



Cambridge City Caravan Site

Licensing & Fees Policy

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1.0 Introduction

Under the Caravan Sites and Control of Development Act 1960 (CSCDA 1960) Cambridge City Council, (CCC), issue site licences for caravan park homes that have relevant planning permission.

Part 1 of the CSCDA 1960 introduced a licensing system, to be operated by Local Authorities to regulate the establishment and operation of caravan sites.

Section 29 of this Act defines what constitutes a caravan and caravan site.

This legislation has been amended by the Mobile Homes Act 2013, (MHA 2013) which aims to raise standards in the industry and provide for more effective enforcement when site licence holders fail to comply with their licence obligations.

Housing has changed since the 1960s and many sites now accommodate Mobile Homes. The CSCDA 1960 is still applicable for licensing these sites but the amendment of the CSCDA 1960 with the introduction of the MHA 2013 will bring the legislation up to date with current housing needs.

The changes relating to site licensing came into force on 1 April 2014. Licences issued under the CSCDA 1960 still remain in force, but the new enforcement powers apply, and local authorities are able to charge fees for functions relating to “relevant protected sites”.

Relevant Protected Sites

A “relevant protected site” is defined in the Act as any land to be used as a caravan site other than one where the application for a licence is:

- For holiday use only, or
- Subject to restrictions or conditions which limit the times of the year when the site may be used for stationing caravans for human habitation (e.g., planning conditions).

Site licence exemptions

The first schedule of the CSCDA 1960 sets out cases where a site licence is not required, including:

- Sites where use is incidental to a dwelling-house and within the same curtilage.
- Sites for stationing of a caravan for not more than 2 nights (as long as any caravans had not been present on the site for more than 28 days during the previous 12 months).
- Sites where caravans are stationed on land not less than five acres, for not more than 28 days and no more than three caravans are stationed at any one time.
- Sites occupied and supervised by organisations holding a certificate of exemption.
- Sites where caravans are solely for seasonal agricultural/forestry workers employed on land owned by the site owner.

- Sites where caravans are solely for workers employed in building or engineering operations on that or adjacent land.
- Sites used by travelling showmen who are members of a relevant organisation.
- Sites owned / occupied by the licensing authority.
- Individual permanent residential mobile homes.
- Touring sites.
- Holiday sites.

The Council cannot licence a caravan site unless planning permission has been granted. Therefore, in relation to any new site licence applications received the planning authority will be consulted to confirm that the site has planning permission for the relevant use.

CCC will decide to either licence the site or refuse a licence within 8 weeks of receipt of a duly made application. Where a licence is refused, the applicant will be advised of the reasons for refusal and their right of appeal.

CCC consider it appropriate to make single pitch sites exempt from annual licence fees (but not other fees) as their inspection and fee collection arrangements would not be cost effective nor would it add value. Sites which do not fall within the definition of “relevant protected sites” are still subject to the licensing requirements contained within the CSCDA 1960, but the provisions relating to payment of fees do not apply.

This Policy sets out how CCC will carry out its statutory responsibilities for caravan site licensing, inspection, enforcement, and fee setting. Provision is made for:

- Clarification of the expectations regarding the standards to be met by owners of caravan sites within the District.
- A register of all residential sites including site licence conditions and site rules that are deposited with CCC.
- Fit & Proper Person determination criteria.
- A Fit and Proper Person Register.
- Determination and annual review of site licensing fees and enforcement charges.

Alongside its Policy the Council will:

- Provide advice and assistance to site owners / managers & occupiers of mobile homes and caravans to ensure they can live in safe and healthy homes.
- Ensure that any enforcement action taken by CCC is effective and proportionate.

2.0 Licensing conditions, inspections and enforcement

The Councils responsibility for the licensing of caravan sites includes the application and enforcement of appropriate conditions. The specific purposes for which conditions can be applied are set out in Section 5 of the CSCDA 1960. Site licence conditions may be determined with reference to national Model Standards. 'Model Standards 2008 for Caravan Sites in England **Caravan Sites and Control of Development Act 1960 – Section 5**' form **Appendix 1** of this policy. CCC has the power to update site licence conditions in line with Model Standards as modified from time to time by the Government. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 for touring sites, 1989 for holiday sites and 2008 for residential sites. A link to the model standards for residential sites is available on the Councils website.

CCC carries out scheduled annual inspections of all licensed sites following which site owners are advised of any actions required to ensure compliance with the site licence conditions.

