

Caravan Sites and Control of Development Act, 1960 – Fit and Proper Person Test

FEE POLICY

Introduction

A relevant protected site is a site which requires a licence and 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).

Under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) ('the Regulations'), a site owner 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.

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.

The Regulations permit the local authority, in this instance Arun District Council (Arun DC) 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.

It is important to highlight that this fee policy will refer to any annual fee to recover costs which Arun DC may have incurred, or which will be incurred, in appointing a person to manage a site with the site owner's consent.

Site owners will be required to submit a completed online application and pay the required fee (outlined below) to Arun DC.

Fees for Fit and Proper Persons Register Applications

Initial application fee

Arun DC operates a fixed initial application fee which must be paid at the point of lodgment of the online application. Upon receipt of a completed application form, relevant supporting documents and the correct fee, Arun DC will notify the applicant that payment has been received and their application is in progress.

To arrive at a fixed fee, Arun DC has estimated the average time to conduct a fit and proper person assessment and checks required to be included on the register and has applied hourly rates based on the posts that will be involved in conducting these assessments. These calculations are outlined in the fees schedule.

The following matters may be considered as costs incurred, or likely to be incurred, when determining the fee for consideration of applications for entry on a fit and proper person register:

- initial enquiries;
- communications (e.g. letter and e-mail 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;
- review of decisions or in defending appeals.

Charges will be limited to recovering the costs of exercising the fit and proper person test function and not recovering other costs that have already been charged for by other service areas.

The fees schedule outlines the above and provides transparent justification for the fee to be imposed upon receipt of the initial application. The purpose of the fees schedule is to demonstrate that the fees imposed are fair and transparent and to provide justification as to why a site is required to pay the fee.

Additional considerations for an application fee

Arun DC will be required to conduct relevant background checks regarding the applicant's experience in site management and their financial standing. The results of these checks will allow Arun DC to decide whether to approve the application. The time taken for these checks should be accounted for within the fee, irrespective of whether entry on the register is granted.

In the event that a prospective applicant contacts Arun DC before making an application in order to ascertain the likelihood of the success of their application, Arun DC is expected to provide informal advice. Any preliminary advice provided by Arun DC may be accounted for in the fee and cannot be charged separately.

Annual fee for an existing entry on the register

Arun DC has determined not to charge an annual fee for simple inclusion on the F&PP register. In the event that conditions are added to a F&PP determination, Arun DC will

charge an annual fee (as per the fees schedule) due to the additional work relating to these matters.

Where applicable, the annual fee is to be paid on 01 June.

Such other matters as the local authority considers to be relevant

An appointed manager fee

This is where Arun DC agrees, following the site owner's consent, to appoint an individual to manage a site. In this event, the applicable recoverable costs will be agreed in advance with the site owner, including any component which is to be paid in advance of this agreement.

Revising Fees

Arun DC 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. The purpose of publishing the fee policy is to show that the fees imposed by Arun DC are fair and transparent so that anyone required to pay a fee can understand the charges.

Amending conditions attached to an entry on the register

Arun DC may alter the conditions attached to an entry on a register (by adding new conditions or by changing or deleting existing ones), following a review. Arun DC 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 Arun DC's decision, they will have a right of appeal to the First-Tier Tribunal (Property Chamber).

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

Officer time can be considered as part of the fee where site visits are required to ascertain whether site condition(s) are met. Travel time and fuel costs can be taken into account.

Payment of fees

Arun DC 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 valid and the site owner could be in breach of the Regulations. In this event, Arun DC will notify the applicant within fourteen days of receipt of the application that their application is not valid.

If Arun DC decides not to approve an application, the applicant is not entitled to a refund of the fee paid.

In the event that a request is made for a withdrawal of a F&PP application within fourteen days of submission of that application, a refund may be applicable, based on the calculations of work already undertaken (up to a maximum of 50% of the application fee).

The annual fee, where applicable, will be set as a condition to any entry being added to the register.