

**Agenda Item No:** 8  
**Report To:** Cabinet  
**Date of Meeting:** 24 June 2021



**Report Title:** The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 – Implementing fee policy and charge

**Report Author & Job Title:** Julian Watts  
Senior EHO

**Portfolio Holder** Cllr. Bill Barrett  
**Portfolio Holder for:** Housing

**Summary:** This report seeks approval to implement a fit and proper person test for site owners or appointed managers to improve park home site management standards and to implement a fee policy

**Key Decision:** NO

**Significantly Affected Wards:** Bidden, Charing  
Biddenden, High Halden, Charing, Weald South

**Recommendations:** **The Cabinet is recommended to:-**

- I. Recommend the approval to implement a fit and proper person test for relevant protected sites.
- II. Formally approve the fee to recover the costs in the application process of undertaking a fit and proper person test.
- III. Formally approve the amendment to the existing fee policy to incorporate the proposed fee
- IV. To provide approval for the Head of Service to adjust fees set out in existing fee policy

**Policy Overview:** Implementing the fit and proper person test is a legal requirement for local authorities, for which it will provide a greater degree of protection for our existing park homes residents. The test will ensure that parks are managed by persons of good character.

<b>Financial Implications:</b>	<p>The Council is permitted to charge a fee for implementing a fit and proper person test and retain the revenue.</p> <p>The fee will only apply to commercial sites of which we have a small number in our borough. Therefore, potential income for the Council will be low.</p>
<b>Legal Implications:</b>	<p>From 1<sup>st</sup> July owners/ managers will be required under Section 8 of the Mobile Homes Act 2013 to apply for a fit and proper person test to ensure they are suitable and of good character to manage a park home site.</p> <p>Failing to establish a fit and proper person to manage a site can lead to revoking the licence and/or prosecution. Private Sector Housing where necessary will prepare cases for any appeals or prosecutions.</p>
<b>Data Protection Impact Assessment:</b>	<p>The proposed application form for the fit and proper person test will be subject to the general data protection regulations. The information retained within the form will be personal information which may need to be shared with other agencies. <b>See Appendix 1</b></p>
<b>Risk Assessment (Risk Appetite Statement):</b>	N/A
<b>Sustainability Implications:</b>	N/A
<b>Other Material Implications:</b>	None
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	<p>The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020</p> <p>Government Guidance</p>
<b>Contact:</b>	Julian.watts@ashford.gov.uk – Tel: (01233 330339)

## Introduction and Background

1. The purpose of this report is to inform Members of upcoming changes to existing Mobile Homes legislation, which local authorities are required to implement.
2. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 was implemented in June 2020 to improve park home site management standards. Those living in park homes are mostly elderly and vulnerable and need protection. The Regulations introduced a fit and proper person test for owners and managers of relevant protected sites in England, in the form of an assessment. This will require local authorities to be satisfied that the owner or the person appointed to manage a site is assessed as a fit and proper person to do so.
3. A requirement for a fit and proper person was first introduced in the Mobile Homes Act 2013 (Section 8), but was not implemented until June 2020 following a consultation process.
4. The new regulations are to be brought into force in two stages. Stage one gives local authorities in England until 1 July 2021 to prepare to receive applications from site owners, establish their processes for making and issuing decisions and establish a fit and proper test for their local area. Stage two will allow three months from the end of stage one for site owners/licence holders to submit completed applications to the local authority. The deadline is 1<sup>st</sup> October 2021.
5. The Regulations only apply to commercial sites deemed to be relevant protected sites and non – commercial family occupied sites are exempt. It will become a statutory function for councils.
6. If the council does not have a fee policy in place by 1 July it will not be able to charge existing site owners for the cost of undertaking an application for a fit & proper person test.
7. Ashford Borough Council currently has five commercial sites in our borough which the Regulations will apply. These are: Woodlands, Shirkoak, Yew Tree, Longbeech Six Bells and Capel Gardens
8. When the fit and proper person requirement is implemented, it will be an offence for a site licence holder to cause or permit land to be operated as a park home site unless they:
  - a) are a fit and proper person to manage the site; or
  - b) appoint a fit and proper person to manage the site; or

