



Agenda for a meeting of the Bradford District Appeals Panel to be held on Tuesday, 21 February 2023 at 10.00 am in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

Arshad Hussain, Ch Shafiq Ali

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- Light refreshments will be provided
- For the item marked* Members will be asked to consider whether there is a need to exclude the public for any part of the item. Further information can be obtained from the relevant contact officer.

From:

Asif Ibrahim
Director of Legal and Governance

To:

Agenda Contact: Asad Shah
Phone: 01274 432280
E-Mail: asad.shah@bradford.gov.uk

1. DISCLOSURES OF INTEREST

Members Code of Conduct – Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

(1) *Members must consider their interests, and act according to the following:*

Type of Interest	You must:
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Directly Related)</i> OR <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Affects)</i> OR <i>Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being (a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest; in which case speak on the item <u>only if</u> the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>

(2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*

(3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*

(4) *Officers must disclose interests in accordance with Council Standing Order 44.*

2. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Asad Shah – 01274 432280)

BUSINESS ITEMS

3. REVIEW OF FEES CHARGED BY THE LICENSING SERVICE AND APPROVAL OF THE PROPOSED FIT & PROPER PERSON POLICIES (DETERMINATION POLICY AND FEES POLICY) UNDER THE MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020

1 - 6

The report of the Assistant Director Waste, Fleet & Transport Services (**Document “L”**), the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduced a fit and proper person test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. This report seeks approval of a revised fee schedule and approval of the proposed determination policy and fees policy under the Act.

Recommended –

To approve the proposed Fit & Proper Person Policies and Fee Schedule set out in the appendices to this report.

(Melanie McGurk – 01274 431873)

4. EXCLUSION OF THE PUBLIC

The Panel is asked to consider if the item relating to Education Appeals should be considered in the absence of the public and, if so, to approve the following recommendation:

That the public be excluded from the meeting during consideration of the item relating to Education Appeals, on the grounds that it is likely, in view of the nature of the proceedings, that if they were present, exempt information within Paragraph 1 (Information Relating to an Individual) of Schedule 12A of

the Local Government Act 1972 (as amended) would be disclosed ; furthermore it is considered that, in all the circumstances, the public interest in allowing the public to remain is outweighed by the public interest in excluding public access to the relevant part of the proceedings for the following reason:

It is in the overriding public interest that parties to a review/appeal concerning their entitlement to provision of transport should have a right to confidentiality of process given that the appeal panel will need to consider the specific personal circumstances of the appellant.

5. EDUCATION APPEALS PANEL

The Panel is asked to consider the appeals for assistance with travel set out in **Not for Publication (NFP) Documents “K”, “M”, “N”, “O”, “P” and “Q”**.

(Liam Casey – 07582 105769)



Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of Bradford District Appeals Panel to be held on 21 February 2023

L

Subject:

Review of fees charged by the licensing service and approval of the proposed Fit & Proper Person policies (determination policy and fees policy) under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

Summary statement:

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduced a fit and proper person test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. This report seeks approval of a revised fee schedule and approval of the proposed determination policy and fees policy under the Act.

EQUALITY & DIVERSITY:

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

Susan Spink
Assistant Director
Waste, Fleet & Transport Services

Portfolio:

Neighbourhoods & Community Safety

Report Contact: Melanie McGurk
Phone: (01274) 431873
E-mail: melanie.mcgurk@bradford.gov.uk

Overview & Scrutiny Area:

Corporate

1. SUMMARY

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduced a fit and proper person test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. This report seeks approval of a revised fee schedule and approval of the proposed determination policy and fees policy under the Act.

2. BACKGROUND

2.1 Following a Government review of the Mobile Homes Act, 2013, the Government introduced new regulations; The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations, 2020.

2.2 The Regulations require that all owners or managers of permanent residential caravan sites are fit to manage the sites. The Determination Policy has been produced to enable officers to undertake this test in a fair, consistent and transparent way.

The Determination Policy is attached at Appendix 1.

2.3 A “relevant protected site” is a permanent residential caravan (mobile home) site which requires a licence but which is not exempt on the basis of being solely for holiday purposes or incapable of being used all year round. The regulations state that a relevant protected site cannot operate unless the local authority is satisfied that the manager qualifies as a fit and proper person.

2.4 A site owner 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.

2.5 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.

2.6 The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the Fit & Proper Person register. The Fees Policy has been produced to enable officers to appropriately and fairly charge for the costs incurred in determining a Fit & Proper Person application.

The Fees Policy is attached at Appendix 2.

2.7 The Local Authority will be able to charge two types of fees to cover their costs.

An application fee to cover the cost of assessing applications to be included on the fit and proper register. An application must be accompanied by the application fee that has been fixed by the local authority for that period. If the fee is not included with the application, the local authority does not have to assess the application and the site owner could be in breach of the requirements and prosecuted by the local authority.

An annual fee to cover the cost of monitoring the scheme or conditions attached to entries. The authority can decide and set the frequency of payments to cover administrative costs. Payment of an annual fee may also be required as a condition of inclusion in the register.

All fees must be published in an authority's Fees Policy document and must be transparent and reasonable.

When fixing the application fee and deciding the amount and frequency of additional payments by way of an annual fee the local authority—

must act in accordance with their published fees policy;
may fix different fees for different cases or descriptions of case; and
may determine that no fee is required to be paid in certain cases or descriptions of case.

A Local Authority can revise their fees policy at any time but where they do so they must publish the revised policy.

