

# Caravan Sites: Fit and Proper Person Test Fees Policy

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<b>Originating Officer:</b>	Jane Smith/Paul Brookes
<b>Approved by:</b>	Keith Nicholson on 2 August 2021

## 1. Background

- 1.1. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") introduced a fit and proper person test for operators of relevant protected sites or proposed relevant protected sites
- 1.2. The owner (who must be the licence holder or a proposed licence holder) of a relevant site that is not exempt must make an application for a fit and proper person - either on their own behalf or in respect of another person to manage the site on their behalf. Anyone with a management responsibility is required to be on the register.
- 1.3. An application for registration as a fit and proper person is to be accompanied by such fee as the local authority may fix and conditions may be imposed with a registration requiring additional payments to be made to the local authority by way of a annual fee.

## 2. Scope and purpose of policy

- 2.1. This document sets out the considerations made by Chelmsford City Council in calculating the fees associated with the fit and proper person test.

## 3. Fee structure methodology

- 3.1. Chelmsford Council charges a fee on application and an application will not be considered as properly made if received without the application fee

- 3.2. Chelmsford City Council will also charge an annual fee if conditions are applied to the registration until those conditions (if time-bound) are removed.
- 3.3. The fee is due on application and must be received in order for the application to be considered properly made. Any annual fee will be subject to a separate invoice.
- 3.4. The fee scales are calculated on an assessment of the average time taken to undertake the various tasks to form an assured opinion as to the fit and proper status of the relevant person multiplied by the officer's rechargeable rate. Consideration will also be given the direct costs involved in accessing land -registry and other direct costs associated with the assessment. If appropriate, mileage costs may also be included. The fees are based on an estimate of the average time taken to process an application at various stages. For the purposes of the calculating the fees for this policy, this fee is termed the 'basic fee'.
- 3.5. Although the calculation of the basic fee includes some accommodation of the impact of more complex applications it does not completely account of the officer time assessing applications made by owners who own a number of other sites, have complex company structures linked to the running of the site in question or other sites, or have larger sites which may need a more complex management structure or funding arrangements. It also does not take fully into account very small sites where there is a simple management structure such as an on-site owner/manager. In order to ensure smaller and simpler sites (and their residents) are not disproportionately affected by the costs of administering this service, appropriate adjustments will be made to the 'basic fee' as follows:

#### **3.5.1. Applications requiring a higher than basic fee.**

- 3.5.1.1. sites which are owned through a company structure which comprise 100-199 units - an addition to the 'basic' fee equivalent to 2.5 hours grade 8 officer and 0.75 hours grade 9 management time Sites.
- 3.5.1.2. sites which are owned through a company structure which comprise 200+ units, addition to basic fee 3.5 grade 8 officer hours plus 1 grade 9 management time

#### **3.5.2. Applications eligible for a reduced fee**

- 3.5.2.1. Sites with 25 or fewer pitches and the site owner lives on site and is making an application on their own behalf - reduction in fee equivalent to 2 hours grade 8 officer time and 0.5 grade 9 management time
- 3.5.2.2. Sites with 25 or fewer pitches but site owner does not live on site reduction in fee equivalent to 1 hours grade 8 officer time and 0.5 grade 9 management time

#### **3.6. Applications for additional relevant persons made at same time**

- 3.6.1. Some sites may have more than one person with management responsibility or undertaking management activities at a site. It is

anticipated that checks e.g. those relating to the ownership and finance will not have to be repeated, if the Council is informed of additional responsible or relevant persons at the same time. This will be taken into account in the fee charged where an application names more than one responsible person. (Appendix 1 table 3)

**3.7.** Officer hourly rates are calculated with on-costs.

**3.8.** The fees will be subject to the annual standard amendment applicable to all Council fees and charges and may also be subject to separate review and amendment.