- c) have agreed with the local authority to the appointment of a suitable person to manage the site.
9. The proposed regulations will set out the prescribed criteria for which the council must consider when determining a person's fitness to manage a site.
  10. An assessment will be required to be undertaken by the council to establish if the owner or the appointed manager is a fit and proper person. This will entail an application form to be filled, in accordance with the Regulations, of which the council is allowed to recover its costs.
  11. The council will be required to establish and keep an up to date register of fit and proper persons' managing our park homes in the borough. A person can be on the register for up to five years. The register will be open to inspection by members of the public and be available online.
  12. If the owner (named person on the licence) of a park chooses not to manage the park they can appoint a person to manage on their behalf. A person's fitness must be in relation to the management of the mobile home site to which the application relates. Each application must be considered on its own merits. If refused the council must be able to defend its decision.
  13. Where a site licence holder or manager fails the test the licence holder should be given the opportunity to identify and appoint a suitable alternative manager. If the site owner is unable to do this the council could appoint someone, but will need the owner's consent. Failing to establish a fit and proper person to manage a site can lead to revoking the licence and/or prosecution.

## **Proposal**

14. Currently the council has no say on who manages a park home site, the introduction of the Section 8 will ensure that those appointed to manage in the future are fit and proper to do so. Failing to do so could lead to the licence holder losing their licence and prosecuted, leading to unlimited fines.
15. The Government has given local authorities until 1<sup>st</sup> July 2021 to prepare for implementing the Regulations, before receiving the first applications. This is to allow councils time to notify site owners of the new regulations, amend existing policies, draft fit and proper person application forms and setting up the register in accordance with the Regulations – Schedule 1 & 2. Private Sector Housing intends to write to site owners in May to notify them of the changes and the need to apply for a fit proper person test.
16. To meet the fit and proper person requirements a site licence holder will need to make an application to the council for inclusion on to our public register of fit and proper persons. The council would apply the test to the applicant in order to satisfy itself that the person is fit and proper and meets the requirements. The application forms will be sent out in early June.

17. The proposed fit and proper person application form has been drafted in accordance with Schedule 2 of the Fit and Proper Person Regulations 2020. **See Appendix 4**
18. The council's existing Fees Policy for park homes will be amended to reflect the new fee. The fees set will need to be transparent and reasonable.
19. It is at the council's discretion whether they charge for all or any aspect of the fit and proper person test. The council can charge for dealing with an application, including updating the public register. An annual fee can also be charged for the cost in monitoring the scheme or attaching conditions
20. It is proposed that the council only charge for dealing with the application and updating the public register and not charge an annual fee. Charging an annual fee for only six sites would not be cost effective and worthwhile as the fee would be too low. It is envisaged that monitoring the scheme would not take up a lot of officer's time. However, at the end of the first year a review can be undertaken to decide whether the council should charge an annual fee. The fee for 2021 is to be set at **£160**. See Fee Policy **Appendix 3** for calculations.
21. The fee has been calculated in accordance with the guidance. See appendix one for proposed application fee. Each year the fee will be assessed to determine if accurate as the council cannot make a profit. Where there is a deficit this will be reflected in next year's fee. As this will be the first year of charging it will be difficult to determine the exact fee.
22. It is proposed that the maximum period of inclusion on the public register should be five years from the date of the entry on the register. All licence holders will have to re-apply for the test before the relevant period of inclusion ends.
23. Any future increases in fees to be agreed and approved by Head of Housing

## **Equalities Impact Assessment**

24. Members are referred to the attached Assessment – **Appendix 2**. No key issues arising from implementing the fit and proper person test.

## **Consultation Planned or Undertaken**

25. Implementing the Regulations including the application form and the amendments to existing mobile homes fee policy have been reviewed by legal services.
26. The proposed application form has been checked to ensure it complies with the council's data protection requirements
27. Introducing the fit and proper person test and the fee for undertaking the relevant checks has been discussed and agreed by the Portfolio Holder and Head of Housing before submitting to Directors for approval.

## **Other Options Considered**

28. Local authorities which have commercial residential park homes in their boroughs are required to ensure from July 2021, that the person appointed to manage is a fit and proper person. This will become a statutory function and therefore no other options were considered.

