



## EAST LINDSEY DISTRICT COUNCIL

### FIT & PROPER PERSON FEES POLICY

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#### Introduction

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 (subject to paragraph 10 below).
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").
3. The Site Owner may only apply to be added to the register if they hold, or have applied for, a Residential Site Licence for the site. This provision also applies where the Site Owner or Site Manager is a registered company.
4. The Regulations permit the Local Authority 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.
5. It is important to highlight that this fee policy will refer to any 5-yearly fee to recover costs which the Local Authority may have incurred, or which will be incurred, in appointing a person to manage a site with the Site Owner's consent.

6. Site Owners will be required to submit a completed application with all of the required documentation and pay the fee (outlined in the table), to their Local Authority, which will also include any additional fees such as an annual site fee. The application fee is in addition to the Annual Site Licence Fee(s).
7. If the application is submitted without all the required documentation, it will be invalid. The Council will write to the applicant(s) to specify what still needs to be submitted for the application to be processed. All documentation required must be submitted within the requested timescale specified in the letter that is sent. If the application is still invalid 3 months from the date of the receipt of the application, the application will be withdrawn by the Council and returned but any fee paid will not be refunded.
8. DBS checks submitted with the application must be supplied for each person proposed in the application and must be dated within 6 months of the date of the application date for each person. All DBS checks supplied must also be originals and not copies.

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

#### **Initial application fee**

9. The Local Authority has calculate the fee based upon the time it will take per application to carry out the Fit and Proper Person assessment checks and issuing the decision and publishing this on the register. The fee information is specified in the fees table (Table 1) at the end of this policy.
10. The checks are carried out by the same officers who carry out the caravan licensing functions and their time & costs are specified in the attached table (table 1). The application fee for a Fit and Proper Person Application set out in the attached table (table 1) and is payable per applicant and it is not per site application.
11. The Local Authority will consider 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 entry on a Fit and Proper Person register:
  - (a) Initial enquiries;
  - (b) 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;
  - (c) sending out forms;
  - (d) updating files/ computer systems and websites;
  - (e) processing the application fee;
  - (f) Land Registry Searches;
  - (g) time for reviewing the application form, necessary documents and certificates;
  - (h) preparing preliminary and final decision notices;
  - (i) review by manager or lawyers; review any representations made by applicants or responses from third parties;
  - (j) updating the public register;

- (k) carrying out any risk assessment process considered necessary and
- (l) reviews of decisions or in defending appeals.

12. It is important that charges must be limited to recovering the costs of exercising the Fit and Proper Person test function only and no other costs that have already been charges for by other service areas.
13. Refer to the Fees Table (Table 1) which outlines all of the fees applicable to a Fit and Proper Person application. Table 1 outlines the above and all work that is inclusive of the Fit and Proper Person fee and to provide transparent justification for the fee to be imposed upon receipt of the application. The purpose of Table 1 is to demonstrate that the fees imposed are fair and transparent providing justification as to why a site is required to pay the fee.

**Additional considerations for an application fee:**

14. The Local Authority 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 Local Authority to decide on whether or not to accept the application. The time taken for these checks should be accounted for in the fee, irrespective whether or not the entry on the register is granted.
15. Where an applicant contacts the Local Authority before making an application, to ascertain the likelihood of the success of that application, the authority is expected to provide informal advice, for example, the conditions surrounding an application, for example the information required to be submitted and general guidance on making the application.
16. Any preliminary advice the Local Authority provides, prior to receiving an application, must be accounted for in the fee and cannot be charged separately.

**Such other matters as the local authority considers to be relevant**

**Where no fee is applied**

17. In certain circumstances, the Local Authority may determine that no fee is required to be paid. A site is exempted from a fee only if it is occupied by members of the same family and is not being run as a commercial residential site.

**An appointed manager fee**

18. This is where the Local Authority is provided with the site owner's consent to appoint an individual to manage a site. The costs associated with this should be reasonable and are recoverable from the site owner.

**Revising Fees**

19. The Local Authority may revise its fees policy and will be required to publish the revised policy. Any changes will need to be justifiable and reasonable, ensuring full transparency for the Site Owner.
20. The items that can be included in calculating the application fee and annual fee are set out in the published fee policy in Table 1 of this document & as outlined in the Council's Mobile Homes Act Fees Policy.
21. The purpose of publishing the Fit & Proper Person Fees Policy is to show that the fees imposed by the Local Authority are fair and transparent so that anyone required to pay a fee can understand the charges.

#### **Amending conditions attached to an entry on a register**

22. A Local Authority may alter the conditions attached to an entry on a register (by adding new conditions or changing or deleting existing ones), following a review. The Local Authority must notify the Site Owner of its interim decision (except in the case where it is deleting a condition) and consider any representations made by the Site Owner, before reaching a final decision. If the Site Owner is unhappy with the decision to alter, or not alter, the conditions, they will have a right of appeal to the First-tier Tribunal (Property Chamber).
23. There are no requirements for a Site Owner to make an application for a condition to be altered. Any costs involved with amending existing conditions, or adding new conditions to an entry, must also be factored into the cost of calculating the annual fee.

#### **Site visits – Officer and travel time**

24. Officer time can be considered as part of the fee, where site visits are required to ascertain whether or not site condition(s) are met. Travel time to and from the site, including fuel costs, can also be taken into account and could be calculated using a single value for travel costs which could be applied to all sites.

#### **Payment of fees**

25. The Local Authority is not required to consider an application for entry on the register unless that application is accompanied by the correct fee. If the correct fee is not paid, the application will not be validated and the Site Owner could be in breach of the regulations.
26. If a Local Authority decides not to approve an application the applicant is not entitled to a refund of the fee paid.
27. The only method of payment for the Fit and Proper Person application fee is via BACS or phone payment. Cheques will not be accepted.

This policy will be revised no later than **March 2025**.

**Table 1 – Fit & Proper Person Application**

**Generic charge to all sites - Fit & Proper Person Application Fee. Sites may require multiple Fit & Proper Persons**

<b>Action</b>	<b>Admin Time (mins)</b>	<b>Officer Time (mins)</b>	<b>Manager Time (Mins)</b>
Initial Enquiries/Sending Application Forms	30	0	0
Processing Incoming Application	30	0	0
Processing the Fee	20	0	0
Officer Checking/Validating the Application	0	60	0
Visiting Site where necessary	0	150	0
Travelling Time	0	60	0
Land Registry Search Check/Verification	30	0	0
Companies House Check/Verification	0	30	0
Right to Work in UK	0	15	0
DBS Check Review	0	30	0
Review of Competencies	0	45	0
Review of Site Complaint History	0	45	0
Generating acceptance/rejection correspondence and decision notices	0	60	0
Final Management Checks and Sign Off	0	30	30
Addition of Applicant to Fit & Proper Person Register	30	0	0
Annual Maintenance of the Fit & Proper Person Register	20	0	0
<b>Total time taken in minutes:</b>	160	525	30
<b>Staffing Costs:</b>	<b>£41.60</b>	<b>£225.75</b>	<b>£18.30</b>
<b>Total Staffing Costs:</b>	<b>£285.65</b>		
<b>Additional Costs:</b>			
Postage costs - Large First Class stamp £1.95 & Standard First Class stamp £1.25	£3.20		
Printing & Stationary costs based on average 10 sheets at 50p per sheet	£5.00		
Additional Service Area costs £19 per site per year	£19.00		
Average mileage charged at 45p a mile to site rounded to 50 miles	£22.50		
<b>Total Additional Costs:</b>	<b>£49.70</b>		
<b>TOTAL LICENCE FEE 2024:</b>	<b>£335.35</b>		