The revised fees have been calculated to accurately reflect the costs incurred by the Council in determining applications and undertaking enforcement in relation to Mobile Homes.

The revised fee schedule is attached at Appendix 3.

3. OTHER CONSIDERATIONS

3.1 When considering whether a person is 'fit and proper' the local authority 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 those matters that must be considered by the local authority as part of any application. These include:

a) Whether the relevant person is able to secure the proper management of the site, including the history of management and financial arrangements;

b) criminal convictions relating to fraud, dishonesty, violence or contraventions of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;

c) has harassed any person in, or in connection with, the carrying on of any business, been insolvent or disqualified from being a director of a company; and

d) whether any other local authority has rejected an application for the responsible person to be included in a register;

e) the local authority 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 the relevant protected site or proposed relevant protected site (as the case may be).

The authority can also consider any evidence as to any other relevant matters.

- 3.2 Once an application has been received the local authority may grant the application with or without conditions, or reject it.

As soon as is reasonably practicable after a full and complete application is received (including the relevant fee) the local authority must make a decision on the application and either serve a Final Decision Notice without conditions and include the relevant person on the register for 5 years, or serve a Preliminary Decision Notice on the applicant and accept written representations from the applicant within 28 days. Once written representations have been received the authority may then make a final decision which may include approving an application subject to specific conditions.

- 3.3 Where the authority may seek to remove a relevant person from the register or to impose further conditions a Notice of Proposed Action will be issued in accordance with the Regulations. Again, any relevant person may make written representations within 28 days of such a notice being issued.

A person on whom a final decision notice or a notice of action is served may appeal against the decisions made to the First Tier Tribunal..

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 taking action relevant to Regulation 8(1)(a), (b) or (c).

- 3.4 The Regulations require a local authority 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 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.

The authority must also publish the register online and the contents of the register will be in accordance with the Regulations.

A person's inclusion in the register has effect for a maximum period of 5 years.

- 3.5 The Regulations state that the same fee must be charged for all FPP tests, regardless of the size of site or reputation of the owner or manager.

- 3.6 An owner (occupier) of land commits an offence if he causes or permits any part of the land to be used as a "relevant protected site" without the manager of the site being registered with the local authority as a fit and proper person.

An applicant also commits an offence if he withholds information from a registration application or includes false or misleading information in a registration application or fails to comply with a condition imposed under Regulation 6(2)(b) or Regulation 8(1)

An owner (occupier) of land who is guilty of an offence is liable on summary conviction to a level 5 fine (unlimited).

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 Adopting the fees policy will enable the Council to recover the costs associated with delivering this process. If the fees policy is not adopted, the Council will not be able to recover the costs associated with this statutory function.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

6. LEGAL APPRAISAL

Referred to in part 3 of this report.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.3 COMMUNITY SAFETY IMPLICATIONS

When determining the application, the Local Authority is required to pay due regard to Schedule 3 paragraphs 2 to 4 of the Regulations.

7.4 HUMAN RIGHTS ACT

The proposal has no specific implications for human rights.

7.5 TRADE UNION

Not applicable.

7.6 WARD IMPLICATIONS

None.

7.7 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications.

7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no apparent data protection or information security implications

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

The Committee may:

- (a) Approve the proposed policies and fees schedule.
- (b) Approve the proposed policies and fees schedule with amendments.
- (c) Refuse the approval of the proposed policies and fee schedule.

10. RECOMMENDATIONS

10.1 The Committee is recommended:

- a) To approve the proposed Fit & Proper Person Policies and Fee Schedule set out in the appendices to this report

11. APPENDICES

- 1. Determination Policy
- 2. Fees Policy
- 3. Fee Schedule

12. BACKGROUND DOCUMENTS

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020: A guide to local authorities on setting licensing fees

FIT AND PROPER PERSON DETERMINATION POLICY

Introduction

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, require the manager of a site to be a Fit and Proper Person (“the Regulations”). Local authorities are accordingly required to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless they are eligible for an exemption under the Regulations (non-commercial, family occupied site under Regulation 3).

The Regulations, made on 23 September 2020, allow local authorities to receive applications from site owners, or the person appointed to manage the site, from 1 July 2021 up to and including 30 September 2021.

A local authority must be satisfied that the site owner “*is a fit and proper person to manage the site*” or, if the owner does not manage the site, “*that a person appointed*” to do so by the site owner “*is a fit and proper person to do so*” or has, with the site owner’s consent, “*appointed a person to manage the site.*”

Where a site owner or their manager fails the fit and proper person test, and they are unable to identify and appoint a suitable alternative manager, who must pass the fit and proper person assessment, the local authority can instead appoint a person to manage the site, but only with the consent of the site owner.

Principally, the fit and proper person test applies to a “relevant protected site”. A relevant protected site is a site, which requires a licence and which is not solely for holiday purposes or is otherwise not capable of being used all year round. The fit and proper person requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on the site i.e. park home owners.

The Evidence

When conducting the fit and proper person assessment, City of Bradford MDC (the local authority) must consider the following points relevant to the application:

1. **Is the individual able to conduct effective management of the site.** This includes, but is not limited to, securing compliance with the site licence and the long-term maintenance of the site. It follows that, the local authority must have regard to:
 - (i) whether the person has a sufficient level of competence to manage the site;
 - (ii) the management structure and funding arrangements for the site or

(iii) the proposed management structure and funding arrangements.

(a) Competence to manage the site

This includes reviewing the competency of the appointed individual. The individual must have sufficient experience in site management, or have received sufficient training, and be fully aware of the relevant law as well as health and safety requirements.

