



The Mobile Homes – Fit and Proper Person Registration Fees Policy

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The Mobile Homes - Fit and Proper Person Registration Fees Policy

1.0 Scope of the Policy

- 1.1 This Fit and Proper Person Registration Fees Policy sets out the London Borough of Bromley's ('the Council') policy in respect of charging fees under the mobile homes fit and proper person test, which applies to relevant protected residential mobile home sites requiring a license. The Policy sets out the methodology, the matters and appropriate costs that the Council has taken into account in setting the fees.
- 1.2 The purpose of this Policy is to ensure that the fees imposed by the Council are fair and transparent so that anyone required to pay a fee can understand the charge and what they cover.

2.0 Background

- 2.1 A relevant protected residential mobile home site cannot operate in the Borough unless the Council is satisfied that the manager qualifies as a fit and proper person (Sections 12A to 12E of the Caravan Sites and Control of Development Act 1960, as implemented by Section 8 of the Mobile Homes Act 2013). 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.
- 2.2 A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("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").
- 2.3 There are some exemptions from the requirement for the owner of a site to apply to be included in the Fit and Proper Person Register, and these include:
- A site that is only occupied by members of the same family
 - A site that is not run as a commercial residential site
- 2.4 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.
- 2.5 The Regulations permit local authorities to charge a fee for their fit and proper person functions in respect of applications to be included in the register and to require additional payments by annual fee if an application is granted subject to such a condition. It is at a local authorities' discretion whether to charge for all or any aspect of their functions under the Regulations.
- 2.6 Before a local authority can charge a fee, it must prepare and publish a fees policy. When setting a fee, the local authority:
- Must act in accordance with its fees policy
 - May set different fees in different cases
 - May determine that no fee is required in some cases

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2.7 Any charges relating to the fit and proper person function will be limited to recovering the costs of exercising that function. Both the level of fees and how they are charged are at the discretion of the local authority and subject to legal restrictions.

2.8 Site owners applying to be included on the register will be required to submit a completed application form and pay the fee outlined in this Policy, to the Council.

3. Fee Structure

3.1 In devising the fees policy and setting 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).

3.2 The regulations permit the Council to charge two types of fee to cover its costs:

- Fit and Proper Person application fee – To cover the cost of assessing applications to be included on the register. Registration lasts for up to 5 years.
- Fit and Proper Person annual fee – To cover the cost of monitoring the regime and/or any conditions attached to the above register entry.

3.3 The Council has decided that in order to limit the financial burden of this new requirement on site owners and operators, it will only charge a fee for its fit and proper person functions and will not charge an annual fee. When the policy is reviewed and the Council has a better understanding of the full implications and costs of delivering the assessment process, the stance regarding the potential annual fee will be reviewed and fees potentially introduced.

Fee Type	Cost
Fit and Proper Person application fee	£270

4. Costs that can be included in application fees

4.1 Many applications will be straightforward and will be able to be processed with straightforward enquiries. Others may involve complicated issues which require resources to investigate. The council will charge a flat rate fee for consideration of all applications. This has been based on the average complexity of a case to ensure both the Council and applicants are clear on the cost at the point of application.

4.2 The council has taken into account the following actions that will likely incur costs when determining its fee policy for applications for entry on the register:

- Initial enquiries
- Correspondence to make appointments and to request documents, evidence, or other supporting information from the applicant, site owner or any other third party in connection with the fit and proper assessment process
- Administering forms

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- Updating files, computer systems and websites
- Processing the payment for the application fee
- Undertaking land registry searches
- Reviewing and confirming the provenance of necessary documents and certificates
- Preparing preliminary and final decision notices
- Management and legal review of applications and representations made by applicants and/or responses from third parties
- Updating the on-line public register
- Carrying out any risk assessment process considered necessary
- Review of a decision or defending an appeal

43 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 experience and history and their financial standing.

44 All time taken in establishing the information required to make an informed decision is included in the application fee. The fee is charged whether or not entry onto the register is granted.

45 Where an applicant contacts the Council before making an application to ascertain the likelihood of the success of a potential application, the authority will give informal advice, including on likely conditions that may be attached to an entry, so that the applicant can make an informed judgement on how to, or whether to proceed with an application.

5. Payment and Processing

51 The Council requires payment of a fee for an application for inclusion on the register. The Council will not process an application until such time as the correct fee has been received.

