

**Park Homes Fees Policy**  
**Decision under Delegated Powers**

**Officer Requesting Decision**

Rebecca Short – Private Sector Housing Manager

**Officer Making the Decision**

Alison Simmons - Head of Strategic and Private Sector Housing

**Recommendation**

1. To approve amendments as detailed below to the Park Homes Fee Policy identified following the annual review.
2. To amend the fee for Fit and Proper Persons Register Applications included in the policy, in line with Government guidance issued on 4<sup>th</sup> June 2021.

**Reason**

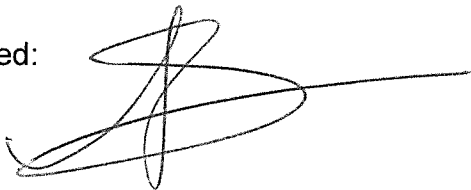
1. To ensure that the fees charged continue to fairly cover the costs incurred by the Council in performing park home licensing functions.
2. To ensure the fee charged for Fit and Proper Persons Register Applications included in the Policy is calculated in line with the Government guidance issued on 4<sup>th</sup> June 2021.

**Authority for Decision**

Page 8-4 of the Constitution, delegation to the Head of Service to undertake the periodic review of fees and charges raised within their service area and falling within the scope of the Council's Income and Charging Policy Framework.

**Decision and Date**

Signed:



Date: 30th June 2021

Head of Strategic and Private Sector Housing

## Background

In May 2014, the Licensing Committee approved a new Park Homes Fees Policy to enable better regulation of park home sites, in compliance with the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013.

The Policy allowed for the potential provision for regulations to be made, requiring site owners to be "Fit and Proper Persons" and for local authorities to keep up to date registers of fit and proper persons to manage relevant protected sites. As such, subject to the regulations being introduced, a fee for such applications was set in the Policy in 2014.

Since the introduction of the policy, the fees have been increased in line with inflation from time to time, the last occasion was 2019-2020.

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations"), introduced the requirement for a site owner to apply to their local authority for the relevant person (themselves or their appointed manager) to be added to the register of fit and proper persons managing sites in their area ("the register").

On June 4<sup>th</sup> 2021, Government guidance on setting the fees for the new requirement was issued, this included details of costs incurred that can be taken into account when determining the fee for consideration of applications for inclusion on a fit and proper person register.

The guidance stated that the fees must be fair and transparent, providing justification as to why a site is required to pay the fee.

The fee included in the original policy was an estimate of the officer time that it was anticipated would be taken to assess an application, but without the benefit of guidance at that time.

As such, it was deemed necessary to review the policy and fee calculation in line with the guidance. The opportunity has been taken to further extend the review to the other licensing fees included in the policy, with a refresh of the calculations based on current officer cost (with on costs) and a review of the process steps to ensure they are still in keeping with current processes, some 7 years after they were originally calculated.

It is proposed to include the calculations within the policy as an appendix to provide transparency.

The annual review of the Policy has now been conducted and a few minor amendments have been identified as follows:

Amendment	Reason for Change
<p>In the Executive Summary, insert:</p> <p>The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations) require the manager of a site to be a Fit and Proper Person. The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the register. As such this Fees Policy has been revised to reflect the fee determined.</p>	<p>To incorporate the Regulations within the Policy</p>
<p>Delete (shown in bold):</p> <p>This Fees Policy has therefore been formulated so that these fees can be incorporated within the Private Sector Housing Team’s <b>2014-2015</b> Fees and Charges Schedule.</p>	<p>To remove outdated year reference</p>
<p>Delete (in bold):</p> <p>Approval and subsequent publication of this Fees Policy <b>in May 2014</b> will enable fee recovery by the Council at the earliest possible point in time and enable site owners to recover these costs should they opt to increase pitch fees at the next pitch fee review date.</p>	<p>To reflect the review undertaken and remove the outdated date reference</p>
<p>In Proposed Fees Insert reference to:</p> <p>And “Guide for Local Authorities on setting fees for the fit and proper person test” published in June 2021 - and associated weblink.</p>	<p>To include the Regulations and link to the new June 2021 guidance within the policy</p>
<p>Delete (shown in bold):</p> <p>The fees associated with applying initially for a new site licence, for transfers/standard amendments of existing licences, site expansion amendments, and for annual fees are to <b>be set initially</b> as follows:</p>	