(b) The management structure and funding arrangements for the site

City of Bradford MDC will consider whether relevant management structures are in place and whether they are adequate to ensure effective management of the site. Officers will need to ensure that the applicant has a robust management plan, this should also be reviewed to ensure it addresses the following issues: the pitch fee payment, proximity of the manager to the site, manager's contact details for residents (including out of office and emergency contact details), the complaints procedure, maintenance, staffing, and refuse removal. The authority reserves the right to include other relevant matters as deemed appropriate for individual application, this list is therefore not exhaustive.

It is advisable that the site is managed by an applicant based in the UK and a management structure would be unlikely to be suitable if the applicant is an individual, or a company (including its directors), which does not reside or have a permanent UK address. This is because there may be complex issues as a result of this, such as needing the court's permission to serve a claim in a foreign country. The applicant's interest in the land will also have an important impact, as would their financial standing, management structures and competence, all of which could contribute to the overall assessment of their suitability to manage the site effectively.

(c) The proposed management structure and funding arrangements in place for managing the site

City of Bradford MDC must consider whether the applicant has sufficient funds (or has access to sufficient funds) to manage the site and comply with licence obligations. Evidence of these funds should be readily available.

Third party (including an associated company) should be disclosed as this will impact on the local authority's ability to deem whether the application is financially viable.

2. **Personal information relating to the applicant concerned.** This includes a criminal record check and should include evidence that the applicant:

- (a) has not committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- (b) has not 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;
- (c) has not contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
- (d) has not harassed any person in, or in connection with, the carrying on of any business;
- (e) is not or has not been within the past 10 years, personally insolvent;
- (f) is not or has not been within the past 10 years, disqualified from acting as a company director;
- (g) has the right to work in the United Kingdom and,
- (h) is a member of any redress scheme enabling complaints to be dealt with in connection with the management of the site (when this is in place).

City of Bradford MDC has a duty to investigate any conduct which could amount to harassment and any evidence obtained will be reviewed to determine whether it is sufficient to be used to prosecute a site owner. Officers may also rely on convictions by the courts as evidence of harassing behaviour which would reduce the risk of the local authority being successfully challenged on any refusal to approve an applicant on this basis.

City of Bradford MDC may have records of previous harassment complaints made against a site owner or their manager. Even if no action was taken on these complaints, these can still be taken into consideration in the fit and proper person determination. These complaints may identify further potential risks and can also provide an indication of potential underlying problems with the management of the site or the site owner's lack of experience/skills in dealing with customers. Officers may address any underlying issues by attaching conditions to the individual's entry on the register.

3. Upon rejection of a person's application by City of Bradford MDC this will be centrally recorded and include the details of the person involved and the reasons for the rejection.

Items to take into consideration

4. "The applicant" is defined at paragraph 2 of the Regulations as "the person who makes an application under regulation 6".
5. The "relevant person" is also defined at paragraph 2 of the Regulations to mean "the subject of the fit and proper person assessment under Regulation 7".
6. The conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) is also an important factor to be considered in the fit and proper person assessment.

7. Site owners may be required to provide details of any current or former associates of the relevant person in the application form. Those associates will not include other current joint owners as that information would have already needed to have been provided in their own application forms.
8. It is not routinely required to provide information of all current or past associates of the site owner. However, it is advisable that, prior to making any final decisions, officers consider the conduct of past and current associates relevant to that individual's application. The site owner can be asked to provide additional information during the application process.
9. Officers will be required to establish whether an individual is considered to be an associate of the relevant person and then whether their conduct is relevant to the application. A relevant associate could be defined as any individual who may have played a part, directly or indirectly, in a decision or action, which has had an impact on residents' rights, or the quiet enjoyment of their homes.
10. The Regulations are drafted widely giving the opportunity for local authorities to take into consideration other relevant matters. However, officers should be cognisant that poor management practices do not affect a person's conduct, unless they are also a breach of the criminal or civil law. A person cannot be deemed unfit due to conduct, simply because of poor management, although that factor is highly relevant to determining any question of suitability or competence. However, all conduct is relevant in relation to the person's fitness to hold a licence and/or manage the particular mobile home site.
11. Officers are able to decide the specific matters they deem relevant to the fit and proper person application. These matters could be in relation to current or previous issues, or events, that have occurred in relation to the park site or any other park site owned or managed by the site owner or site manager in another local authority area. Additionally, the site owner's conduct regarding other business, outside of the park homes sector, can also have implications on the financial and management arrangements of the site in question. Any matters which are believed to be of relevance to the application should primarily focus on the relevant person's conduct, competence and their suitability to manage the site.
12. It is advisable that evidence is obtained by officers to support any additional matters that they require to be taken into consideration for the application. This is to mitigate any risks should they face being challenged at a tribunal because of their final decision. The evidence could include previous tribunal and court decisions, documents or records from Companies House, or other public bodies or financial institutions. Allegations which have not been investigated or documented may be difficult to use as evidence to support the authority's decision.

Applications

The Regulations use various terms in the application process and these are outlined below:

As mentioned earlier “Relevant person” is defined in paragraph 2 of the Regulations and is “the subject of the fit and proper person assessment under Regulation 7”. Please note that this could be the site owner or person appointed to manage the site by the site owner.

“Relevant officer” is defined in paragraph 1 of Schedule 2 of the Regulations, where the applicant is a company, a relevant officer will be a director or other officer of the company; or, where the applicant is a partnership, a partner; or, where the applicant is a body corporate, a member of the management committee of that body.