The main focus of enforcement activity will be informal advice and education, including the provision of necessary information to ensure compliance with all necessary related legislative requirements and licensing conditions. Formal enforcement action will be taken under the relevant legislation only when informal action has failed to secure an acceptable improvement in standards or compliance with licence conditions. Any use of enforcement powers will be in accordance with Cambridge City Council Corporate Enforcement Policy.

Section 9A of the CSCDA1960 (as amended by the MHA2013) allows local authorities to serve compliance notices on site owners where a site licence condition is breached. These notices will set out what the site owner needs to do to correct the breaches within prescribed timescales. Service of a notice will attract a charge based on the Councils chargeout rates at that time. Failure to comply with a notice would be a criminal offence and the Local Authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court. Following a successful prosecution for breaching a compliance notice, CCC would be able to serve notice to enter the site and carry out the necessary works themselves (known as "works in default").

The cost of deciding whether to take action, preparing and serving the various enforcement notices and the actual work itself can be recovered by Local Authorities through recharging for works in default. Unpaid expenses can be placed as a charge against the site owner's land. The administration charge that is added to the cost of works when recovering expenses relating to works in default includes the cost of the work plus officer time once a notice has been breached.

In addition, Section 9E allows a notice to be served on site owners enabling the Local Authority to enter the site and take emergency action where there is an imminent risk of serious harm.

Enforcement charges will be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred (e.g. legal costs). Site owners may not pass on enforcement charges to residents in their pitch fees.

3.0 Site Rules

Site rules are different to site licence conditions in that they are neither created nor enforced by local authorities. They are a set of rules created by the site owner for residents to comply with. They may reflect the site licence conditions but will also cover matters unrelated to licensing.

The MHA2013 makes amendments to the Mobile Homes Act 1983 in relation to site rules. Regulations made under the MHA2013 require existing site rules to be replaced with new site rules which must be deposited with the Local Authority within a specified timescale. A Local Authority need to satisfy itself that replacement or new site rules deposited with them have been made in accordance with the procedures prescribed by statute.

CCC are required to establish, keep up-to-date and publish a register of site rules including the variation or deletion of site rules where necessary, this can be found on the Councils website.

4.0 Fit and Proper Person Assessment Criteria

A relevant protected site cannot operate unless the Local Authority is satisfied that the manager qualifies as a Fit and Proper Person. Sections 12A -12E of the CSCDA 1960, as implemented by Section 8 of the MHAct 2013.

A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) (“the Regulations”) must apply to their Local Authority for the relevant person (themselves or their appointed manager and anyone involved in the day-to-day management of the site) to be added to the register of Fit and Proper Persons managing sites in their area (“the register”).

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.

A person’s inclusion on the register will be for such period as the Local Authority may decide, but that period must not exceed 5 years.

The Evidence

When conducting the fit and proper person assessment, the local authority will 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

The local authority will consider whether relevant management structures are in place and whether they are adequate to ensure effective management of the site. The local authority will want to ensure that the applicant has a robust management plan, this will 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.

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 in the UK or have a permanent UK address. This is because there may be complex issues as a result of this. Should this happen, legal advice will be obtained. 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

The local authority will 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.

Another consideration is if funding is through a third party (including an associated company), the local authority should be wary if this is not 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 would include 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).

3. Records of harassment relating to the applicant concerned. Local authorities have a duty to investigate any conduct which could amount to harassment and any evidence obtained should be reviewed to determine whether it is sufficient to be used to prosecute a site owner. Local authorities 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.

A local authority may have records of previous harassment complaints made against a site owner or their manager. Even if no action was taken on these complaints the local authority will take these 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. The local authority may also wish to address any underlying issues by attaching conditions to the individual's entry on the register. Upon rejection of a person's application by any other local authority this will be centrally recorded and include the details of the person involved and the reasons for the rejection.

4. Other items that will be taken into consideration

- a) "The applicant" is defined at paragraph 2 of the Regulations as "the person who makes an application under regulation 6".
- b) 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".
- c) 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.
- d) 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.
- e) It is not routinely required to provide information of all current or past associates of the site owner. However, prior to making any final decisions, the local authority will 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.**
- f) Local authorities 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.
- g) The Regulations are drafted widely giving the opportunity for local authorities to take into consideration other relevant matters.
- h) Local authorities 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 the local authority believe to be of relevance to the application will primarily focus on the relevant person's conduct, competence, and their suitability to manage the site.

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 (even though the Regulations incorrectly state that this information is contained in paragraph 13) 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:

a) 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.

b) 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.

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.

c) Information relating to the site manager

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. 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.

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

When the applicant is the relevant person, 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.

e) Additional information where applicant is relevant person and not an individual

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.

