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

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| **Notes on completion:** |
| * For sole traders/individuals complete section **A**. For partnerships, companies, etc. complete section **B**. All applicants must complete sections **C** to **P** unless instructed otherwise.
* Please refer to the additional notes on how to complete this form at the end.
* When providing additional information to support your application, please reference the relevant section of the application (e.g. D)
* If you are unsure on how to complete any section of the form, please email Licensing@reading.gov.uk with the enquiry and a contact telephone number and we will contact you as soon as possible.
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| **A** | **DETAILS OF INDIVIDUAL APPLICANT (if a partnership or company etc complete B below)** |
| First Name(s): |
| Surname: | Title: |
| Correspondence Address:Postcode: |
| Telephone (work): | Telephone (mobile): |
| E-mail address:  |

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| **B** | **COMPANY OR OTHER APPLICANT DETAILS** |
| 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 (e.g. partner, company director, member of body corporate, management committee member).Use a separate sheet if necessary | Role in management of the site (if any) |
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| **C** | **DETAILS OF THE CARAVAN SITE TO WHICH THE APPLICATION REFERS** |
| Site Name: |
| Site Address:Site Postcode: |

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| **D** | **DETAILS OF THE APPLICANT’S LEGAL ESTATE OR EQUITABLE INTEREST IN THE SITE**  |
| Please provide evidence of legal estate or equitable interest (e.g. land registry title document). |

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| **E** | **NAME AND BUSINESS CONTACT DETAILS OF ANY OTHER PERSON(S) WITH A LEGAL ESTATE OR EQUITABLE INTEREST IN THE SITE** |
| Note: in addition to site owner or leaseholder, an equitable interest could also mean a beneficiary of a trust – with the benefit of the land, whether or not they are recorded as the legal owner. |

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| **F** | **DETAILS OF ANY OTHER RESIDENTIAL (RELEVANT PROTECTED) SITE LICENCES HELD AND/OR MANAGED BY THE APPLICANT (Please use an additional page if necessary)** |
| **Site Name** | **Licensing Authority Name** | **Licence Number** |
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|  **G** | **DETAILS OF ANY OTHER SITES WHERE YOU HAVE A LEGAL ESTATE OR EQUITABLE INTEREST OR OTHERWISE MANAGED BY YOU (Please use an additional page if necessary)** |
| **Site Name** | **Licensing Authority Name** | **Licence Number** |
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| **H** | **CONFIRMATION THE APPLICANT IS THE OCCUPIER OF THE SITE** |
| 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)?In broad terms, occupier of the site means a person with a right of possession of the land. **See Note 1, at the foot of this application form for the legal definition.** | YES/NO |

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| **I** | **TO WHOM DOES THIS APPLICATION FOR INCLUSION ON THE REGISTER RELATE?** |
| The Applicant (continue to section K), or |  |
| An appointed manager (complete section J & K). |  |

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| **J** | **APPOINTED MANAGER’S DETAILS** |
| Name (person 1):  |
| Name (person 2): |
| Business Address: Postcode: |
| Telephone (office): | Telephone (mobile): |  |
| E-mail address:  |  |
| Role in managing site: |  |

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| **K** | **EVIDENCE OF ABILITY TO SECURE THE PROPER MANAGEMENT OF THE SITE (The following information must be included with this application.)** |
| 1 | Please provide on a separate sheet details of the applicant(s) or proposed manager’s experience and competency in managing caravan sitesNote: The individual must have sufficient experience in site management, and/or have received sufficient training. |
| 2 | Please provide on a separate sheet details of the management structure and funding arrangements for the site or proposed management structure and funding arrangements for the siteNote: Please provide as much information as possible. The local authority needs to be satisfied that the relevant person has suitable management arrangements in place for the administration of pitch fees, general management and maintenance of the site as well as the authority and ability to independently take timely decisions and actions in carrying out their responsibilities. The applicant should ensure that they provide information evidencing that they have access to sufficient funds so as to allow the responsible person to manage the site and comply with the obligations under the site licence. |
| 3 | Please provide any other supporting information relating to the management arrangementsNote: this may include a site management plan etc. |