<p>Amend the existing fees to (shown in bold):</p> <ul style="list-style-type: none"> <li>• Annual Fee = £14.00 [amend to <b>£11.18</b>] per pitch/unit.</li> <li>• Transfer or Standard Amendment Fee = £210.56 [amend to <b>£177.97</b>] per site/application</li> <li>• Site Expansion Amendment Fee = Standard Amendment Fee + £34.66 [amend to + <b>£32.66</b>] for first pitch/unit and £7.15 [amend to <b>£6.41</b>] per pitch thereafter.</li> <li>• Initial (new) licence Fee = £28.29 per pitch [amend to <b>£405.22 + 6.41 per pitch/unit over 1</b>]</li> <li>• Deposit site rules = £43.23 [amend to <b>£38.45</b>]</li> <li>• Fit and Proper Person Register Applications = (subject to being introduced) £108.09 [amend to <b>£123.95</b>]</li> </ul>	<p>To update the fees in line with current officer costs (with on costs), processes and the new June 2021 fees guidance</p>
<p>Insert:</p> <p>See Appendix 1 for details of how the fees are calculated</p>	<p>To refer the reader to the fee calculation breakdown</p>
<p>Delete:</p> <p>The administration charge for works in default for park home site enforcement will be set at the same level as that for Housing Act enforcement works in default which is likely to remain at 15%.</p>	<p>To bring the policy in line with the current Private Sector Housing Enforcement Policy in respect of works in default charges.</p>
<p>Delete:</p> <p>The MHA 2013 makes provision for regulations to be made requiring site owners to be “Fit and Proper Persons” and for local authorities to keep up to date a register of fit and proper persons to manage relevant protected sites. Local authorities would be able to charge a fee for fit and proper person register applications. Subject to the Regulations being introduced, the fee for such</p>	<p>The Regulations have now been made and will come into force on 1<sup>st</sup> July 2021. The new fee calculation for applications for consideration for inclusion on the fit and proper person register is £123.95 and has been included with the details of the other fees within the policy for clarity.</p>

<p>applications will be set at £100.37. (NB this was the original fee figure prior to inflationary increases)</p>	
<p>Insert:</p> <p>A site owner under the Regulations must apply to their local authority for the relevant person (themselves or their appointed manager) to be added to the register of fit and proper persons managing sites in their area (“the register”).</p> <p>The site owner may only apply to be added to the register if they hold, or have applied for, a site licence for the site. This provision applies where the site owner or site manager is a registered company. The fee for the application must be included with the application.</p> <p>Site owners will be required to submit a completed application from 1 July until October 2021 (3 months) and pay the fee, outlined below, to their local authority, which will include any additional fees such as an annual site fee.</p> <p><b>Fees for Fit and Proper Persons Register Applications</b></p> <p><b>Initial application fee</b></p> <p>The Council believes that fit and proper person assessments and checks to be included on the fit and proper register will take a total of 220 minutes per application. This time of 220 minutes includes updating and publishing the register.</p> <p>Ultimately, the checks are likely to be carried out by the same officers who carry out the licensing functions and, therefore, their hourly rate (including on costs) of £38.45 has been applied. The fee is set at £142.44 for the fit and proper person</p>	<p>To replace the previous deleted paragraph to provide details on the requirements of the Regulations.</p> <p>To provide clarity and transparency in terms of how the fee was calculated – in line with Government fees guidance issued in June 2021.</p>

application. See appendix 1 for details of the calculation.

The Council will take into account the following matters on which costs are incurred, or likely to be incurred (by various departments, including costs incurred by outsourcing contracts), when determining its fee policy for consideration of applications for inclusion on a fit and proper person register:

- Initial enquiries
- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the fit and proper process
- 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 manager or lawyers review any representations made by applicants or responses from third parties
- updating the public register
- carrying out any risk assessment process considered necessary and
- reviews of decisions or in defending appeals.

In addition, the Council will need to make such enquiries as are necessary in connection with the application, such as those relating to the relevant person's ability to secure the proper management of the site.

