or manager of the site is a fit and proper person to manage the site. The purpose of the fit and proper person test is to improve the standards of mobile home site management.
- 2.3 The Regulations apply in relation to all relevant protected sites other than non-commercial family-occupied sites. These include both "residential parks", which are used exclusively residentially, and "mixed use parks", which are used for both residential and holiday purposes
- 2.4 The two licensed sites within City of Wolverhampton have submitted application for a fit and proper person. No fee has been charged for these applications as there was no fee policy in place.
- 2.5 Before the fees can be set a local authority must have a fees policy in place.
- 2.6 The Regulations permit the charging of two fees:
- a Fit and Proper Person application fee - to cover the cost of assessing applications to be included on the fit and proper register. Registration lasts for up to five years.
 - a Fit and Proper Person annual fee - to cover the cost of monitoring the scheme or conditions attached to the register. Payment of the annual fee may also be required as a condition of inclusion in the register.
- 2.7 The local authority has discretion to charge for their functions under the Regulations and if they decide to charge fees, they must prepare and publish a fees policy. There is no requirement in the Regulations to consult with site owners or homeowners on setting fees.
- 2.8 Regulatory Committee on 10 November 2021 resolved that the authority to approve applications for the "fit and proper scheme be delegated to the Service Manager, and Section Leader within Commercial Regulation. If officers were minded to refuse the

application, this would be considered by members at a Regulatory Sub-Committee hearing.

3.0 Proposal.

- 3.1 The proposed fees policy appears at appendix 1 to this report, the fees at appendix 2.
- 3.2 The guide for setting licensing fees has been produced for local authorities and can be found on the governments website: <https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees>
- 3.3 The proposed fees have been set to cover the costs associated with the application process and monitoring of conditions.

4.0 Financial implications

- 4.1 The fees proposed are based on cost recovery and will be reviewed each year.
- 4.2 Without an approved fee policy the Council may not defray the cost of administration and enforcement of the legislation which will then be borne by the Council Tax payers.

[SB/04012022/J]

5.0 Legal implications

- 5.1 The fees policy meets the Council's duty to provide a fees policy in order to enable us to charge fees, to recover the costs of this function. Accordingly there are no legal implications which arise as a result of this report. [JB/110122/A]

6.0 Equalities implications

- 6.1 The introduction of the requirement to have a registration process incurring a fee could increase the costs associated with living in a mobile home on these sites (rent). Site owners may increase the fees for residents to live on the site, to take account of the financial costs incurred in applying for a grant or renewal of the "fit and proper" person.
- 6.2 The legislation may also discourage potential site owners from opening up a mobile home site with permanent residents given the financial implications of applying for a licence and maintaining the site to ensure conditions are complied with. This could, as a result potentially impact on available accommodation for affected residents. However these regulations apply to all local authorities across England

- 6.3 Accordingly, a full equalities analysis has been carried out. An informal peer review process has shown that the findings of our analysis are broadly in line with those of a number of local authorities. As a result of the equalities assessment Private Sector Housing are already in the process of contacting all the tenants to ensure that they are aware of both the licensing regime and this regime and the consumer protections afforded to them.

7.0 All other Implications

- 7.1 This report poses no implications for climate change and environmental, Human Resources, Corporate Landlord, Health and Wellbeing . Nor are there any implications that have arisen from the Covid-19 Pandemic.

8.0 Schedule of background papers

- 8.1 Mobile Homes Site Licensing Regulatory Committee 10 November 2021

9.0 Appendices

- 9.1 Appendix 1- Mobile Homes Site Fit and Proper Person Function Fees Policy
- 9.2 Appendix 2- Schedule of Fees