“Required Information” is defined in paragraph 14 of Schedule 2 of the Regulations as: the person’s name and business contact details; details of the person’s role or proposed role in relation to the management of the site; where the person has not yet been appointed, the address, telephone number and email address (if any) at which the person may be contacted in respect of the application; details of each relevant protected site (other than that to which the registration application relates) — for which the person holds a licence issued under section 3 of the Caravan Sites and Control of Development Act 1960, or in which the person has a legal estate or equitable interest, or which the person manages.

The application for inclusion in the fit and proper register, must therefore include the following:

The applicant and site details required

13. Details of the site and the applicant:

- (1) The applicant’s name and business contact details.
- (2) Where the applicant is not an individual, the following information in relation to the individual completing the application on behalf of the applicant and each relevant officer:
 - (i) the person’s name;
 - (ii) details of the person’s role (if any) in relation to the management of the site.
- (3) The name and address of the site.
- (4) Evidence of the applicant’s legal estate or equitable interest in the site.
- (5) Confirmation that the applicant is the occupier within the meaning of section 1 of the Caravan Sites and Control of Development Act 1960.
- (6) The name and business contact details of any other person that has a legal estate or equitable interest in the site.

14. The name and address of each other relevant protected sites:

- (1) for which the applicant holds a licence issued under section 3 of the Caravan Sites and Control of Development Act 1960;
- (2) in which the applicant has a legal estate or equitable interest; or
- (3) that the applicant manages.

15. The applicant must clearly specify whether their application is made in respect of either the applicant, or site owner, or the person that the applicant or site owner has appointed to manage the site.

Information relating to the site manager

16. In circumstances where a “site manager” has been appointed to manage a site more information is needed. The person who is applying for the site manager to be registered as a fit and proper person (the relevant person) must provide the following information: the site manager’s name and details of that person’s role (if any) in relation to the management of the site.

If the site manager has appointed or intends to appoint a further individual (“A”), ‘Required Information’ would also be needed from A. And where A is not a relevant officer of the site manager, the relevant officer to whom A is accountable for the day-to-day management of the site, should be the one to provide the Required Information.

Additional information when the applicant is the relevant person and an individual

17. When the applicant is the relevant person, and is an individual, and the applicant has appointed, or intends to appoint, someone else (“B”) to be responsible for the day-to-day management of the site, ‘Required Information’ would be needed from B. If B is not an individual but is, instead, for example, a company, and B has appointed an individual (“C”) to do the day-to-day management, ‘Required Information’ would be needed from C. Where C is not a Relevant officer of a company, the relevant officer to whom C is accountable for the day-to-day management of the site would also need to provide the Required information.

Additional information where applicant is relevant person and not an individual

18. When the applicant is the relevant person but is not an individual and the applicant has appointed or intends to appoint someone else (“B”) to be responsible for the day-to-day management of the site, Required Information would be needed from this person. If B is not a relevant officer of the applicant the person to whom B is accountable for the day-to-day management of the site (“C”) would also need to provide the Required Information. Where B itself is not an individual, the individual (“D”) that B has appointed or intends to appoint to be responsible for the day-to-day management of the site would also need to provide the Required Information. Where D is not a Relevant officer of B, the relevant Officer to whom D is accountable for the day-to-day management of the site would also need to provide the Required Information.

19. It can be seen from the above that the Regulations prohibit the operation of a relevant protected site unless the site owner or its site manager (whatever the management structure might be) has been assessed by the local authority as a fit and proper person to do so. This has been included to ensure that consistent standards are applied to companies and other organisations that are not individuals.

Criminal record certificate/s

20. Criminal Records Certificates must be issued under section 113A (1) of the Police Act 1997 and will be required where: (a) the relevant person is an individual and (b) for each individual in relation to whom the applicant is required to provide information for example, a site manager or individuals A, B, C or D as outlined above.
21. The application will need to be accompanied by a basic DBS certificate.
22. The certificate must have been issued no more than six months before the date of the application. It is incumbent upon the site owner to ensure that any certificates provided meet this requirement.

Declaration

A declaration made and signed by the “appropriate person”, which means:

- (a) where the applicant is a company, a director or other officer of the company;
 - (b) where the applicant is a partnership, one of the partners;
 - (c) where the applicant is a body corporate and the conduct of the management of the body is vested in its members, a member;
 - (d) where the applicant is not a body falling within (a) to (c) above, a member of the management committee;
 - (e) where the applicant is an individual, that individual.
23. Where the applicant is not the relevant person, the declaration must confirm that the applicant has made all reasonable enquires into the matters mentioned in paragraph 9 of the Regulations and considerations relevant to the fit and proper person assessment as set out below.
 24. The declaration should also state that the information provided in the application is correct and complete to the best of the applicant’s knowledge and belief.

Considerations relevant to fit and proper person assessment

25. Proper management of the site includes, but is not limited to, securing compliance with the site licence and the long term maintenance of the site.
26. To be able to secure the proper management of the site, the local authority must (amongst other things) have regard to whether the relevant person has a sufficient level of competence to manage the site and the management structure or proposed management structure and funding arrangements.

Decisions, notification and rights of appeal

27. The local authority must make a decision on the application in a timely and practicable manner and either:

- (a) where the decision is to grant the application unconditionally and include the relevant person on the register for 5 years, serve a final decision notice on the applicant; or
- (b) otherwise, serve a preliminary decision notice on the applicant.

