

City of Wolverhampton Council
Mobile Home Sites
Fit and Proper Person Register Fees Policy

Introduction

The Caravan Sites and Control of Development Act 1960 is the primary legislation governing the licensing and control of caravan sites. A relevant protected site as any land to be used as a caravan site other than one where a licence is:

- Granted for holiday use only.
- In another way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year.

‘Relevant protected sites’ include gypsy sites but not those owned by the local authority.

In October 2021 it became a requirement for a relevant protected site owner, under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, to apply to their local authority for themselves or their appointed manager to be added to the register of fit and proper persons.

The site owner may only apply to add themselves or their appointed site manager to the register if they hold, or have applied for, a site licence for the site.

The Regulations permit the local authority to determine the fee for an application for registration and for annual fees. It also allows the local authority to charge for the appointment of a person to manage the site with the owner’s consent and to recover associated costs incurred.

If a fee is set for an application, the application is not valid unless that fee has been paid. If an application is refused the fee is not refundable.

To apply any such a fee the local authority must have a published fees policy. This is the required fees policy for Wolverhampton City Council. No fee will be required for any application received prior to this fees policy being approved.

In considering and determining whether and to what extent to charge fees, Wolverhampton City Council has had regard to the Mobile Homes: a guide for local authorities on setting fees for the fit and proper person test – published in June 2021 by the Department for Levelling Up, Housing and Communities.

Exemptions from Fees

The local authority is able to exempt some ‘relevant protected sites’ from some or all fees. The Council has determined that no fees will be required in relation to the registration of the site owner or their appointed manager or annual fees for sites with five or fewer pitches. However, they will still be required to be registered.

Calculation of Initial Application Fees

The initial application fee is expected by the guidance to be a flat fee which is based on the average complexity of an application. The fee must be cost recovery only and be transparent, the fee structure must be included in the policy. The following matters can be considered when determining the fee:

- Initial enquiries and advice, including where there is no subsequent application.
- Communications with the applicant and third parties to make appointments and request documents and information in relation to the application.
- Sending out forms.
- Updating files/ computer systems and websites.
- Processing the application fee.
- Land registry searches.
- Time for reviewing necessary documents and certificates.
- Preparing preliminary and final decision notices.
- Review by managers or legal advisors of applications, representations made by applicants or responses from third parties.
- Updating the public register.
- Carrying out any risk assessment process considered necessary.
- Reviews or decisions, or defending appeals.

The fee structure and calculations for initial application is given in **Schedule 1**.

Calculation of Annual Fees

Annual Fees will not be imposed at this time as it is unclear as to the likely costs that will be incurred by the local authority in relation to the matters that can be charged for.

Fees for Appointing a Person to Manage a Site.

Where the Council appoints a person to manage a site with the consent of the owner, the costs incurred will be recoverable from the site owner, the method of determining these costs will be agreed with the site owner in advance of that appointment but typically, would equate to 2- 3 hours work charged at a grade six officer(e.g. £66.81)

Overall Review of the Mobile Home Sites Licensing Fees Policy

This a new policy it will therefore undergo a full review after one year, further full reviews will be undertaken at least every three years thereafter. The policy will be republished after every review.

Review of Annual Fees

The local authority must not make a profit nor should it make a loss in undertaking its fit and proper person functions. It is best practise recommended by the guidance that the local authority review its annual fees each year and either increase the fees to cover the previous years' losses or reduce the fees to pay back the previous years

over charges. However, the Council will not look to recover any losses which occur prior to the introduction of an Annual Fee.

Once an annual fee has been introduced it will be reviewed on a yearly basis, and the fees policy agreed and republished.