

Rother District Council

Report to:	Cabinet
Date:	28 June 2021
Title:	Caravan Sites Fit and Proper Person Fees Policy 2021
Report of:	Head of Service-Environmental Services, Licensing and Community Safety
Cabinet Member:	Councillor Field
Ward(s):	All
Purpose of Report:	To seek approval for a policy setting fees for maintaining a register of fit and proper persons to manage certain caravan sites.
Decision Type:	Key
Officer Recommendation(s):	Recommendation to COUNCIL: That the Caravan Sites Fit and Proper Person Fees Policy 2021 be approved and adopted.
Reasons for Recommendations:	The Caravan Sites and Control of Development Act 1960 (as amended by section 8 of the Mobile Homes Act 2013) requires from 1 July 2021 that managers of caravan sites (not used for holiday purposes or otherwise not capable of being used all year round) are fit and proper persons. An application must be made including a fee set by the Council.

Introduction

1. The Council licences caravan sites, which may be defined as for holiday use, permanent residential, mobile home or touring. New regulations commence on 1 July 2021 requiring the managers of mobile home parks to be fit and proper persons and for the Council to maintain a register of such persons. The Council licences four sites (130 units) that the new regulations would apply to. The Government has produced guidance to be followed in determining whether a person is fit and proper, including a Disclosure and Baring Service check.
2. A site owner under the Mobile Homes (Requirements for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI2020/1034) must apply to their local authority for the appointed manager to be added to the register of fit and proper persons managing sites in their area.
3. The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the register. An initial application fee and annual fee can be set.

4. Fees do not apply to sites used for holiday purposes or other non-permanent residential sites.
5. Charges are limited to recovering the costs of exercising the fit and proper person test function only.
6. The Council currently sets annual fees as set out below:

Relevant Protected Sites	Band				
	A (2 – 5)	B (6 - 24)	C (25 - 99)	D (100+)	E (Single unit sites and family sites)
Annual Fee	No Fee Charged	£185.00	£215.00	£235.00	No Fee Charged

Fees Policy

7. The Council believes that fit and proper person assessment and/or checks to be included on the register will take from 120 to 150 minutes per application, including updating and publishing the register. On this basis the initial application fee is set at £70.
8. To cover the additional cost of monitoring the fit and proper person scheme, an additional annual fee for registration will be set at £0.50 per unit, to a maximum of £50, in accordance with Government guidance. No fee will be charged for smaller sites. The annual fee therefore to be charged from 1 April 2022:

Relevant Protected Sites	Band				
	A (2 – 5)	B (6 - 24)	C (25 - 99)	D (100+)	E (Single unit sites and family sites)
Annual Fee	No Fee Charged	£185.00 Plus £0.50 per unit for registration of fit and proper person	£215.00 Plus £0.50 per unit for registration of fit and proper person	£285.00	No Fee Charged

Appointed Manager Fee

9. Where, with the consent of the site owner, the Council appoints an individual to manage the site, a fee of £100 will be incurred.
10. If an application to be included on the register is not approved the fee will not be refunded.

Conclusion

11. It is recommended that the Council approves the Caravan Sites-Fit and Proper Person Fees Policy 2021.

Financial

12. Contained within existing estimates.

Legal

13. The Council has a statutory duty to licence caravan sites.

Crime and Disorder

14. An effective licensing regime supports controlling crime and disorder in the district.

Risk Management

15. The failure to have a valid policy may result in the Council's decisions being challenged.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	Yes	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendix:	None
Background Papers:	None
Reference Documents:	https://www.gov.uk/government/consultations/mobile-homes-a-fit-and-proper-person-test-for-park-home-sites