## **Reasons for Supporting Option Recommended**

29. The council is required to implement the fit and proper person test to ensure residents are protected. This will assist in targeting the worst offenders in the park home sector and will apply to existing site licence owners, including new site licence applications (commercial sites) and transferring of site licences.
30. Implementing the regulations will ensure that our relevant protected sites that are operating as a commercial business are not managed by unscrupulous individuals leading to better protection to the residents and tenants

## **Next Steps in Process**

31. Approving the fee for undertaking the fit and proper person checks and once approved amended the existing fee policy.
32. Notify and make aware all site licence holders of our commercial sites the requirement to apply for a fit and proper person test and the fee

## **Conclusion**

33. The Regulations are long overdue and will help target and remove the worst offenders currently managing park homes. However, those who are not deemed to be fit and proper, can put forward someone else to manage on their behalf. But overall these changes will generally bring about improvements and better protection to residents who are in the majority elderly.

## **Portfolio Holder's Views**

34. Implementing the fit and proper person test will lead to improvements in park home site management standards, which will provide better protection for our residents living in park homes within Ashford's borough. Therefore, I fully support the recommendations set out in this report.

## **Contact and Email**

35. Julian Watts Senior EHO
36. Julian.watts@ashford.gov.uk

## Appendix 1



### DATA PROTECTION IMPACT ASSESSMENT

Project Name:	Approved by: Tom Swain
Author: Julian Watts	Date: 19 <sup>th</sup> May 2021

Data protection impact assessments (DPIAs) are tools which can help Ashford Borough Council (ABC) identify the most effective way to comply with its data protection obligations and meet individuals' expectations of privacy. An effective DPIA will allow ABC to identify and fix problems at an early stage, reducing the associated costs and damage to reputation which might otherwise occur. DPIAs are an integral part of taking a privacy by design approach, and are a legal requirement under the General Data Protection Regulation (GDPR) whenever a 'process is likely to result in a high risk to the rights and freedoms of natural persons'.

#### Overview

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 was implemented in June 2020 to improve park home site management standards. The Regulations introduced a fit and proper person test for owners and managers of relevant protected sites in England, in the form of an assessment. This will require local authorities to be satisfied that the owner or the person appointed to manage a site is assessed as a fit and proper person to do so.

This process will require the processing of additional personal data.

#### Data Protection Impact Assessment Screening

These questions are intended to help ABC decide whether a DPIA is required to be conducted. If the answer is yes to any of the questions a DPIA will be required.

Will the project involve the collection of new data about individuals?	Yes
Will the project compel individuals to provide data about themselves?	Yes
Will data about individuals be disclosed to other organisations not previously privy to the data?	Yes
Will data about the individuals be used for purposes it is not currently used for?	No
Does the project involve new technology that might be perceived as being privacy intrusive?	No
Will the project result in making decisions or taking action against individuals in ways which could have a significant impact on them?	Potentially
Is the data about individuals of a kind particularly	

likely to raise concerns e.g. health records, criminal records which may be considered private?	Yes
Will the project require contact to individuals in ways they may find intrusive?	No – application form to be used

### Data Protection Impact Assessment

<p><b>Data Protection Impact Assessment Need</b></p>	<p>The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 was implemented in June 2020 to improve park home site management standards. The Regulations introduced a fit and proper person test for owners and managers of relevant protected sites in England, in the form of an assessment. This will require local authorities to be satisfied that the owner or the person appointed to manage a site is assessed as a fit and proper person to do so.</p> <p>An assessment will be required to be undertaken by the council to establish if the owner or the appointed manager is a fit and proper person. This will entail an application form to be filled, in accordance with the Regulations.</p> <p>The council will be required to establish and keep an up to date register of fit and proper persons' managing park homes in the borough. The register will be open to inspection by members of the public and be available online.</p> <p>Part of the process will require the applicant to provide a criminal record certificate and declare any convictions. For privacy reasons the name of any rejected applicant will not be included on the public register.</p> <p>The register will contain only basic information and no person's convictions will be made available.</p> <p>A successful applicant will placed on the register for five years.</p>
<p><b>Information flows</b></p>	<p>Information to determine whether a site owner or manager is a fit and proper person to manage a park home will be collected as part of an application process.</p> <p>The application form sets out a number of questions in</p>