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.

f) Criminal record certificate/s

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.

The Criminal record may be either basic or enhanced, at the discretion of the local authority. Initially Cambridge City Council is accepting **basic criminal record checks** with the application. Where further information is deemed necessary, it is at the Council's discretion to carry out an enhanced Criminal Record check or to request this.

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.

g) 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.

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.

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.

Assessment

Considerations relevant to fit and proper person assessment

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.

To be able to secure the proper management of the site, the local authority will (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 as mentioned earlier in the Policy.

Decisions, notification and rights of appeal

The local authority will 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.

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

Where the local authority is 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.

The final decision notice will 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 conditions

In some circumstances, the local authority will 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.

It may be the case that a local authority decides 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. The local authority will have clear and justifiable reasons for attaching any condition(s) and any conditions imposed can be enforced by the local authority.

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 Table 1 below.

Table 1: Requirements of conditions

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.

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.

Where a person has contravened legislation, or committed offences, 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. 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.

In cases where the person has committed those listed offences or contravened legislation, these breaches will be considered, together with all the other information available, when reaching a preliminary decision.

An example of a condition could relate to the payment of an annual fee. A condition can also be set with respect to ensuring the relevant person can 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.

The payment of the annual fee for relevant sites will be a condition placed on all approvals by the local authority.

Decisions not to include the applicant on the register (Refusal)

Should the local authority determine that the applicant does not meet the requirements, and attaching conditions would not be appropriate, a local authority can refuse to grant the application.

Preliminary Decision Notice

Where a local authority decides 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.

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

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.

The local authority is obliged to consider and take any representations it receives into account before making a final decision.

Final decision notice

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.

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

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.

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.

An appellant will not be able to claim compensation for losses incurred pending the outcome of an appeal.

Withdrawal or amendment of notice

There may be circumstances where a local 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.

To withdraw or amend a notice, the local authority must serve notice to the person on whom the original notice was served.

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

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.

Local authorities must use their judgement when determining whether to review an entry and consider any subsequent actions are required. It is recommended that 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 the paragraph above, the local authority must serve a notice of any proposed action on the occupier.

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.

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, the local authority will make the site owner or their manager aware of the decision in writing and also ensure the register is updated.

Notice of action taken

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.

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.

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.

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

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

- a) 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.

- b) 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.

- c) Failing to comply with a specified condition - The site owner will have certain defences under the Regulations in any proceedings brought against them.

Local authorities are 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

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.

Table 2 below outlines limited circumstances where a site owner may have a defence:

Table 2 - Relevant periods in specific circumstances

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 rejected application the occupier notifies the relevant local authority of its intention to make a new application under regulation 6	within the period of 3 months beginning with the relevant day
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

The local authority 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 and will be made available on the Council's website.

The register will provide a record of the outcome of the fit and proper person tests the local authority have carried out for sites. The register must 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).

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.

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.

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.

It must be noted that the name of the rejected applicant will not be included on the register. The local authority will be able to consider requests for further information about the entry on the register, for example, the details of the specific conditions attached and any additional information, on a case-by-case basis and in accordance with data protection legislation.

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).

The regulations permit the Local Authority to determine the fee for an application or registration for someone to be added to the register. Site owners will be required to submit a completed application and pay the fee outlined within **Appendix 2**. It is imperative that the fee is included with the application and failing to include this may mean that the site owner

is in breach of the requirements of the regulations. CCC 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.

The person on whom the Local Authority serves a final decision notice may appeal to the First Tier Property Chamber against any decision to:

- Include the relevant person on the register for an effective period of less than 5 years
- Include the relevant person on the register subject to conditions
- Reject the application

If the site owner decides to appeal the decision, they must make an application to this First Tier Tribunal in line with timeframes set by the tribunal at the time.

5.0 Fees for licence, annual inspection and fit & proper person register applications

Before a Local Authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee, the Local Authority:

- Must act in accordance with its fees policy.
- May fix different fees in different cases.
- May determine that no fee is required in some cases.

Any fees charged must fairly cover the costs (or part of the costs) incurred by the Local Authority in performing its functions under Part 1 of the MHA 2013 (excluding the costs of enforcement action or any functions relating to prohibiting caravans on commons or provision of sites by the Local Authority itself). In setting its fees policy and the fees to be charged, CCC has had regard to Department for Communities and Local Government guidance "Mobile Homes Act 2013: a Guide for Local Authorities on Setting Licensing Fees".