28. On receipt of an application the local authority may:

- (a) grant the application unconditionally;
- (b) grant the application subject to conditions; or
- (c) reject the application.

Granting the application unconditionally

29. Where officers are satisfied that the applicant meets the fit and proper person test unconditionally, they must include the applicant on the register for 5 years. The authority must issue a final decision notice to the applicant to inform them of its decision.

30. The final decision notice must clearly state:

- (a) the date the final decision notice is served;
- (b) the final decision;
- (c) the reasons for the decision;
- (d) when the decision is to take effect;
- (e) information about:
 - (i) the right of appeal to the First Tier Tribunal; and
 - (ii) the period within which an appeal may be made.

To include the applicant on the register subject to certain condition(s)

31. In some circumstances, the local authority can specify that the individual for the fit and proper person test will only be successful if certain conditions are met. If these conditions are satisfied, the local authority can grant an application subject to those condition(s). The local authority can also grant an application for less than 5 years.

32. It may be the case that officers decide to include the person on a register subject to condition(s), if it would only be satisfied that the person would meet the fit and proper requirement if the condition(s) were complied with. An applicant will be able to appeal against the decision to attach (or vary) any condition to an entry on the register. It is therefore imperative that local authorities have clear and justifiable reasons for attaching any condition(s) and that any conditions imposed can be enforced by City of Bradford MDC.

33. Conditions will need to be clearly stated for the applicant's understanding and this will also allow for local authorities to ensure that they are enforceable.

An example of the requirements are included in the Table 1 below.

Table 1

Specific	The specific condition/s a site owner is being requested to address.
Measurable	The conditions required and the outcome(s) expected.

Achievable	The applicant should be reasonably expected to be able to achieve the condition. For example, it may not be reasonable to expect a site owner of one small site to have the same resources to introduce the same procedures as a medium sized company.
Realistic	The applicant should have a clear understanding of how the required outcome can be reached and that there are no circumstances or factors which would make the achievement of the outcome impossible or unlikely.
Timebound	A clear timescale in which the task/action must be completed.

What can a condition relate to?

34. The fit and proper person test is aimed at ensuring that the person managing the site is competent and the conditions should relate directly to the person's ability to secure the proper management of the site.
35. Where a person has contravened legislation, or committed offences set out in paragraph 2 above, it is not recommended that conditions are set in relation to those matters. This is because such a condition would be unlikely to meet the tests set out above in paragraph 33. For example, if a person has committed fraud or violence, that specific incident cannot be reversed by requiring the person to perform a specific task.
36. In cases where the person has committed those listed offences or contravened legislation, these breaches should be considered, together with all the other information available, when reaching the preliminary decision.
37. A condition can also be set with respect to ensuring the relevant person has the ability to secure the proper management of the site. In summary, conditions can relate to any factors which are relevant to the person's competence to manage the site, the management structure, or funding arrangements for the site, an associated person's influence, and any other relevant factors.
38. **Example 1** – The local authority has evidence of a site owner's failure over a certain period of time to address residents' complaints. This is an example of poor management which could be resolved by the site owner implementing an adequate complaints procedure. A condition could be attached requiring the site owner to *"implement an effective and accessible three stage complaints process for residents by xx date and provide the LA with quarterly reports of complaints and outcomes, from that date and for the first year"*.

If the condition is met within the specified time frame, the local authority can record this in the register. If, at a future date, it is found that the site owner failed to implement a complaints procedure, a further opportunity to comply may be given and this could include a new condition of the site owner providing quarterly reports of complaints and outcomes for each year. The site owner could also be expected to complete a relevant "CPD customer service/Dealing with complaints" course by a certain period. However, should the local authority consider the actions as unlikely to achieve the desired outcome, the site owner could be removed from the register.

39. **Example 2** – If, when considering an application, certain documents or information are unavailable to the applicant, because of delays from third parties, the local authority may wish to attach a condition to the entry on the register that the site owner “is to provide the authority by registered post, with the original xx document by xx date”.
40. **Example 3** - An associated person has been visiting the park and, through their action ‘X’, has caused distress to the residents impacting their well-being and security. A condition could be attached to the register requiring the site owner to put measure(s) in place by xxx date preventing the associated person, or any other person, from carrying out action X on the site.

Decisions not to include the applicant on the register

41. Should City of Bradford MDC determine that the applicant does not meet the requirements, and attaching conditions would not be appropriate, the authority can refuse to grant the application.
42. Where the authority makes a decision to include the applicant on the register, subject to conditions, or not to include the applicant on the register, a preliminary decision notice to the applicant must be issued.
43. The preliminary decision notice must clearly state:
- (a) the date the preliminary decision notice is served;
 - (b) the preliminary decision;
 - (c) the reasons for it;
 - (d) the date it is proposed that the final decision will have effect;
 - (e) information about the right to make written representations
 - (f) where the preliminary decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
 - (g) where the preliminary decision is to grant the application subject to conditions, the consequences of failing to comply with any conditions.

Right to make a representation

44. An applicant who receives a preliminary decision notice will have 28 days in which to make representations to the local authority. The 28-day period begins with the day after the day on which the notice was served.
45. The local authority is obliged to consider and take any representations it receives into account before making a final decision.

Final decision notice

46. The local authority must, as soon as reasonably practicable, after the end of the period allowed for making representations, make a final decision and serve the decision notice on the applicant.