	<p>accordance with the regulations and government guidance.</p> <p>Those within Private Sector Housing will only have access to the information.</p> <p>The application form will be sent by post and not available online. Therefore, returned applications are likely to be received by our post room and forwarded to PSH. Alternatively they could be scanned and returned attached to an email to the PSH secure email box.</p> <p>The information contained within the application forms may need to be shared with other local authorities, police and our own departments within the council, such as the council tax and fraud team.</p> <p>The council is required to provide a public register of fit and proper persons. The application form will not be a public document and rejected applicants will not be included on the register.</p> <p>All information collected by PSH to be kept in secure files, which only they would only have access to. Also, information will be kept on M3 (operating system), which is accessible only to those who have access to it.</p> <p>Only the minimum information is retained within the application form in accordance with the government guidance and legislation</p> <p>The information retained will only be kept for six years.</p>
<p><b>Consultation outcome</b></p>	<p>PSH already deals with sensitive information as part of disabled facility grants and HMO applications. Checks and measures have been in place for a number of years to ensure information is kept safe and destroyed when there is no further need to retain it.</p> <p>The draft application form and the wording for the GDPR statement has been discussed and agreed with the Data Protection Team.</p>

## Identify Privacy and Related Risks

Risk	Solutions	Result	Evaluation
<p>Are we collecting only the minimum amount of information in order to conduct our intended task. (data minimisation)</p>	<p>Information required follows government guidance and the legislation.</p>	<p>Information required is the minimum to carry out our functions and to comply with the law.</p>	<p>Risk mitigated</p>
<p>How do we ensure transparency in our data processing, we have the data protection section in the form is this sufficient or do we want an additional privacy notice added to our webpages? (there are many service and task specific privacy notices on our webpages  <a href="https://www.ashford.gov.uk/transparency/information-rights/privacy/">https://www.ashford.gov.uk/transparency/information-rights/privacy/</a> Data Protection team happy to aid with drafting something similar)</p>	<p>Whenever the application form goes online an additional privacy notice to be discussed and agreed.</p>	<p>Something to be considered going forward.</p>	<p>Data Protection team to aid with drafting if required</p>
<p>Once collected, how are we going to ensure the data is held securely, will access be limited to</p>	<p>Data will be stored securely within PSH secure files and only officers within PSH will</p>	<p>Existing secure processes greatly reduces access</p>	<p>Risk mitigated</p>

Risk	Solutions	Result	Evaluation
those only needing visibility of it.	<p>have access to it.</p> <p>Data will only be retained for six years</p> <p>The data will only be updated if new information comes to our attention. It will be our discretion to review an entry and decide any subsequent action. It will not be down to an individual to notify the council if their circumstances changes.</p>	to others outside of PSH	
How will we ensure the data remains up-to-date, will we recollect every defined period or rely on the individual notifying us if things change?	<p>The data will only be updated if new information comes to our attention. It will be our discretion to review an entry and decide any subsequent action. It will not be down to an individual to notify the council if their circumstances changes.</p>	Risk eliminated	Risk mitigated
Who will we share any collected data with and under what provision, have we notified the individual that this will happen.	Collected information could be shared with other departments within the council and across other local authorities across	Councils are aware that they may have to share information	Appropriate notification to be displayed within

Risk	Solutions	Result	Evaluation
	<p>England, including the Police. Some park owners may have other parks in England and therefore certain information may be required for other councils to decide if they are suitable to manage a park.</p>	<p>with others.</p> <p>We already request certain information from the police to carry out our enforcement functions.</p> <p>The legislation is likely to apply to a handful of sites so sharing of information is likely to be small.</p>	<p>Privacy Notice</p>