Under the MHA2013, the Council can charge for:

- The issuing of the first site licence.
- Generic fees for all sites for the issuing of the licence.
- Annual renewal: monitoring and administration of existing site licences.
- The depositing of site rules.
- The transfer of a licence.
- The alteration of a licence (initiated by the site owner).
- The inclusion of a relevant person to the Fit and Proper Person register.

The fees detailed within this policy have been calculated based on the estimated average time and costs involved in undertaking the following activities: all administrative costs incurred in the licensing process, officer visits to sites, travel costs, consultations, meetings, monitoring of sites/investigation of complaints and the giving of informal advice.

Section 10A (5) of the CSCDA 1960 (as amended by the MHA 2013) states that a fee policy must include provision about the time at which the annual fee is payable. For the purposes of this policy, the period covered by the annual fee will be 1 April to 31 March and will be invoiced on 1 April each year or as soon as practicable after.

The purpose of publishing the fee policy is to show that the fees imposed by the Local Authority are fair and transparent so that anyone required to pay a fee can understand the charges.

Fit & Proper Person Register Application fee

CCC has provided a breakdown of tasks associated with the Fit and Proper Person assessment and/or checks to be included on the Fit and Proper Person register within Appendix 2.

The Local Authority has considered the following matters on which costs are incurred, or likely to be incurred, when determining its fees for consideration of applications for entry on a Fit and Proper Person register:

- Initial enquiries
- Communications required to make appointments and request any documents or other information from the site owner or from any third party in connection with the Fit and Proper Person process
- Sending out forms/processing application forms
- Updating files, computer systems and the website
- Processing the application fee
- Land Registry searches
- Time for reviewing necessary documents and certificates
- Preparing preliminary and final decision notices
- Reviewing any representations made by applicants or responses from third parties
- Carrying out any risk assessment process considered necessary
- Updating the public register
- Reviews of decisions or in defending appeals

The charges are limited to recovering the costs of exercising the Fit and Proper Person test function only and do not include other costs that have already been charged for by other service areas.

New site licensing fee and annual site inspection fee

All sites must pay a new site licensing fee which must accompany their application for a caravan site licence from the Council.

All sites must subsequently pay an annual site inspection fee to CCC (subject to exemptions). This fee covers the costs associated with administration, annual inspection and a revisit to ensure compliance where required. The annual fee is a fixed cost based on a hypothetical case of moderate complexity in terms of potential for grant / transfer of a licence and associated probable variation in the cost of processing a licence renewal according to the size of the site. The cost of an amendment to site licence conditions is included within this annual fee as is the cost for transfer of a licence.

Single unit sites where the operator is also the owner and occupier of the park home will be exempt from annual fees.

Appendix 2 details the full breakdown of the costs associated with each caravan site fee. PLEASE NOTE - The fees set for 2022 / 23 are displayed within the tables however these will be reviewed annually via the fees & charges budget process taking into account any changes to the Council's chargeout rates.

Any revisions by CCC of this fee policy will be published on the Council's website. Any changes will be justifiable and reasonable, ensuring full transparency for the site owners.

Appendix 2 – Calculation of Fees, (tables displaying 2022/23 fees & charges)

Methodology

The calculation relating to the setting of fees involves cost matrixes as displayed below that break down the amount of time taken at various stages of the process. The calculations were carried out with reference to 'The Mobile Homes Act 2013 - A Guide for Local Authorities' on setting site licence fees.

The fee structure was devised to be fair, transparent and an accurate reflection of reasonable costs for the Council to administer the process. A summary of the calculated costs are as follows:

New site licence fee

Officer	Actions	Time (hours)	Hourly rate (£)	Cost (£)
	New Licence Application			
STO	letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process	0.5	64	32
STO	sending out forms	0.1	64	6.4
STO	<i>An inspection of the site, at planning stage or on immediate planning approval, to discuss requirements with site owner;</i>	0.5	64	32
STO	<i>preparing reports on contraventions</i>	0.5	64	32
STO	<i>downloading photographs</i>	0.1	64	6.4
STO	<i>A second visit, following the issue of a new licence, to check conditions and occupation of site.</i>	0.5	64	32
STO	<i>carrying out risk assessment of site and management</i>	0.5	64	32
STO	pre- application advice	0.2	64	12.8
STO	updating hard files/ computer systems;	0.2	64	12.8
STO	processing the licensing fee	0.2	64	12.8
STO	land registry searches;	0.1	64	6.4
STO	time for reviewing necessary documents and certificates	0.5	64	32
STO	preparing draft and final licences	0.5	64	32
STO	updating public register	0.1	64	6.4
STO	reviews of decisions by manager and/or legal department	0.5	64	32
		Total costs =		320