52 Applications will be made via an online web form and fees may be paid by credit or debit card. Further advice on making a payment will be contained within the application form

53 When the Council is in receipt of the full application and all supplementary documentation, the application will be processed as soon as is reasonably practicable. The fee is not refundable. The reasons for any conditions attached to the registration or grounds for any refusal will be outlined in the Decision Notice

6. Matters to be considered in the Fit and Proper Person Assessment

61 When considering whether a person is 'fit and proper' the Council must have regard to the suitability of the person concerned ('the relevant person'). Schedule 3, paragraphs 2 to 4 of the Regulations make reference to the matters that must be considered by the local authority as part of any application. These include whether the relevant person is able to secure the proper management of the site and includes, but is not limited to, the following:

- a) History of compliance with the current site license

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- b) Quality of the long term maintenance of the site
- c) Whether the relevant person has sufficient level of competence to manage the site
- d) Whether the management structure and funding arrangements for the site are adequate

Other matters to be considered are whether the relevant person has:

- e) Committed any offence involving; fraud or other dishonesty, violence, arson, drugs, or is listed in Schedule 3 of the Sexual Offences Act 2003 (offences attracting notification requirements)
- f) Has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning, environmental health or landlord and tenant law
- g) Has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
- h) Has harassed any person in, or in connection with, the carrying on of any business
- i) Is, or has been within the past 10 years, personally insolvent
- j) Is, or has been within the last 10 years, disqualified from acting as a company director
- k) Whether the relevant person has the right to work in the United Kingdom
- l) Whether any other local authority has rejected a similar application for the responsible person to be included on a similar register

62 The Council may also have regard to the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) if it appears to the authority that that person's conduct is relevant to the question of whether the relevant person is a fit and proper person to manage a site.

7. Application outcome

7.1 Once an application has been received the local authority may:

- a) Grant the registration unconditionally
- b) Grant the registration subject to condition/s
- c) Reject the application

8. Decision

8.1 As soon as is reasonably practicable after a full and complete application is received (including the relevant fee) the Council must decide the application and either:

- a) Serve a final decision notice on the applicant – where the decision is to grant the registration unconditionally and to include the relevant person on the register for 5 years, or
- b) Serve a preliminary decision notice on the applicant – where the decision is to grant the registration with condition/s, to grant for less than 5 years or to refuse registration

9. Appeals

- 9.1** Any preliminary decision notice will be in accordance with the Regulations and will provide the applicant 28 days, beginning the day after the day on which the preliminary decision notice was served, to make written representation to the authority.
- 9.2** Once written representations have been received the authority will then make a final decision with regard to the registration
- 9.3** Where the authority seeks to remove a relevant person from the register, or to impose further conditions on the registration, a notice of proposed action will be issued in accordance with the Regulations. Again, any relevant person may make written representation within 28 days of such a notice being issued.
- 9.4** The local authority may withdraw or amend notices in some circumstances:
- a) A preliminary decision notice – before service of the final decision notice
 - b) A final decision notice – before the decision to which it relates takes effect, or
 - c) A notice of proposed action – before the proposed action is taken
- 9.5** A person on whom a final decision notice is served may appeal to a First-tier Tribunal (FTT) against:
- a) Any decision to include the relevant person on the register for an effective period of less than 5 years
 - b) Any decision to include the relevant person on the register subject to conditions, and
 - c) Any decision to reject the application
- 9.6** A person on whom a notice of action is served may appeal to the FTT against:
- a) Any decision to remove the relevant person from the register
 - b) Any decision to impose a condition on the relevant person in the register, and
 - c) Any decision to vary a condition
- 9.7** No compensation may be claimed for loss suffered, pending the outcome of the appeal, in consequence of the local authority making a final decision, or for taking action relevant to Regulations 8(1)(a), (b) or (c).

10. Register

- 10.1** The Regulations require local authorities to establish and keep up to date a register of persons who they are satisfied are fit and proper persons to manage a relevant, protected residential mobile home site in their area and to make the register open to inspection by members of the public at the offices of the local authority during normal office hours.
- 10.2** The authority must also publish the register online and the contents of the register will be in accordance with the Regulations.
- 10.3** A person's inclusion in the register has effect for a maximum period of 5 years.

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10.4 The Council may attach conditions to any entry on the register. These may include, but are not limited to, the requirement to pay an annual fee, or the requirement for the relevant person to inform the council of any changes in circumstances in relation to the fit and proper person assessment.

11. Appointment of a Person to Manage the Site

11.1 Where a site owner, or their manager, fails a fit and proper person test and are unable to identify/appoint a suitable alternative manager (who must also undergo the fit and proper person assessment), the local authority may appoint a person to manage the site, with the consent of the site owner.

11.2 If the Council is required to appoint a person to manage the site, the cost of this action can also be recovered from the site. If this were to be required, the Council would seek full cost recovery of all officer time and any other resources required to undertake their duties effectively.

12. Review of the Fee Policy

12.1 The policy for Fit and Proper Person Fees will be reviewed annually. The review will assess and incorporate changes required borne from experience of the administering this new regimen. This will include a full review of the fee levels, to take into account of the effect of inflation and any surplus or deficit incurred on the predicted level of expenditure.

12.2 Any adjustments will consider variations in officer and administration time to those used in calculating the preliminary fees set out in this policy document, along with any change to other costs incurred in providing the fit and proper person function.

12.3 Change will also be introduced into this document to accommodate new legislation, government guidance and local needs where necessary.

12.4 The fees policy will be published on the Council's website www.bromley.gov.uk. If the Council revises the fee policy, it will replace the published policy with the revised policy.