<p>Appendix 1 found at page 7 outlines the above and provides transparent justification for the fee to be imposed upon receipt of the initial application.</p>	
<p>Insert:</p> <p><b>Fees in the event that the Council have to Appoint a Person to Manage the Site</b></p> <p>A local authority must be satisfied that the site owner <i>“is a fit and proper person to manage the site”</i> or, if the owner does not manage the site, <i>“that a person appointed”</i> to do so by the site owner <i>“is a fit and proper person to do so”</i> or has, with the site owner’s consent, <i>“appointed a person to manage the site.”</i></p> <p>Where a site owner or their manager fails the fit and proper person test, and they are unable to identify and appoint a suitable alternative manager, who must pass the fit and proper person assessment, the local authority can instead appoint a person to manage the site, but only with the consent of the site owner.</p> <p>In the event that the Council have to appoint a person to manage a site, with the occupier’s consent, the costs incurred by the Council will be recovered from the occupier in accordance with the Regulations.</p>	<p>To ensure that in the event of the Council appointing a person to manage a site, with the occupiers consent, that cost incurred in making the appointment may be recovered from the occupier.</p>
<p>In Fee Payment Insert (shown in bold):</p> <p>The Council is not required to consider an application for the grant of a licence, a transfer of a licence, an application to alter conditions <b>or an application to consider inclusion in the fit and proper person register</b> unless that application is accompanied by the correct fee.</p>	<p>To include the new fee in this element of the policy, ensuring the application fees accompany the applications</p>
<p>Delete (shown in bold):</p>	<p>To allow annual fees for 2021-2022 to be in line with the updated fees policy</p>

<p>When demanding the annual fee, the Council will:</p> <ul style="list-style-type: none"> <li>• give reasonable time in which the fee is to be paid (which will be 28 days)</li> <li>• state the date by which it is due <b>(which will be 1<sup>st</sup> June each year)</b></li> </ul>	
<p>In Review of Fees Insert:</p> <p>The policy will be monitored and reviewed on an annual basis or more frequently as changes in legislation may dictate.</p> <p>Minor changes which make no significant difference to service provision will be made to the document under delegated authority by the Head of Strategic and Private Sector Housing in consultation with the Lead Member for Regulatory Services and Enforcement/Private Housing</p>	<p>To bring the policy in line with other Service policies.</p>
<p>Delete:</p> <p>The fees covered by the Park Homes Fees Policy will be increased annually by the same percentage (in line with inflation) that is applied to other fees in the Private Sector Housing Team's Fees and Charges Schedule.</p>	<p>To bring the policy in line with other Service policies.</p>
<p>Insert appendix 1 detailing the calculations</p>	<p>The breakdown of the fee calculations will be included as an Appendix to the policy</p>

The Lead Member has been consulted and has approved the minor amendments to the Private Sector Housing Grants Policy

**Comments from HR**

Not applicable



## **Financial Implications**

The review will ensure that the fees charged continue to accurately reflect the costs to the Council for carrying out the site licensing function and will include the costs associated with the new Fit and Proper Person register.

There will be no impact on the 2021/2022 budget in respect of charges as the additional FPP costs will be recovered via the new fee. The overall impact on the budget will be an est. increase in income of £800, which will be offset by increased expenditure of £800.

## **Risk Management**

Failure to review the policy and include a fee for applications for consideration for inclusion on the fit and proper person register in time for 1<sup>st</sup> July 2021 - earliest application submission date - may result in applications being submitted and the council being unable to recover the costs incurred in assessing and processing those applications.

Key Decision: No

Background Papers: No



**DD120 2021: Correction Slip – Corrections Shown in Red**

**Decision and Date:**

Corrections Approved.

Signed:



Alison Simmons - Head of Strategic and Private Sector Housing

Date: 7th July 2020

**Background**

The Lead Member has been consulted and has approved the minor amendments to the ~~Private Sector Housing Grants~~ Park Homes Fees Policy

