

Three Rivers District Council

# Fit and Proper Person Fee Policy

January 2023

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## **1. Introduction**

- 1.1 A relevant protected site is a site, which requires a licence, which is not solely for holiday purposes or is otherwise not capable of being used all year round. A relevant protected site cannot operate unless the local authority is satisfied that the manager qualifies as a fit and proper person, Sections 12A -12E of the Caravan Sites and Control of Development Act 1960, as implemented by Section 8 Mobile Homes Act 2013.
- 1.2 A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) (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).
- 1.3 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 also applies where the site owner or site manager is a registered company.
- 1.4 The Regulations permit the Council to determine the fee for an application or registration for someone to be added to the register. It is imperative that the fee is included with the application and failing to include this may mean that the site owner is in breach of the requirements of the Regulations.
- 1.5 Site owners will be required to submit a completed application and pay the fee, outlined below, to the Council, which will also include any additional fees such as an annual site fee.

## **2. Fees for Fit and Proper Persons Register Applications**

- 2.1 The Council believes that the Fit and Proper Person assessment and/or checks to be included on the fit and proper person register will take a total of 300 minutes per application. This time of 300 minutes will include updating and publishing the register of Fit and Proper Persons.
- 2.2 Checks are to be carried out by the Senior Housing Enforcement Officer or Housing Enforcement Officer, as a result of this an hourly rate of £23.99 will be applied. Therefore, the full fee for an application for a Fit and Proper Person Assessment will be £120.00.
- 2.3 The Council have taken into account the following matters on which costs are incurred, or likely to be incurred (by various departments, including costs incurred by outsourcing contracts), in determining this policy for consideration of applications for entry on a fit and proper person register;
  - Initial enquiries;
  - Letter writing or telephone calls etc. to make appointments and

requesting any documents or other information from the site owner or manager or from any other third party in connection with the fit and proper person assessment process;

- Sending out forms;
- Updating files/computer systems and website;
- Processing the application fee;
- Land registry searches;
- Time for reviewing necessary documents and certificates;
- Preparing final and preliminary decision notices;
- Review by manager and legal; review any representations made by applicants or responses from third parties;
- Updating the public register;
- Carrying out any risk assessment process considered necessary
- Reviews of decisions or in defending appeals
- Outstanding licensing issues and debts
- Undertakings

2.4 Charges will be limited to recovering the costs of exercising the Fit and Proper Person Test function only and not any other costs that have already been charged for by other service areas.

2.5 The Council will be required to conduct relevant background checks regarding the applicant's background in management and their financial standing. The results of these checks will allow the Council to decide on whether or not to accept the application. The time taken for these checks shall be accounted for in the fee, irrespective whether or not the entry on the register is granted.

2.6 The Council will not consider any application until the full application fee has been received.

2.7 Any preliminary advice the Council provides before any application is accounted for in the fee and will not be charged for separately.

2.8 If the Council decides not to approve any application or the applicant decides not to continue with an application, the applicant will not be entitled to a refund.

### **3. Annual Fee for an existing entry on the Fit and Proper Person Register**

3.1 The Council do not propose to implement an annual fee at this time.

### **4. Appointed Manager Fee**

4.1 Should the Council be provided with the consent of a site owner to appoint an individual to manage a site, these costs will be recovered from the site owner.

## **5. Review**

- 5.1 The Fit and Proper Person Fee Policy will be reviewed every 3 years from implementation. This review will assess and incorporate any changes that need to be made to the Policy, however a full review of the fee levels detailed within this Policy will be undertaken every 12 months as part of the Council's annual Review of Fees and Charges.