47. The final decision notice must set out:
- (a) the date the final decision notice is served;
 - (b) the final decision;
 - (c) the reasons for it;
 - (d) when the decision is to take effect;
 - (e) information about the right of appeal and the period within which an appeal may be made;
 - (f) where the decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
 - (g) where the decision is to grant the application subject to conditions, the consequences of failing to comply with any condition.

Appeals

48. The applicant can decide to appeal the decision by making an application to the First-tier Tribunal (Property Chamber) (“the tribunal”) within specific timeframes set by the tribunal. The applicant is permitted to appeal against any decisions served by the Local Authority. These could include:
- (a) including the relevant person on the register for an effective period of less than 5 years;
 - (b) including the relevant person on the register subject to conditions; and
 - (c) rejecting the application.
49. Where an applicant accepts a local authority’s decision not to include the person originally stated in the application on the register, they will be required to seek alternative management arrangements to comply with the fit and proper person requirement. If they fail to do so they will be committing an offence.
50. An appellant will not be able to claim compensation for losses incurred pending the outcome of an appeal.

Withdrawal or amendment of notice

51. There may be circumstances where the authority may decide not to continue or to withdraw a previously agreed action such as after serving:
- (a) a preliminary decision notice but before service of the final decision notice;
 - (b) a final decision notice but before the decision to which it relates takes effect; or
 - (c) a notice of proposed action but before the proposed action is taken.
52. To withdraw or amend a notice, the local authority must serve notice to the person on whom the original notice was served.
53. There are no requirements for notices to contain specific information, however, it is recommended that a withdrawal or amendment notice should state:

- (a) That it is withdrawing/amending the original notice (a copy of the original notice should be attached for reference);
- (b) the reasons for withdrawing the notice;
- (c) the date it takes effect; and,
- (d) the implications of the decisions in relation to the person's entry on the register.

Removal from the register

54. If, after a person is included in the register, and new evidence relevant to the person's inclusion becomes available, the local authority may decide to:

- (a) remove the person from the register;
- (b) impose a condition on the inclusion of the person in the register (whether or not there are conditions already imposed);
- (c) vary a condition; or
- (d) remove a condition.

55. Officers must use their judgement when determining whether to review an entry and consider any subsequent actions are required. Any such decision should be related to the person being a fit and proper person rather than, for example, site licensing issues which are governed separately. If the local authority decides to take any of the actions listed in paragraph 51 (a) to (c) above, the local authority must serve a notice of any proposed action on the occupier.

56. The notice of proposed action must clearly state:

- (a) the date the notice of proposed action is served;
- (b) the action the local authority proposes to take;
- (c) the reasons for it;
- (d) the date it is proposed that the local authority will take the action;
- (e) information about the right to make written representations;
- (f) where the proposed action requires the removal of a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
- (g) where the proposed action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with said conditions.

57. A notice of proposed action is not required if the local authority decides to remove a condition attached to an entry. A removal of a condition is viewed widely as being a positive step, which is unlikely to be opposed. It is for that reason that a notice of proposed action is not required. As good practice though, it is recommended that local authorities make the site owner or their manager aware of the decision in writing and also ensure the register is updated.

Notice of action taken

58. Where a notice of proposed action is given, the occupier will have 28 days, starting from the day after the notice is served, in which to make representations.

59. The local authority must, as soon as reasonably practicable after the end of the 28-day period, decide whether to carry out the proposed action.

60. Where the local authority decides to take the action, the local authority must serve a further notice on the occupier, indicating the action that has been taken, within the period of 5 working days beginning with the day after the day on which the action was taken.

61. The notice of action must set out—

- (a) the date the notice of action is served;
- (b) the fact that they have taken the action;
- (c) the reasons for doing so;
- (d) the date the action was taken;
- (e) information about the right of appeal and the period within which an appeal may be made;
- (f) where the action is to remove a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of regulations; and
- (g) where the action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with any condition.

Offences

62. There are 3 offences which can occur within the Regulations. They are as follows:

- Operating a site in contravention of the fit and proper person regulations - The site owner will have certain defences under the Regulations in any proceedings brought against them.
- Withholding information or including false or misleading information in the registration application - The site owner will not have any defences under the Regulations in any proceedings brought against them for this offence.
- Failing to comply with a specified condition - The site owner will have certain defences under the Regulations in any proceedings brought against them.

63. City of Bradford MDC is responsible for enforcing the regulations. A site owner found guilty of any of the above offences will be liable on summary conviction to a level 5 (unlimited) fine.

Defences

64. One defence is available to a site owner who has inherited a site and would be found to have a reasonable excuse for failing to make an application within the relevant periods as set out below.

