

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

### APPLICATION FOR INCLUSION ON THE FIT AND PROPER PERSON REGISTER

<b>A</b>		<b>DETAILS OF INDIVIDUAL APPLICANTS</b>	
First Name(s):			
Surname:		Title:	
Correspondence Address:			
Postcode:			
Telephone (work):		Telephone (mobile):	
E-mail address:			

<b>B</b>		<b>COMPANY OR OTHER APPLICANT DETAILS</b>	
Name of person completing the form:			
Position in company:			
Type of business (e.g. Limited Company, Partnership, etc.):			
Company Name:			
Correspondence Address:			
Postcode:			
Telephone (office)		Telephone (mobile):	
E-mail address:			
Name of each relevant officer		Role in management of the site	
Please use an additional page if necessary			

<b>C</b>	<b>DETAILS OF THE CARAVAN SITE TO WHICH THE APPLICATION REFERS</b>
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Site Name:

Site Address:

Site Postcode:

<b>D</b>	<b>DETAILS OF THE APPLICANT'S ESTATE OR EQUITABLE INTEREST IN THE SITE</b>
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Please provide proof of estate or equitable interest (a copy of the land registry entry should be enclosed):

<b>E</b>	<b>NAME AND BUSINESS CONTACT DETAILS OF ANY OTHER PERSON(S) WITH A LEGAL ESTATE OR EQUITABLE INTEREST IN THE SITE</b>
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<b>F</b>	<b>DETAILS OF ANY OTHER SITE LICENCES HELD AND/OR MANAGED BY THE APPLICANT (Please use an additional page if necessary)</b>
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Site Name	Licensing Authority Name	Licence Number

<b>G</b>	<b>DETAILS OF ANY OTHER SITES WHERE YOU HAVE AN INTEREST (Please use an additional page if necessary)</b>
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Site Name	Licensing Authority Name	Licence Number

H	CONFIRMATION THE APPLICANT IS THE OCCUPIER OF THE SITE	YES/NO
<p>Is the applicant the occupier of the site, as defined in Section 1 of the Caravan Sites and Control and Development Act, 1960 (as amended)? ie is the applicant is the licence holder?</p> <p>‘Occupier’ means, in relation to any land, the person who, by virtue of an estate or interest therein held by him, is entitled to possession thereof or would be so entitled but for the rights of any other person under any licence granted in respect of the land.</p> <p>Provided that where land amounting to not more than four hundred square yards in area is let under a tenancy entered into with a view to the use of the land as a caravan site, the expression ‘occupier’ means in relation to that land the person who would be entitled to possession of the land but for the rights of any person under that tenancy.</p>		

I	TO WHOM DOES THIS APPLICATION FOR INCLUSION ON THE REGISTER RELATE?	
The Applicant (continue to section K)		
An appointed manager (complete section J)	<input type="checkbox"/>	

J	APPOINTED MANAGER DETAILS	
First Name(s):		
Surname:		Title:
Correspondence Address:		
Postcode:		
Telephone (office)		Telephone (mobile):
E-mail address:		
Role in managing site:		

<b>K</b>	<b>EVIDENCE OF ABILITY TO SECURE THE PROPER MANAGEMENT OF THE SITE (The following information must be included with this application )</b>
1	Details of the applicant(s) or proposed manager's experience and competency in managing caravan sites.
2	Details of the management structure and funding arrangements for the site or proposed management structure and funding arrangements for the site.

<b>L</b>	<b>ADDITIONAL INFORMATION IN RELATION TO THE APPLICANT (AS AN INDIVIDUAL) OR SITE MANAGER.</b>	<b>YES/NO</b>
1	Have you committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)?	
2	Have you 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?	
3	Have you contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business?	
4	Have you harassed any person in, or in connection with, the carrying on of any business?	
5	Are you, or have you been within the past 10 years, personally insolvent?	
6	Are you, or have you been within the past 10 years, disqualified from acting as a company director?	
7	Have you the right to work in the United Kingdom?	
8	Are you a member of any redress scheme for dealing with complaints in connection with the management of the site? <b>(If yes, please provide details on a separate page.)</b>	
9	Have you had an application to be included in a fit and proper person register rejected by another Local Authority? <b>(If yes, details of the reasons for rejection must be provided.)</b>	
10	Do you have applications to be included in a fit and proper person register awaiting a result from another Local Authority? <b>(If yes please provide details on a separate page.)</b>	

