

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

**BUCKINGHAMSHIRE FIT AND PROPER PERSON
FEE POLICY**

Introduction

1. This policy applies in respect of a “relevant protected site” which is defined in the Caravan Sites and Control of Development Act 1960 (“The Act”) as 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 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 (in this case Buckinghamshire Council) to determine the fee for an application or registration for someone to be added to the register.
5. It is important to highlight that this fee policy will refer to any annual fee to recover costs which Buckinghamshire Council may have incurred, or which will be incurred, in processing the application. Where the Council appointing a person to manage a site with the site owner’s consent the Council may recover from the occupier the reasonable costs incurred or to be incurred in making the appointment
6. Site owners will be required to submit a completed application from 1 July 2021 until October 2021 (3 months) and pay the fee, outlined as per the schedule below, to Buckinghamshire Council, which will also include any additional fees such as an annual site fee.

Fees for Fit and Proper Persons Register Applications

Initial application fee

7. Buckinghamshire Council operates a fixed initial application fee policy which must be paid at the point of making the application. Upon receipt of a completed application form, relevant supporting documents and the correct fee, Buckinghamshire Council will notify the applicant

that payment has been received and their application is in progress. To arrive at a fixed fee, Buckinghamshire Council 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.

8. Buckinghamshire 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.
9. 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:

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

Annual fee for an existing entry on the register:

12. Buckinghamshire Council has determined not to charge an annual fee for simple inclusion on the Fit and Proper Person (F&PP) register. In the event that conditions are added to a F&PP determination, Buckinghamshire Council will charge an annual fee (as per the fees schedule) due to the additional work relating to these matters.
13. The annual fee is to be paid on 1ST October

Such other matters as the local authority considers to be relevant

An appointed manager fee

14. This is where Buckinghamshire Council 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

15. Buckinghamshire 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. The purpose of publishing the fee policy is to show that the fees imposed by Buckinghamshire Council 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

16. Buckinghamshire Council 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. Buckinghamshire Council 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 Buckinghamshire Council'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

17. 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

18. Buckinghamshire 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.
19. In this event, Buckinghamshire Council will notify the applicant within fourteen days of receipt of the application that their application is not valid. If Buckinghamshire Council 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

Limits on charges

20. Any charges will be limited to recovering the costs of exercising the Council's function in applying the F&PP test as it relates to the operation of relevant protected sites.