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| **L** | **ADDITIONAL INFORMATION IN RELATION TO THE APPLICANT (AS AN INDIVIDUAL) OR SITE MANAGER.** |
| 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)? | YES/NO |
| 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? | YES/NO |
| 3 | Have you contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business? | YES/NO |
| 4 | Have you harassed any person in, or in connection with, the carrying on of any business? | YES/NO |
| 5 | Are you, or have you been within the past 10 years, personally insolvent? | YES/NO |
| 6 | Are you, or have you been within the past 10 years, disqualified from acting as a company director? | YES/NO |
| 7 | Have you the right to work in the United Kingdom? | YES/NO |
| 8 | Are you a member of any redress scheme for dealing with complaints in connection with the management of the site? **(If yes, please provide details on a separate page.)** | YES/NO |
| 9 | Have you had an application to be included in a fit and proper person register rejected by another Local Authority? (**If yes, details of the reasons for rejection must be provided.)** | YES/NO |
| 10 | Do you have applications to be included in a fit and proper person register awaiting a result from another Local Authority? **(If yes please provide details on a separate page.)** | YES/NO |
| 11 | Do you have a legal estate or equitable interest, or manage any other relevant protected sites? **(If yes please provide details on a separate page.)** | YES/NO |

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| **M** | **DETAILS OF THE RESPONSIBLE PERSON (THE PERSON APPOINTED TO BE RESPONSIBLE FOR THE DAY TO DAY MANAGEMENT OF THE SITE BY THE APPLICANT OR SITE MANAGER)**  |
| Name:  |
| Correspondence Address: Postcode: |
| Telephone (office): | Telephone (mobile): |  |
| E-mail address:  |  |
| Role in managing site: |  |

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| **N** | **ADDITIONAL INFORMATION IN RELATION TO THE RESPONSIBLE PERSON** |
| 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)? | YES/NO |
| 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? | YES/NO |
| 3 | Have you contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business? | YES/NO |
| 4 | Have you harassed any person in, or in connection with, the carrying on of any business? | YES/NO |
| 5 | Are you, or have you been within the past 10 years, personally insolvent? | YES/NO |
| 6 | Are you, or have you been within the past 10 years, disqualified from acting as a company director? | YES/NO |
| 7 | Have you the right to work in the United Kingdom? | YES/NO |
| 8 | Are you a member of any redress scheme for dealing with complaints in connection with the management of the site? **(If yes, please provide details on a separate page.)** | YES/NO |
| 9 | Have you had an application to be included in a fit and proper person register rejected by another Local Authority? (**If yes, details of the reasons for rejection must be provided.)** | YES/NO |
| 10 | Do you have applications to be included in a fit and proper person register awaiting a result from another Local Authority? **(If yes, please provide details on a separate page.)** | YES/NO |
| 11 | Do you have a legal estate or equitable interest, or manage any other relevant protected sites? **(If yes please provide details on a separate page.)** | YES/NO |

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| **O** | **CRIMINAL RECORD CERTIFICATE** |
| **For your application to be valid you must provide a criminal record certificate** (basic DBS) issued under section 113A(1) of the Police Act 1997, dated no more than six months before the date of the application in respect of:(a) where the relevant person is an individual, the relevant person; and(b) each individual in relation to whom the applicant is required to provide information on: * The person appointed for the day to day management of the site;
* If, in the case of a company, this person is not a relevant officer of the applicant, also provide details of the manager he/she reports to.

Please follow this link to request a basic DBS <https://www.gov.uk/request-copy-criminal-record>**(IMPORTANT – see Note 2 at the foot of this application for more details on who will need to provide a criminal record certificate and completed section N, as defined in paragraphs 10(2), 10(5), 11 or 12 of Schedule 2 of the Regulations.** |

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| **P** | **DECLARATIONS (This section must be completed by the applicant.)** |
| 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.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. |
| **Full Name (please print):** |
| **Signature:**  |
| **Capacity:**  |
| **Date:**  |

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

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| **PRIVACY & DATA PROTECTION**Information about the personal information we will collect and how we will handle it can be found at <https://www.reading.gov.uk/council/data-protection/> |

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| **FEES AND CHARGES** |
| Application Fee | The fee for each application is **£167.00**.  |