<b>Creation Date</b>	<b>Version No</b>	<b>Changes Made</b>	<b>Changes made by</b>	<b>Date of Change</b>
15 July 2021 / 2 August 2021	1	Approved by Director of Public Places	n/a	n/a
	1a	accommodate applications for additional persons made at same time (paragraph 3.6)	Jane Smith	20/8/2021

## Appendices:

- Appendix 1
  - Table 1 of estimated times associated with processing and registering an application
  - Table 2 Calculation of charge associated with annual fee
  - Table 3 Calculation of charge additional responsible persons for site applied for at same time
- Appendix 2
  - Officer re-chargeable hourly rates associated with grades relevant to calculations and application fee(s) for the financial year 2021 - 2022
  - Fees to be submitted with an application for the financial years 2021 - 2022
  - Annual fees 2021-2022
- Appendix 3
  - Summary of matters taken into account when considering an application

## Appendix 1 Calculation of fees

**Table 1 - calculation of Basic Fee for application**

Estimate of time in hours for processing an application For Registration of Fit and Proper Person

All costs are per relevant person

	Admin time	Officer time	Management	Service Manager	Estimate proportion of applications	Notes
Grade	4	8	9			
Receipt & recording of initial application on data system	1				1.00	
Accounts & receipt	0				1.00	
Management allocation & system update			0		1.00	
Initial assessment of application complete - correctly filled and signed: Small sites - not managed through company		1			1.00	
Complex / medium - large sites owned						there is an additional fee for complex and sites over 40 units
Ownership confirmed Company search / Lease information / land registry		1			1.00	Plus consideration of any direct costs

	Admin time	Officer time	Management	Service Manager	Estimate proportion of applications	Notes
Detailed document review: DBS / company checks / land interest confirmed		1			1.00	Plus consideration of any direct costs
Review of management structure		0			1.00	
Funding arrangements		1	0		1.00	
Right to work		0			0.20	
Experience and competency		1			1.00	
Follow up on gaps in information -		1			0.40	
Assessment of any other sites in same ownership		2			0.40	
Assessment of associates and others		2			0.40	
Review of history of site / compliance issues / planning / Fire environmental and other offences? Resident complaints & concerns?		1			1.00	
Review of any additional information		1	1		0.20	
Consideration of conditions		1	1		0.20	
Outcome decision preliminary Decision Notice	0	1	0		0.20	

	Admin time	Officer time	Management	Service Manager	Estimate proportion of applications	Notes
Representations assessment / collation / report	0	1			0.15	
Representation review			1	1	0.15	
Decision Notice	0				1.00	
Register update / review	0	1			1.00	
<b>Total time</b>	<b>1</b>	<b>8</b>	<b>1</b>	<b>0</b>		

**Table 2 - calculation of annual fee**

Estimate of time in hours and additional costs for annual fee (Fit and Proper Person Register)

All costs are per relevant person

	Admin time	Officer time	Management	Service Manager	Estimate proportion of applications	Notes
Grade	4	8	9			
Managing and issuing invoice and recording	0.5	0.25			1	
Accounts & receipt	0.25				1	
Management allocation & system update			0.25		1	
Initial checks on registration and conditions		0.5			1	
Emails / calls verification checks		0.75			1	
Site visit and appointments / site liaison		2			0.5	
Update records		0.5			1	
Review of conditions		0.5	0.5		0.5	
Additional communications		0.5			0.75	
Register update / review	0.3	0.5			1	
<b>Total time</b>	<b>1.05</b>	<b>4.125</b>	<b>0.5</b>	<b>0</b>		

**Table 3 Calculation relating to additional named managers (responsible persons)**

Fee calculation for additional named managers for applications made at the same time (application made at same time)

All costs are per relevant person

	Elements applicable for additional managers?	Resultant cost adjustment (multiplier)	Fee calculation
Receipt & recording of initial application on data system	yes	1.00	13.33
Accounts & receipt management	no	1.00	6.66
allocation & system update	no	-1.00	-12.84
Initial assessment of application complete - correctly filled and signed: Small sites - not managed through company	no	-1.00	-27.01
Complex / medium - large sites owned	n/a		0.00
Ownership confirmed Company search / Lease information / land registry	no	-1.00	-45.01
detailed document review: DBS / company checks / land interest confirmed	part (quarter)	0.25	11.25

