

<b>TITLE</b>	<b>Fees and Charges for Fit and Proper Tests for Mobile Home Site Owners/Managers</b>
<b>FOR CONSIDERATION BY</b>	The Executive on Thursday, 29 July 2021
<b>WARD</b>	None Specific;
<b>LEAD OFFICER</b>	Director, Place and Growth - Steve Moore
<b>LEAD MEMBER</b>	Executive Member for Environment and Leisure - Parry Batth

## **PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)**

To consider and subject to any alternative approved proposals agree to include the fees associated with The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 in the Councils list of fees and charges.

The legislation introduces the concept of a fit and proper person test for mobile home site owners or the person appointed to manage the site. The purpose of the fit and proper person test is to improve the standards of park home site management.

## **RECOMMENDATION**

That the Executive:

- 1) approves the fees associated with The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person)(England) Regulations 2020, which are based on the Council's existing framework of fees and charges for the Public Protection Service;
- 2) agrees that the Application fee is set at a two hour set fee based on existing hourly rate (currently £59), plus hourly rate for each hour or part thereof should the application determination go over the 2 hours;
- 3) agrees that the fee for annual checking is directly cost recovery and will therefore be based on the hourly rate (currently £59) and time taken.

## **EXECUTIVE SUMMARY**

The methodology associated with the policy, processes and fee setting associated with The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 was agreed at the Joint Public Protection Committee meeting on the 14 June 2021. It was however recognised that each of the local authorities covered by the shared service arrangement had their own constitutional requirements associated with the setting of fees that would need to be followed.

By way of background the purpose of the fit and proper person test is to improve the standards of park home site management. There are currently nineteen park home sites within the Borough. Under the legislation all site owners must have submitted an

application to be assessed as a fit and proper person between 1 July 2021 and 1 October 2021.

The guidance issued in June 2021 states that the local authority will be able to charge two types of fees to cover their costs:

- An application fee to cover the cost of assessing applications to be included on the fit and proper register.
- An annual fee to cover the cost of monitoring the scheme or conditions attached to entries.

It is proposed that Application fee is set at a two hour set fee based on existing hourly rate (currently £59), plus hourly rate for each hour or part thereof should the application determination go over the two hours. The time taken to process these applications will be monitored and any amendments will be included in future iterations of the annual fees and charges schedule.

It is proposed that the fee for annual checking is directly cost recovery and will therefore be based on the hourly rates and time taken.

A local authority can revise their fees policy at any time but where they do so they must publish the revised policy.

## BACKGROUND

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduce the concept of a fit and proper person test for mobile home site owners or the person appointed to manage the site. The purpose of the fit and proper person test is to improve the standards of park home site management. There are currently nineteen park home sites within the Borough. Under the legislation all site owners must have submitted an application to be assessed as a fit and proper person between 1 July 2021 and 1 October 2021.

The work associated with this legislation will be undertaken by the Public Protection Partnership (PPP). A report setting out the implications and procedures associated with it was considered by and agreed at the Joint Public Protection Committee (JPPC) on the 14 June 2021. More information can be found at <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=6407&Ve r=4>

The JPPC agreed to the recommendations in that report subject to the amendment of recommendation 2.2. to state that 'The Committee APPROVES the fee setting methodology which is based on the existing framework of Fees and Charges within PPP (hourly rate) (see 3.7).' This was to take cognisance of the fact that each of the authorities would have their own constitutional requirements in respect of fee setting. The recently issued guidance states that the local authority will be able to charge two types of fees to cover their costs:

- An application fee to cover the cost of assessing applications to be included on the fit and proper register. An application must be accompanied by the application fee that has been fixed by the local authority for that period. If the fee is not included with the application, the local authority does not have to assess the application and the site owner could be in breach of the requirements and prosecuted by the local authority.
- An annual fee to cover the cost of monitoring the scheme or conditions attached to entries. The authority can decide and set the frequency of payments to cover their administrative costs. Payment of the annual fee may also be required as a condition of inclusion in the register.

This guidance was not published until June 2021 hence we were unable to propose a fee as part of the Councils regular fee setting cycle.

All fees must be published in an authority's Fees Policy document and must be transparent and reasonable.

When fixing the application fee and deciding the amount and frequency of additional payments by way of annual fee the local authority—

- must act in accordance with their published fees policy;
- may fix different fees for different cases or descriptions of case; and
- may determine that no fee is required to be paid in certain cases or descriptions of case.

A local authority can revise their fees policy at any time but where they do so they must publish the revised policy.

It is proposed that Application fee is set at a two hour set fee based on existing hourly rate (currently £59), plus hourly rate for each hour or part thereof should the application determination go over the 2 hours. The time taken to process these applications will be monitored and any amendments will be included in future iterations of the annual fees and charges schedule.

It is proposed that the fee for annual checking is directly cost recovery and will therefore be based on the hourly rates and time taken.

It should be noted that in exceptional circumstances where the site licence holder has been unable to find a fit and proper site manager to put forward, they can approach the local authority to discuss if it can appoint a suitable alternative person. The local authority and site licence holder would agree the terms on which the local authority could assist in finding a suitable site manager and the scope of that person’s authority. The agreement would include provision for the local authority to recover costs related to the appointment.

**BUSINESS CASE**

The Council is required to adopt a set of fees in order to meet the requirements of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. Under the legislation all site owners must have submitted an application to be assessed as a ‘fit and proper person between 1 July 2021 and 1 October 2021. The fees have been set based on the estimated time taken to process applications in line with the full cost recovery methodology adopted by the Joint Public Protection Committee. The Council will be able to adjust the fees, if necessary, as part of the annual fee setting process for 2022/23.

**FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

<b>Other Financial Information</b>
This is additional work to be carried out and the charging will be based on the full cost recovery model agreed by the Joint Public Protection Committee (JPPC) at the December 2017 meeting.

The currently hourly rate of £59 p/h was agreed at the September 2021 JPPC meeting and forms the basis for Public Protection discretionary fees approved by the Council in December 2020. This rate is essentially the total cost of the service divided by number of staff.

It should be noted that in exceptional circumstances where the site licence holder has been unable to find a fit and proper site manager to put forward, they can approach the local authority to discuss if it can appoint a suitable alternative person. The local authority and site licence holder would agree the terms on which the local authority could assist in finding a suitable site manager and the scope of that person's authority. The agreement would include provision for the local authority to recover costs related to the appointment.

#### **Stakeholder Considerations and Consultation**

Officers will contact all relevant protected site owners and explain fully the requirements, fees and processes.

#### **Public Sector Equality Duty**

Due regard has been given to the Public Sector Equality Duty as this is a statutory requirement no equalities assessment has been completed.

***Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030***

This decision would not have any direct impact on the Council's carbon neutral objective.

#### **List of Background Papers**

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

Fit and Proper Test for Mobile Home Sites Report and Minutes considered at the 14 June 2021 Joint Public Protection Committee.

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