M	ADDITIONAL INFORMATION IN RELATION TO THE RESPONSIBLE PERSON (THE PERSON TO WHOM THE SITE MANAGER REPORTS)	YES/NO
1	Have you committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)?	
2	Have you 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?	
3	Have you contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business?	
4	Have you harassed any person in, or in connection with, the carrying on of any business?	
5	Are you, or have you been within the past 10 years, personally insolvent?	
6	Are you, or have you been within the past 10 years, disqualified from acting as a company director?	
7	Have you the right to work in the United Kingdom?	
8	Are you a member of any redress scheme for dealing with complaints in connection with the management of the site? <b>(If yes, please provide details on a separate page.)</b>	
9	Have you had an application to be included in a fit and proper person register rejected by another Local Authority? <b>(If yes, details of the reasons for rejection must be provided.)</b>	
10	Do you have applications to be included in a fit and proper person register awaiting a result from another Local Authority? <b>(If yes, please provide details on a separate page.)</b>	

N	CRIMINAL RECORD CERTIFICATE
	<p>This must be included with the application and be a criminal record certificate issued under section 113A(1) of the Police Act 1997(<u>1</u>) no more than six months before the date of the application in respect of:</p> <p>(a) where the relevant person is an individual, the relevant person; and</p> <p>(b) each individual in relation to whom the applicant is required to provide information under paragraph 10(2) or (5), 11 or 12 of The Mobile Homes (Requirement for Managers of Site to be Fit and Proper Person) (England) Regulations 2020.</p> <p>See the following web page <a href="https://www.gov.uk/request-copy-criminal-record">https://www.gov.uk/request-copy-criminal-record</a></p>

<b>O</b>	<b>DECLARATIONS (This section must be completed by the applicant.)</b>
<p>I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material.</p> <p>If this application is made by the applicant who is not the relevant person, I have made all reasonable enquiries into the matters mentioned in paragraph 9 and Schedule 3 of the regulations relating to the relevant person and the information provided in the application is correct and complete to the best of the applicant's knowledge and belief.</p>	
<b>Full Name (please print):</b>	
<b>Signature:</b>	
<b>Capacity:</b>	
<b>Date:</b>	
<b>Additional signatory or witness in relation to a company (S44 Companies Act 2006)</b>	
<b>Full Name (please print):</b>	
<b>Signature:</b>	
<b>Capacity:</b>	
<b>Date:</b>	

We will make a decision on the application as soon as reasonably practicable after an application is made under Regulation 6. An application must include a fully completed application form, supporting information and payment of the relevant fee.

**PRIVACY NOTICE**  
 We will store and may further process the information you provide. Applicant details will be displayed on our public register online. Our lawful basis for doing this enables us to carry out our public duty to administer animal welfare licensing legislation. Our privacy policy relating to our storage and sharing of information is published on our web site.

<b>FEES AND CHARGES</b>	
<b>Please note that this is non-refundable</b>	
Application Fee	£225.00

**Payment methods**

**Telephone:**

To pay on the phone with a credit or debit card call :- 03004560100 quote miscellaneous fee for fit and proper person application fee code:- 72010072100 L521

Payment Reference:

\_\_\_\_\_

Date paid: \_\_\_\_\_

**In person:**

You can pay by card in person at any Council office please keep a copy of your receipt.

Number

Date paid: \_\_\_\_\_

Time paid: \_\_\_\_\_

**By post:** you can post your application form along with a cheque payable to **Wiltshire Council** to Private sector Housing, Wiltshire Council, Bourne Hill, Salisbury, Wiltshire SP1 3UZ.

**Please return your completed form with any relevant supporting documents to:**

Private Sector Housing, Wiltshire Council, Bourne Hill, Salisbury, Wiltshire SP1 3UZ or E-mail them to [housingrenewal@wiltshire.gov.uk](mailto:housingrenewal@wiltshire.gov.uk)

**For Office Use:**

## Guidance notes for applicants

### Definitions

1. "The applicant" is defined at paragraph 2 of the Regulations as "the person who makes an application under regulation 6".
2. 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".

### The application form

3. Please consider the application form carefully and answer all questions. The Application form must be completed and will contain information that is outlined in the Regulations. In summary, you must provide the following to the Local Authority:
  - a) Details of site and applicant;
  - b) Information relating to the site manager;
  - c) Additional information where another person who is an individual is involved in the day-to-day management;
  - d) Additional information where another person, who is not an individual, is involved in the day-to-day management of the site.
4. Where the site owner is an individual, the application must be completed by that individual.
5. If the site owner is a company or corporate body, the application must be completed by the 'appropriate person'. The appropriate person:
  - a) Where the applicant is a company, is a director or other officer of the company; or,
  - b) Where the applicant is a partnership, a partner; or,
  - c) Where the applicant is a body corporate, a member of the management committee.
6. The site owner must provide the following information about the responsible person's conduct. That is, whether the responsible person:
  - a) has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
  - b) has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
  - c) has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;

- d) has harassed any person in, or in connection with, the carrying on of any business;
  - e) is, or has been within the past 10 years, personally insolvent;
  - f) is, or has been within the past 10 years, disqualified from acting as a company director; and
  - g) has the right to work in the United Kingdom.
7. A criminal record check (basic) must be submitted for the individual being assessed as the fit and proper person and, where applicable, other individuals responsible for the day-to-day management of the site. If a company, the individual responsible for day-to-day management of the site must also submit a criminal record check.
8. The criminal record check must have been issued no more than six months before the date of the Fit and Proper Person application.