	Elements applicable for additional managers?	Resultant cost adjustment (multiplier)	Fee calculation
Review of management structure	part (half)	0.50	9.00
Funding arrangements	no	-1.00	-35.34
Right to work	yes	1.00	3.60
Experience and competency	yes	1.00	22.51
Follow up on gaps in information -	yes	1.00	18.00
Assessment of any other sites in same ownership	no	-1.00	-27.01
Assessment of associates and others	yes	1.00	27.01
Review of history of site / compliance issues / planning / Fire environmental and other offences? Resident complaints & concerns?	part (estimate half)	0.50	28.13
Review of any additional information	yes	1.00	17.02
Consideration of conditions	yes	1.00	14.14
Outcome decision preliminary Decision Notice	part (1 in 5)	0.20	2.58

	Elements applicable for additional managers?	Resultant cost adjustment (multiplier)	Fee calculation
Representations assessment / collation / report	yes	1.00	7.75
Representation review	yes	1.00	13.89
Decision Notice	yes	1.00	6.66
register update / review	yes	1.00	30.50
<b>Total (additional manager assessment fee)</b>			<b>£84.83</b>

## Appendix 2

Officer rechargeable hourly rates associated with grades relevant to calculations and application fee(s) for the financial year 2021 - 2022

Grade 4:	£26.65
Grade 8:	£45.01
Grade 9:	£51.35
Grade 11:	£66.91

Fees associated with an application for registration and annual charges for the financial years 2021 - 2022 - based on above

1. **Basic application fee = £460.44**
  
2. **Adjustments incurring increased application fee**
  - 2.1. sites which are owned through a company structure which comprise 100-199 units - an addition to the 'basic' fee equivalent to 2.5 hours grade 8 officer and 0.75 hours grade 9 management time:  
**Application Fee = £611.48**
  - 2.2. sites which are owned through a company structure which comprise 200+ units, addition to basic fee 3.5 grade 8 officer hours plus 1 grade 9 management time:  
**Application Fee = £669.33**
  
  - Applications eligible for a reduced fee**
  - 2.3. Sites with 25 or fewer pitches and the site owner lives on site and is making an application on their own behalf - reduction in fee equivalent to 2 hours grade 8 officer time and 0.5 grade 9 management time  
**Application Fee: £344.75**
  - 2.4. Sites with 25 or fewer pitches but site owner does not live on site reduction in fee equivalent to 1 hours grade 8 officer time and 0.5 grade 9 management time  
**Application Fee: £389.76**
  
3. **Additional Fee for applications for additional responsible persons made at the same time**  
**£84.83**

#### 4. Annual fee (where applied) : £239

### Appendix 3

Summary of matters taken into account when considering an application

To be satisfied that the relevant person is a fit and proper person to manage the site, and to add them to the register, we'll consider:

- compliance with the site licence
- the long term maintenance of the site
- whether the relevant person has sufficient level of competence to manage the site
- the management structure and funding arrangements for the site or proposed management structure and funding arrangements

We'll also consider whether the relevant person:

- has the right to work within the UK
- has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)
- has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law
- has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
- has harassed any person in, or in connection with, the carrying on of any business
- has had an application rejected by any other local authority
- is, or has been within the past 10 years, personally insolvent
- is, or has been within the last 10 years, disqualified from acting as a company director

We also may consider the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis), if it appears that person's conduct is relevant.

We can also consider any evidence on any other relevant matters.

Supplementary information may be requested following receipt of an application in order for the assessment of a person to be completed to the satisfaction of the Council.

The status of a fit and proper person will be reviewed if additional information is received during the time that a person appears on the register.