**Background Papers:** ~~No~~ Park Homes Fees Policy Appendix 1

## Appendix 1: Charnwood Licensing Fee Calculation 2021-2022

### Licence Fee:

Officer Time	(Mins)
Enquiry received and a service request entered onto Civica	15
Obtain planning documents. Record the type of development permitted, restrictions etc.	30
Send out a site licence application form with a covering letter and enter the action onto Civica	10
Contact the applicant and arrange an appointment to carry out an initial site inspection and enter the action onto Civica	10
Carry out an initial site inspection. Advise the applicant on the layout, spacing and all other site licence conditions. Assist with any queries in respect of completing the application form. Enter details of the inspection on Civica.	60
Travel time (average)	23
Receive the application form, enter the details from the form onto Civica.	10
Check that the application is valid e.g. all the compulsory questions have been completed and the correct fee is included. Examine the electrical certificate and any other documentation submitted with the licence for validity.	40
Carry out a Land Registry Search to verify that the applicant is the owner of the land.	20
Carry out checks to see whether the applicant has had a site licence revoked in the last three years	30
Obtain the next consecutive site licence number and add the details of the site to the spreadsheet.	10
Prepare a draft site licence and send it to the applicant with a covering letter. Include any recommendations and works required resulting from the initial inspection. Save the draft licence to Civica.	60
Discuss the proposed licence conditions with the applicant if necessary. If amendments are requested by the applicant seek authority from the line manager to amend the conditions. Update Civica.	45
Upon expiry of the consultation period amend the site licence if required. Print two copies of the final licence and proof read.	40
Site licence to be checked and signed by the line manager - see below.	15
Send out the final site licence to the applicant with a covering letter.	15
Update the Civica system and save a hard copy of the site licence to the case file.	15
Upon occupation of the site, contact the site owner to make an appointment for a licensing inspection	10
Carry out a full site inspection, note any breaches of site licence conditions/work required.	30
<b>Approx inspection time for first unit.</b>	30
Travel time (average)	23
Record details of the visit on Civica, including breaches identified. Enter scheduled visits for the next routine inspection and the re-visit to check completion of any remedial works	30
Write to the applicant notifying them of the outcome of the licensing visit and detailing any further scheduled visits	30
Update the spreadsheet and public register of licensed sites	15

Total Officer Time:	571
Hourly Officer Rate (HS Officer):	£38.45
<b>Sub Total:</b>	<b>£365.92</b>

### Manager Time

Site licence to be checked and signed by line manager	30
Hourly Rate (Manager):	£52.21
<b>Sub Total (Manager):</b>	<b>£26.11</b>

### Additional costs

(£)

Mileage costs from initial site inspection	5.10
Milage costs from full site inspection	5.10
Printing hard copy of plans	0.04
Printing application form and covering letter	0.04
2nd Class postage cost	0.69
Printing Land Reg Search	0.04
Printing Draft licence	0.04
2nd Class postage cost	0.69
Printing final licence	0.04
2nd Class postage cost	0.69
Printing outcome letter	0.04
2nd Class postage cost	0.69

<b>Sub Total:</b>	<b>13.20</b>
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<b>Total:</b>	<b>£405.22</b>
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### Additional Units/Pitches over 1

Per unit inspection time (mins)	10
Officer hourly rate (HS Officer)	£38.45



<b>Officer time + Manager time + Additional cost + (officer hourly rate/6 x No. of additional units/pitches over 1)</b>
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## Transfer or Amendment Fee:

<b>Officer Time</b>	(Mins)
Enquiry received and a service request entered onto Civica	20
Send out an application form with a covering letter, detailing the fee required and enter the action onto Civica	15
Receive the application form, enter the details from the form onto	10
Check that the application is valid e.g. all the compulsory questions	30
Carry out a Land Registry Search to verify that the applicant is the new owner of the site.	20
Carry out checks to see whether the applicant has had a site licence	30
Amend the site licence and proof read.	30
Amended site licence to be checked and signed by the line manager - see below.	
Check the file for outstanding historic breaches, outstanding notices etc.	15
Send out the amended site licence to the new site owner with a covering letter. Send written notification of the outstanding historic breaches and outstanding notices to the new site owner.	30
Update the Civica system and save a hard copy of the site licence and cover letter/notice of breaches to the case file.	15
Update the licence spreadsheet and public register of licensed sites	15
 Additional time taken with telephone conversations and correspondence with the applicant on a typical variation enquiry	 25
 Total Officer Time:	 255
Hourly Rate (HS Officer):	38.45
Sub Total:	<b>163.41</b>
 Site licence to be checked and signed by line manager	 15
Hourly Rate with on-costs (Manager):	52.21
Sub Total (Manager):	13.05
 <b>Additional costs</b>	 (£)
Printing application form and covering letter	0.04
2nd Class postage cost	0.69
Cost of Land Reg search	
Printing Land Reg Search	0.04
Printing final licence and cover letter, notice of breaches etc.	0.04
2nd Class postage cost	0.69
 Sub Total:	 <b>1.50</b>
 Grand Total:	 <b>177.965</b>