Relevant periods in specific circumstances

65. The below table outlines limited circumstances where a site owner may have a defence.

Row	Circumstance	Relevant period for making an application in the circumstance
1	the occupier held a site licence immediately before the day on which regulation 4 (operating a site without being a fit and proper person) came into force on 1 October 2021.	From 1 st July 2021 before 1 October 2021, the day on which regulation 4 came into force
2	the period of a person's inclusion in the register in relation to the site has come to an end other than as a result of action by the local authority under regulation 8(1)(a) (removal from the fit and proper register after new relevant evidence becomes available).	not less than two months before the end of the period of the person's inclusion in the register
3	at the time that the occupier became entitled to within the period of 3 months possession of the land it was in use as a relevant protected site; and within the period of 28 days beginning with the day after the day on which the person became the occupier of the land the occupier notifies the relevant local authority of its intention to make an application under regulation 6 (application for inclusion in the register)	beginning with the day after the day on which the person became the occupier of the land
4	at the time that the occupier became entitled to possession of the land it was in use as a relevant protected site; and the occupier does not give the notification referred to in row 3 above	within the period of 28 days beginning with the day after the day on which the person became the occupier of the land
5	a person appointed to manage the site no longer does so; and within the period of 28 days beginning with the day after the relevant day the occupier notifies the relevant local authority that the person no longer does so	within the period of 3 months beginning with the day after the relevant day
6	a person appointed to manage the site no longer does so; and the occupier does not give the notification referred to in row 5 above	within the period of 28 days beginning with the day after the relevant day
7	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has removed a person from the register; and within the period of 28 days beginning with the relevant day in relation to the local authority's decision the occupier notifies the relevant local authority of its intention to make a new application under regulation 6 (application for inclusion in the register) in relation to the site	within the period of 3 months beginning with the relevant day
8	the breach of regulation 4(1) arises because the local authority has removed a person from the register; and the occupier does not give the notification referred to in row 7 above	within the period of 28 days beginning with the relevant day
9	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has rejected an in-time application; and within the period of 28 days beginning with the relevant day in relation to the	within the period of 3 months beginning with the relevant day

	rejected application the occupier notifies the relevant local authority of its intention to make a new application under regulation 6	
10	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has rejected an in-time application; and the occupier does not give the notification referred to in row 9 above	within the period of 28 days beginning with the relevant day

The Fit and Proper Persons Register

66. City of Bradford MDC must set up and maintain a register of persons who they are satisfied are fit and proper persons to manage a site in their area. This register must be open to inspection by the public during normal office hours. This register also must be published online.
67. The register will provide a record of the outcome of the fit and proper person tests that the authority has carried out for sites. The register will include the following:
- (a) the name and business contact details of the person;
 - (b) the name and address of the relevant protected site to which the application relates;
 - (c) the status of the person (site owner or manager of the site);
 - (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
 - (e) whether any condition is attached to the person's inclusion in the register; and
 - (f) where any condition is attached to the person's inclusion in the register—
 - (i) the number of any such conditions;
 - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and
 - (iii) the date any condition is varied or satisfied (if applicable).
68. Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person's inclusion is for, up to a maximum of 5 years.
69. In order to comply with the fit and proper person requirement a site owner must at least two months before the period (e.g. 5 years) comes to an end submit a new application for the person (or alternative) to be included in the register.
70. Where there are rejected applications, the following information must be included in the register:
- (a) the name and address of the site to which the application relates;
 - (b) that an application in respect of the site has been rejected; and
 - (c) the date on which the application was rejected.

Details of the rejected application will remain on the register until a successful fit and proper person application is made in respect of the owner or manager of the site.

The name of the rejected applicant will not be included on the register.

71. Where the local authority has, with the site owner's consent, appointed a person to manage the site, the local authority must include the following information:

- (a) the name and business contact details of the person;
- (b) the name and address of the site which the person has been appointed to manage;
- (c) the status of the person;
- (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
- (e) whether any condition is attached to the person's inclusion in the register; and
- (f) where any condition is attached to the person's inclusion in the register—
 - (i) the number of any such conditions;
 - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and
 - (iii) the date any condition is varied or satisfied (if applicable).

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MOBILE HOMES FIT AND PROPER PERSON FEES POLICY

The Mobile Homes (Requirement for Manger of Site to be Fit
and Proper Person) (England) Regulations 2020

Summary

This document sets out the City of Bradford Metropolitan District Council's fees policy for fit and proper person applications and registration in recognition of its role and functions as the relevant local authority in this regard.

In preparing this document, consideration has been given to the relevant legislation and the non-statutory guidance for local authorities produced by Ministry of Housing, Communities and Local Government regarding the fit and proper person test and setting fees for the fit and proper person test.

Introduction

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") prohibit the use of land as a residential mobile home site unless the local authority is satisfied that the occupier and anyone appointed to manage the site is a fit and proper person to do so.

Under this legislation, all site owners must submit an application for a relevant person to be assessed as a fit and proper person by the local authority.

The Regulations permit the local authority to charge fees to cover its costs of assessing applications to be included on the fit and proper register and for an annual fee to cover the costs of monitoring the scheme or condition's attached to the register entries. All fees must be set in accordance with the local authority's published fee policy and be transparent and reasonable. In circumstances where the local authority appoints a person to manage the site, then the local authority is able to recover the costs incurred in making this appointment from the site owner.

The Council does not currently charge application or inspection fees for the licensing of mobile homes sites. However, it is entitled to do so, and these fees could be reviewed as part of a mobile homes licensing policy which may be developed in the future. As the fit and proper person regulations give new responsibilities to the local authority, it is considered appropriate to charge fees for this function.

This policy sets out the arrangements the local authority will normally apply and consider in setting the fees for carrying out its responsibilities for the mobile homes fit and proper person test. This document will be used to inform and direct the local authority's decision making in respect of fee setting.

This document is not intended to be a full and/or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The relevant statutory provisions together with any subordinate legislation will take precedence.

A mobile homes fit and proper person determination policy has also been developed, which will set out the arrangements the local authority will normally apply and consider in carrying out its responsibilities for the mobile homes fit and proper person test. The determination policy will be used to inform and direct the local authority's decision making, particularly when making decisions on relevant applications and enforcement action.

Fees for Fit and Proper Persons Applications and Registrations

Initial application fee

The local authority operates a fixed initial application fee which must be paid when the application is submitted. The application will not be considered until the fee has been paid.

To calculate the application fee, the local authority has determined the average time to process an application and has applied the hourly rates based on the officer posts that will be involved in the process.

