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**FIT AND PROPER PERSON  
FEE POLICY**

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Date of Issue (to be confirmed)

### **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 13 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 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. For an application to be valid it is imperative that it is accompanied by the correct fee. Failing to include this may mean that the site owner is in breach of the requirements of the Regulations.
5. The Regulations also permit the local authority to determine an annual fee to recover additional costs which the local authority may have incurred, or which will be incurred for example when dealing with complex applications, reviewing, and amending conditions attached to an entry on a register, monitoring the register and appointing a person to manage a site with the site owner's consent. Payment of the annual fee may also be required as a condition of inclusion in the register.
6. In setting its fees policy and the fees to be charged, the Council has had regard to the Regulations and the relevant guidance, the 'Fit and Proper Person Test Guide for Local Authorities on Setting Fees' issued by the Department for Communities and Local Government (2021).

## Fees for Fit and Proper Persons Register Applications

### Initial application fee

7. The Council believes that a fit and proper person assessment and checks for a person to be included on the fit and proper register will take a total of 150 minutes per application. This time of 150 minutes includes updating and publishing the register.
8. The application process will be carried out by officers from the Technical Support and Residential Teams in the Environmental Health Service, that is Technical Support Officers, Technical Officers, Environmental Health Officers, and the Residential Team Leader. The hourly rates for these posts have been applied to the particular function carried out by each post and the fee is therefore set at £150.00 for the fit and proper person application.
9. The Council has 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), when determining its fee policy for consideration of applications for entry on a fit and proper person register:
  - Initial enquiries;
  - letter writing/emails/telephone calls 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 a 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; and
  - reviews of decisions or in defending appeals.
10. In addition, the Council will need to make such inquiries as are necessary in connection with the application, such as those relating to the applicant's management and financial standing.
11. All time taken in establishing the information required to make an informed decision is included in the application fee, whether or not the entry on the register is granted.
12. Where an applicant contacts the Council before making an application to ascertain the likelihood of the success of that application, the Council will give informal advice, including on any likely conditions that may be attached to an entry, so the applicant can make an informed judgement on how to proceed with the application.
13. Charges are limited to recovering the costs of exercising the fit and proper person test function only based on a 'standard' application and no other costs that have already been charged for by other service areas.
14. The fee is set at £150.00 for the fit and proper person application in 2021-22. The charge will commence on 1 October 2021.
15. *Table 1* below, outlines a breakdown of the above and justification for the fee to be imposed upon receipt of the initial application.

16. In circumstances where there is more than one fit and proper person test application for a single site received at the same time, one application will be charged at the full application fee; £150.00 and additional applications will be charged at a 30% reduction - £106.00.
17. Applications will be determined in accordance with the Council's Fit and Proper Person Determination Policy.

#### **Additional Costs / Annual Fee**

18. The Council will apply annual fees on a case-by-case basis and will calculate the fee based on the hourly rate of the officer's undertaking the activities related to the annual fee. As such annual fees will differ depending on the circumstances of any particular application and/or entry on the register. The Council will provide a schedule of costs when applying an annual fee and will state when the annual fee must be paid. The officer hourly rates are those which are provided in *Table 1* below.
19. Annual fees will be applied to cover the additional costs of officer time to process applications from larger or more complex sites.
20. The annual fee may also include the cost of officer time to monitor the fit and proper person scheme and/or conditions attached to entries to the register. Where site visits are required to ascertain whether site condition(s) are met, officer time for the visit, travel to and from the site and fuel costs will be included.
21. Any costs involved with amending existing conditions or adding new conditions to an entry on the register may also be added as an annual fee.
22. The Council may include the costs of any other activities related to ensuring compliance with the requirements of the legislation in any annual fees.

#### **Where no fee is applied**

23. In certain circumstances, the Council 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 or the site managed by a local authority.

#### **An appointed manager fee**

24. Where the local authority is provided with the site owner's consent to appoint an individual to manage a site the reasonable costs associated with this process will be recovered from the site owner. This will be determined on a case-by-case basis, in addition to any application fee already paid and a cost schedule will be provided to the site owner.

#### **Revising Fees**

25. The Council will review its fees and fees policy on an annual basis and will publish the fees and the revised policy. The Council will ensure that any changes are reasonable and that the site owners are informed of the changes.
26. The items that can be and are included in calculating the application fee and any annual fee are set out in this Policy which is available by request to the Environmental Health Service (01609 767138 or [ehts@hambleton.gov.uk](mailto:ehts@hambleton.gov.uk)) and at (a web page link will be inserted here).

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

27. The Council, if necessary, will alter the conditions attached to an entry on a register (by adding new conditions or changing or deleting existing ones) following a review. The Council will 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).
28. 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, will be factored into the cost of calculating the annual fee.

### **Payment of fees**

29. 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.
30. If the Council decides not to approve an application the applicant is not entitled to a refund of the fee paid.
31. The annual fee is set as a condition to any entry being added to the register (see paragraphs 18 to 22 above). The condition will state the amount and date by which the annual fee payment is due, and any failure to make such payment will be a breach of the condition and may lead to legal proceedings being issued.

Table 1 - Breakdown of Costs for exercising the fit and proper person test function for a ‘standard’ application.

Action	Technical support officer £14.63 per hour	Environmental Health Officer £23.96 per hour	Residential Team Leader £26.12 per hour	Total
Pre-application advice	15 minutes	30 minutes		45 minutes
Application received: Uniform case opened/updated.	15 minutes			15 minutes
Check application valid, for example all compulsory questions completed and correct fee included. Return application form for completion of missing details, chase missing information including letters and telephone calls.	30 minutes			30 minutes
Valid application acknowledged, fee processed, receipt issued.	15 minutes			15 minutes
Review application and documentation, make relevant enquiries including management and financial arrangement		120 minutes		120 minutes
Update Uniform.		10 minutes		10 minutes
Application file reviewed by Team Leader.			15 minutes	15 minutes
Grant of application or service of preliminary decision notice.		30 minutes		30 minutes
Establish applicable conditions and review with Team Leader.		30 minutes	15 minutes	45 minutes
Review any representations made / review with Team Leader. Assumes 1 in 3 applicants make representations. Total of 90 minutes for to assess representations therefore an average time of 30 minutes.		20 minutes	10 minutes	30 minutes
Produce response to representations and issue relevant notice. Assumes 1 in 3 applicants make representations. Total time 60 minutes to produce response therefore an average of 20 minutes.		20 minutes		20 minutes
Issue final decision notice following representations. Assumes 1 in 3 applications make representations. Total time of 30 minutes to produce final decision notice therefore an average of 10 minutes.		10 minutes		10 minutes
Update Uniform, add FPP details to public register, update website, and issue an officer decision notice.	15 minutes	10 minutes		25 minutes
Total time	90 minutes	280 minutes	40 minutes	410 minutes
Actual costs	£21.95	£111.81	£17.41	£151.17

Total Chargeable Cost: **£151.00**

Chargeable amount for additional applications for the same site provided at the same time, based on a 30% reduction: **£106.00**