#### Application – Other Considerations:

9. There are other considerations that the Local Authority may take into account as outlined in the Regulations, such as:
- a) Ability to secure proper management of the site (e.g. site licence compliance and long term maintenance of the site).
  - b) Sufficient competence to manage site.
  - c) Management structure and funding arrangements.
  - d) Proposed management structure and funding arrangements.
  - e) Any offences (as outlined above) committed by responsible or relevant person outlined in paragraphs 3 & 4 of Schedule 3 of the Regulations.
10. The above will ensure that a balanced decision is made, tailored to a particular area or site. The Local Authority is to ensure that consistent standards are applied to companies and other organisations who are not individuals.
11. The applicant is to provide further detailed information about responsible persons who have responsibilities for the day-to-day management of the site.

#### Declaration

12. It is important that you are aware that the declaration on the form is to make the site owner accountable for providing the correct information. It will ensure that where the site owner asks for information from the relevant person, a responsible person, or anyone else involved in the management of the site, to enable them to complete the application form, they do all they reasonably and legally can to ensure they receive and provide the correct information.
13. Please note that if it is later found that some or all of the information included in the form is false or misleading, the site owner could be prosecuted for a breach of the Regulations.

## The Register

14. The Local Authority must set up and maintain a register of persons who they are satisfied are fit and proper person/s 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.

## Local Authority decisions

15. Decisions and notifications by the Local Authority are expected to be made as soon as reasonably practicable. The Local Authority can decide to either:
  - a) Grant the application unconditionally and include the person's name on the register for 5 years;
  - b) If they anticipate another decision – serve a preliminary notice on the applicant.
  - c) If a preliminary notice is served, this must include reasons for their decision and about the right to make representations about the preliminary notice.
16. The site owner has 28 days in which to make written representations if they do not agree with the preliminary notice.
17. The Local Authority must take into account any representations before making its final decision and issuing the final decision notice. This must be done as soon as reasonably practicable after the conclusion of the 28 day period.
18. A final notice must include reasons for the decision and about the right of appeal against the decision.

## Review during inclusion

19. During inclusion on the register, the Local Authority will be able to review a person's inclusion if relevant new information comes to light.
20. Such review may result in removal from the register, addition, variation, or removal of a condition attached to a person's inclusion.
21. Following a review, of which the possibilities are outlined in paragraph 21 above, the Local Authority must issue a notice to the site owner setting out specified information about any action it intends to take.
22. The site owner will have 28 days in which to make representations which the Local Authority must consider before making a final decision on any action taken.

23. Having made a decision and taken the proposed action, the Local Authority must service a notice of action with 5 working days of the date of the action, setting out the details of the action that it has taken and include detail as to the right to appeal.

#### Amending preliminary decisions:

24. A Local Authority can withdraw or amend a preliminary decision before service of the final decision notice, or a final decision notice itself, before the decision to which it relates takes effect, or a notice of proposed action before the proposed action is taken, by serving a notice on the site owner.

#### Right to appeal:

25. A site owner has the right to appeal to the First-tier Tribunal (Property Chamber) against any decision to:

- a) Include a person on the register for less than 5 years.
- b) Attach or vary conditions to an entry on the register.
- c) Reject an application for an entry or remove a person from a register.

#### Completion of register

26. Having assessed the application– the Local Authority may decide to add the person to its fit and proper person register. Addition to the register may be with or without conditions.

27. If the person fails the fit and proper person test, the application and record of that decision is added to the register.

#### Application fee :

28. The Local Authority will be able to charge an application fee a to recover the costs they have incurred, or which will be incurred in appointing a person to manage a site with the site owner's consent.

#### Offences:

29. 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 proceedings 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 proceedings against them for this offence. (c) Failing to comply with a

specified condition - The site owner will have certain defences under the Regulations in proceedings against them.

30. 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.
  
31. Please bear in mind, in the worse case scenario, the Local Authority can make an application to the Tribunal to revoke the site owner's site licence under paragraph 13 of the Regulations. [To date, the Ministry of Justice has not produce the relevant forms to be used in connection with the Regulations in the Tribunal.]