The local authority 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) Correspondence with site owner, relevant persons or any third party in connection with the fit and proper person process;
- (c) updating files/ computer systems and websites;
- (d) processing the application fee;
- (e) checks, searches and reports to determine applications;
- (f) reviewing documents and certificates;
- (g) preparing decision notices;
- (h) determination and review by manager and legal advisors;
- (i) updating the public register; and
- (j) reviews of decisions and/or defending appeals.

Annual fee for an existing entry on the register:

There will be no annual fee for simple inclusion on the register. In the event that specific conditions are added to a fit and proper person determination, then the local authority will charge an annual fee due to the additional work relating to these matters.

The following matters will be included when calculating the annual fee:

- (a) correspondence with site owner, relevant persons or any third party in connection with the requirements of the condition(s);
- (b) updating files/computer systems and website if appropriate;

- (c) processing the annual fee;
- (d) reviewing documents and certificates; and
- (e) any other action required to ensure compliance with specific conditions.

Where applicable, the annual fee is to be paid on the anniversary of inclusion on the register each year.

Appointed manager fee

Where the local authority is provided with the site owner's consent to appoint an individual to manage a site, the costs associated with this will be calculated based on the actual costs and officer time of identifying and administering the appointment of a suitable individual, on a case by case basis. These and any ongoing related costs will be payable by the site owner.

Revising Fees

The local authority will normally revise its fees annually and implement new fees to take effect from 1 April each year. The revised fees will be published online. Any change will be calculated in accordance with the fees policy and based on actual data of average processing time/costs. The purpose of publishing the fees policy is to show that the fees imposed by the local authority are reasonable and transparent, so that anyone required to pay a fee can understand the charges.

Amending conditions attached to an entry on a register

The local authority may alter the conditions attached to an entry on a register (by adding new conditions or changing or deleting existing ones), following a review. Where the number of conditions is amended, the annual fee will be amended in accordance with the published fees from the date that it is next due. Annual fees already paid will not be partially or fully reimbursed, or additional fees charged.

Payment of fees

The local authority 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.

If the local authority decides not to approve an application the applicant is not entitled to a refund of the fee paid.

The annual fee, where applicable will be set as a condition to any entry being added to the register. The condition will state the amount and date by which the

annual fee payment is due, also stating that failure to make such payment will be a breach of the condition and may lead to legal proceedings being issued. No fee will be payable for the inclusion of the conditions relating to annual fees.

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The Mobile Homes (Requirement for Managers of Site to be Fit and Proper Person) (England) Regulations 2020

Council Officer Role	Per Hour
Licensing Officer (including employer contributions)	£14.45
Senior Licensing Officer (including employer contributions)	£21.75
Licensing Enforcement Officer (including employer contributions)	£18.13
Committee Services Officer (internal charge rate)	£24.20
Emergency Planning & Licensing Manager	£33.83
Litigation Officer (internal charge rate)	£75.00
Senior Solicitor (internal charge rate)	£90.00
Councillors SRA	
Paper & Photocopying costs	
Postage	
Mileage per mile (casual mileage allowance)	£ 0.45
Standard letter	£0.95
Large letter 0-100g	£1.45
Large letter 100-250g	£2.05
Phone calls	£0.60

1. New Application – Assistance to Applicants

Initial advice via face to face via email, post or telephone call, including supplying advice about how to provide a DBS check. Assistance may be given by a number of officers on differing levels

30 minutes	£10.87
Application form, including postage if required	£1.45
Telephone calls 10 minutes	£0.06
	£12.38

2. Checking & processing application documentation

Check application and supporting documentation, arrange for any amendments and return where necessary, create/amend record and generate acknowledgement

1 hour	£21.75
Stationery printing and postage	£1.45
Total	£23.20

3. Review Application

Review application and associated documents.

2 hours	£43.50
Telephone	£0.12
Total	£43.62

4. Conduct Fit & Proper Person assessment

2 hours	£43.50
Total	£43.50

5. Preparing and issuing acceptance/refusal documentation and conditions including time for meetings/discussion/advice.

2 hours	£43.50
Total	£43.50

6. Manager review and authorisation.

30 minutes	£16.91
Total	£16.91

7. Update register

15 minutes	£5.43
Total	£5.43

8. Review and maintain register

15 minutes	£5.43
Total	£5.43

Totals for calculation of Application fee

1) New Application – Assistance to Applicants	£12.38
2) Checking & processing application documentation	£23.20
3) Review Application	£43.62
4) Conduct Fit & Proper Person assessment	£43.50
5) Preparing & issuing	£43.50
6) Manager review & authorisation	£16.91
7) Update register	£5.43
8) Review & maintain register	£5.43
Total	£193.97

Costs 1 to 8 - £193.97

This is the calculation for the application fee for inclusion on the 'Fit and Proper Person Register' and the related administration costs. The fee includes inclusion in the register which will be displayed on Bradford Councils Licensing page for public access.

Annual Fee – monitoring of conditions

Per specific condition

1 hour	£18.13
Stationery, printing & Postage	£1.45
Telephone	£0.12
Total	£19.70

Fee Type

Application for entry on the Fit & Proper Person Register	£193.97
Annual fee for existing entry on the Fit & Proper Person register	
Standard condition	No fee
Per specific condition added	£19.70

Local Authority appointed site manager – Recovery from the site owner of reasonable costs incurred in making the appointment.

Assumed that no cases will result in Appeal to First-tier Tribunal.

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