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| **PAYMENT METHODS** |
| Cheque in the postYou can post your application form and a cheque (made payable to ‘Reading Borough Council’) to: The Licensing Department, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU  |
| Submitting online and paying via BACS:You may e-mail your application to licensing@reading.gov.uk and pay via BACS using the following details:**Account Name**: RBC Main Account**Sort Code**: 30-91-31**Account Number**: 00271502To ensure that your payment is allocated to your application, please quote the name of your caravan site as the payment reference and send the remittance advice to licensing@reading.gov.uk **PLEASE ALSO ATTACH A COPY OF THE APPLICATION TO THIS E-MAIL.** |

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| **NOTE 1** |
| ‘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 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. |
| **NOTE 2** |
| 1. **If the site owner is an individual and will manage the site themselves then they are the subject of the assessment**. They have to provide:
* A criminal records certificate; and
* The information in section L.
1. **If the site owner has appointed or is to appoint an individual to manage the site (site manager) and who will be subject to the assessment** the site owner must provide for the site manager:
* A criminal records certificate; and
* The information in section L
1. **If the site owner has appointed or is to appoint a company to manage the site (site manager), and the site manager will be subject to the assessment,** the site owner must provide:
* for each relevant officer of the site manager;
1. their name and
2. details of their role (if any) in relation to the management of the site.
* for the individual that the company has appointed or intends to appoint to be responsible for the day-to-day management of the site:
* A criminal records certificate and
* The information in sections M & N
1. If the individual above is not a relevant officer of the company, then the site owner must also provide the information in sections M & N and a criminal records certificate for the relevant officer to whom the individual will be accountable for the day-to-day management of the site.
2. **If the site owner is an individual and will be site manager, but has also appointed or intends to appoint someone else to be responsible for the day to day management of the site** they must provide:
* the information in section L for themselves; and

 * the additional information in sections M & N for the person they have appointed or intend to appoint to be responsible for the day-to-day management of the site.
* A criminal records certificate for themselves and the person appointed or to be appointed to be responsible for the day to day management of the site.
1. **Where the site owner is not an individual and will be subject to the assessment,** they must provide:
* for each relevant officer of the site owner;
	+ - 1. their name and
			2. details of their role (if any) in relation to the management of the site.
* the information in sections M & N and a criminal records certificate for the person that the site owner has appointed or intends to appoint to be responsible for the day-to-day management of the site.
* where the person appointed to manage the site is not a relevant officer of the site owner, the information in sections M & N and a criminal records certificate must be provided for the relevant officer to whom the person managing the site will be accountable for the day-to-day management of the site.
* where the person responsible for the day-to-day management of the site (“B”) is not an individual, the information in sections M & N and a criminal records certificate must be provided for the individual (“C”) that B has appointed or intends to appoint to be responsible for the day-to-day management of the site.
* where C is not a relevant officer of the organisation (“B”), the information in sections M & N and a criminal records certificate must be provided for the relevant officer to whom C will be accountable to for the day-to-day management of the site.
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| **NOTE 3** |
| The application form:1. 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. 1. Where the site owner is an individual, the application must be completed by that individual.
2. 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: 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 where the conduct of the management of the body is vested in its membersd) Body not falling within the above: a member of the management committee. 1. 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; * + 1. d) has harassed any person in, or in connection with, the carrying on of any business;
		2. e) is, or has been within the past 10 years, personally insolvent;
		3. f) is, or has been within the past 10 years, disqualified from acting as a company director; and
		4. g) has the right to work in the United Kingdom.
1. 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.
2. 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:1. 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. 1. 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.
2. The applicant is to provide further detailed information about responsible persons who have responsibilities for the day-to-day management of the site.

Declaration:1. 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.
2. 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:1. 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:1. 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 yearsb) 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. 1. The site owner has 28 days in which to make written representations if they do not agree with the preliminary notice.
2. 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.
3. A final notice must include reasons for the decision and about the right of appeal against the decision.

Review During Inclusion:1. During inclusion on the register, the Local Authority will be able to review a person’s inclusion if relevant new information comes to light.
2. Such review may result in removal from the register, addition, variation, or removal of a condition attached to a person’s inclusion.
3. Following a review, of which the possibilities are outlined in paragraph 18 above, the Local Authority must issue a notice to the site owner setting out specified information about any action it intends to take.
4. 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.
5. 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:1. 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:1. 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:1. 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.
2. If the person fails the fit and proper person test, the application and record of that decision is added to the register.

Application Fee:1. 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:1. 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.1. 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.
2. Please bear in mind, in the worst-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 produced the relevant forms to be used in connection with the Regulations in the Tribunal).
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