**Additional costs for amendment fee for site expansions**

**(Visit Required)**

Officer Time	(Mins)
Visit the site to inspect where the variation is in relation to expansion of site etc. Average journey time	23
Inspection time for First pitch (inc. general areas)	20
Total Officer Time:	43
Hourly Rate (HS Officer):	£38.45
Mileage:	5.1
Sub Total:	<b>£32.66 1st Unit/Pitch</b>

**Subsequent additional pitches over 1 (mins)** 10

Total Officer Time:	10
Hourly Rate (HS Officer):	£38.45
Sub Total:	<b>£6.41 Each</b>

**Officer Time + Manager Time + Additional costs**

**add Additional costs for site expansion where a visit is required**

**Licence Annual Fee:**

<b>Officer Time</b>	<b>(Mins)</b>
Check the site inspection register to determine the next routine inspection	10
Contact the site owner to notify them of the time and date of inspection. Enter the action on Civica	15
Look up historic breaches records	15
Visit site and carry out routine inspection to verify compliance with licence conditions. Note all breaches of the site licence. Approx inspection time for <b>first unit</b> .	30
Travel time (average)	23
Record details of the visit on Civica, including breaches identified. £	30
Record the visit on the Mobile Home Site inspection spreadsheet	10
Write to the site owner detailing results of inspection and works required to remedy breaches plus request any certificates required	30
Attach the letter to Civica and a hard copy to the paper file	10
Follow up telephone conversations and letters	15
Total Officer Time:	188
Hourly Rate with on-costs (HS Officer):	£38.45
Sub Total:	<b>£120.48</b>
Additional Costs	(£)
Mileage costs - routine inspection (average)	5.1
Printing 2 page letter advising on outcome of routine inspection	0.04
2nd class postage cost for above plus envelope	0.66
Printing of above item for file	0.04
Printing of additional letter	0.04
2nd class postage cost for above envelope	0.66
Sub Total:	<b>£6.54</b>
Grand Total:	<b>£127.02</b>
Per unit inspection time (mins)	10
Officer hourly rate	£38.45
Additional cost per unit	<b>6.408333</b>



Fox Park 10	£184.69
Proctors 50	£441.03
Whiteways 5	£152.65
Blue Granite 20	£248.78
Berkeley Close 23	£268.00
County Bridge 10	£184.69
Palma Park 49	£434.62
Lady Jane 0	
Orchard Park 33	£332.08
Inglenook Park 56	£479.48
Unicorn Park 17	£229.55
The Haven 5	£152.65
Total cost for all sites:	<b>£3,108.22</b> 278 units
Per unit fee:	<b>£11.18</b>

**This fee is based on the total cost to the Council of completing annual pro-active site checks and inspections to all relevant protected sites, divided by the total number of units across all those sites**

**Depositing Site Rule:**

It is estimated that it will take approximately 1 hour of officer time to deal with site rules deposited by site owners including checking that rules have been made in accordance with the statutory procedure and updating the associated register. The hourly rate with on-costs for a HS officer is currently **£38.45**.

**Application for Inclusion on the Fit and Proper Person Register:**

<b>Officer Time</b>	<b>(Mins)</b>
Initial enquiries regarding the process and requirements. Civica update	15
Assist with any enquiries in relation to completion of the application form/process	10
Application received and checked for completeness - linked to Civica case record	15
Calls and enquiries to obtain any information or documents from the site owner or from any third party in connection with the fit and proper person process	30
Land Registry Search/Companies House Searches	20
Assessing the application and all documents/certificates for consideration	30
Preparing preliminary decision and final decision notices, proof reading, 2nd checks, review of any representations made in response to preliminary decision where necessary	60
Review of representations by applicants or third parties/ inc. potential consultation with Manager or solicitor	30
Update the public register	10
<b>Total Officer Time:</b>	<b>220</b>
Hourly Officer Rate (HS Officer):	£38.45
<b>Sub Total:</b>	<b>£140.98</b>

<b>Additional costs</b>	<b>(£)</b>
Printing Preliminary Decision Notice	0.04
2nd Class postage cost	0.69
Printing Final Decision Notice	0.04
2nd Class postage cost	0.69
<b>Sub Total:</b>	<b>1.46</b>

**Grand Total:** **£142.44**

**Officer time + Additional Costs**