



**FIT AND PROPER PERSON
FEE POLICY (MOBILE HOMES)
2021/2023**



FIT AND PROPER PERSON FEE POLICY

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 the Ryedale District Council (The Council) 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 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 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.
5. It is important to highlight that this fee policy will refer to the recovery of costs which the Council may have incurred, or which will be incurred, in appointing a person to manage a site with the site owner's consent. This will be calculated separately to the application fee.
6. Site owners will be required to submit a completed application from 1 July until 30 September 2021 (3 months) and pay the fee, outlined below, to Ryedale District Council.

Fees for Fit and Proper Persons Register Applications

Application fee

7. The Council has provided a breakdown of the task associated with the fit and proper person assessment and/or checks to be included on the fit and proper register in Appendix A on page 5
8. Ultimately, the checks are likely to be carried out by the same officers who carry out the licensing functions and, therefore, their hourly rate of £27.50.
9. 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 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 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.
10. The charges are limited to recovering the costs of exercising the fit and proper person test function only and do not include other costs that have already been charged for by other service areas
11. Please see Appendix A found at page 5 which outlines the above and provides transparent justification for the fee to be imposed upon receipt of the initial application. The purpose of this table is to demonstrate that the fees imposed are fair and transparent providing justification as to why a site is required to pay the fee. In light of the small number of sites that this applies to no annual fee will be charged in addition to the application fee for ongoing enforcement

Additional considerations for an application fee:

12. 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 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.
13. Where an applicant contacts the Council 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. There is further guidance relating to this in the fit and proper person determination policy.
14. Any preliminary advice the local authority provides, prior to receiving an application, must be accounted for in the fee and cannot be charged separately.

An appointed manager fee

15. This is where the Council 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

16. The Council 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.
17. The purpose of publishing the fee 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

18. The Council 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).
19. 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 application fee.

Payment of fees

20. As outlined above in paragraph 4, the Council 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.
21. If the Council decides not to approve an application the applicant is not entitled to a refund of the fee paid.



Fit & Proper Assessment				
Step	Time	Rate	Officer	Total
Pre-application advice	30	27.50	SEHO	13.75
Receipt of application and record on Idox/civica. Acknowledgement email sent	15	27.50	SEHO	6.88
Application form received, checked as a full and proper application, complete, signed and create file	30	27.50	SEHO	13.75
Process the fee & send out receipt	30	27.50	SEHO	13.75
Review application & make enquiries, i.e. FPPT documents, declarations (inc management and finance)	120	27.50	SEHO	55.00
Update idox/civica record	30	27.50	SEHO	6.88
Review any representations from applicant or third parties, including reviews carried out by manager or legal.	60	27.50	SEHO	27.50
Application of any conditions	30	27.50	SEHO	13.75
Grant of application (Final Notice) or serve Preliminary Notice (approved/signed by AGM)	30	27.50	SEHO	13.75
Add relevant person's details onto public register	15	27.50	SEHO	6.88
Review Appeal paperwork (assume 1 every 10 applications) Produce appeal response and relevant Notice, issue final decision	15	27.50	SEHO	13.75
Issue final decision notice following appeal	15	27.50	SEHO	6.88
Add relevant person details to Register	30	27.50	SEHO	13.75
Oversight of appeal	15	27.50	SEHO	6.88
Update idox/civica record	15	27.50	SEHO	6.88
Enforcement- removal from register or in relation to conditions (assume 1 every 10 applications)	15	27.50	SEHO	6.88
Total cost per application				226.91