## Appendix 2

### Equality Impact Assessment

<b>Lead officer:</b>	Julian Watts Senior EHO Private Sector Housing
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>Policy, project, service, contract</li> <li>Review, change, new, stop</li> </ul>	Members to approve revised park home fee policy to allow the council to recover its cost in monitoring park homes and set fees.
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	1 June 2021
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>Aims and objectives</li> <li>Key actions</li> <li>Expected outcomes</li> <li>Who will be affected and how?</li> <li>How many people will be affected?</li> </ul>	<p>The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 was implemented in June 2020 to improve park home site management standards.</p> <p>It will be an offence for site owners to operate a park home without appointing a person to manage who is a fit and proper person to do so.</p> <p>The regulations will mainly apply to our large commercial park homes, but also apply to any relevant protected site which is operating as a business.</p> <p>The council will be able to charge fees to cover their costs in the application process for determining a fit and proper person test.</p> <p>All fees must be published and a register kept of fit and proper persons.</p> <p>Introducing the new Regulations will generally bring about improvements and better protection to residents of park homes, who are in the majority elderly and vulnerable.</p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>Outline the information and research that has informed the decision.</li> <li>Include sources and key findings.</li> </ul>	<ul style="list-style-type: none"> <li>Local authorities caravan site sub licensing forum</li> <li>The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020</li> <li>Ministry of Housing Communities and Local Government – draft guidance on fit and proper person test and setting of site fees.</li> </ul>
<b>Consultation:</b>	

<ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>The wording of the Policy and Fee has been discussed and agreed with by Housing Managers, Portfolio Holder ( Cllr Barrett ) and Legal Services ( Samantha Clarke)</p>
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**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision High/Medium/Low/None</b>	<b>Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral</b>
<u>AGE</u> Elderly	Medium	Positive ( Minor)
Middle age	Low	Positive ( Minor)
Young adult	Low	Positive ( Minor)
Children	Medium	Positive ( Minor)
<u>DISABILITY</u> Physical	Medium	Positive ( Minor)
Mental	Low	Neutral
Sensory	Low	Neutral
<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral

<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral

<b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.	
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<b>Is the decision relevant to the aims of the equality duty?</b> Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a> , alongside fuller <a href="#">PSED Technical Guidance</a> .	
<b>Aim</b>	<b>Yes / No / N/A</b>
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

<b>Conclusion:</b>	
<ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see guidance above).</li> <li>Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> </ul>	<p>Implementing the Policy will not discriminate against any disadvantage or vulnerable people.</p> <p>The Policy will allow the council to set a fee for undertaking fit and proper person tests as part of the application process.</p>

<ul style="list-style-type: none"><li>• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li></ul>	
<b>EIA completion date:</b>	1 June 2021



## Appendix 3



**ASHFORD**  
**BOROUGH COUNCIL**

## **Ashford Borough Council's Fee Policy for Relevant Protected Sites 2021**

# Ashford Borough Council Site Licence Fee Policy 2021

## Introduction

Under the requirements of the Caravan and Control of Development Act 1960, we are required by law to licence caravan and mobile homes sites within our district, unless they fall into the category of exempted sites (as covered by the First Schedule of the Act).

In addition to the above, the introduction of The Mobile Homes Act 2013 (The Act) now provides greater protection to occupiers of residential park homes and caravans. It introduces important changes to the Caravan Sites and Control of Development Act 1960. The changes directly affect the way the Council licenses permanent residential sites (known as relevant protected sites).

For legal purposes, sites are separated into 3 main types: - Touring, Static Holiday and Static Residential. Following the introduction of the Mobile Homes Act 2013, we can now charge fees to licence Static Residential sites also known as Park Homes and Relevant Protected Sites.

From the 1<sup>st</sup> April 2014 local authorities have been able to charge fees for relevant protected sites on the following basis:

1. Considering applications for the issue or transfer of a site licence
2. Considering applications for altering conditions of a site licence
3. Administration and monitoring of site licence conditions
4. Enforcement Action

The definition of a relevant protected site is defined in the Mobile Homes Act 2013. A protected site is a mobile home park which has planning permission to have residents living there as their main residence throughout the year. A holiday park isn't a protected site. An exemption from the protected sites description and annual licensing fee requirement applies on any site/s available for the sole use of the owner and their families. A single family permanent residential site is a relevant protected site, but the Council may choose to exempt these sites from the annual licence condition monitoring fee.

The Council is able to charge for certain different licence fees and annual monitoring fees for mobile homes sites. These are:

1. Application for the grant of a site licence
2. Application for the transfer of a site licence
3. Application to alter the conditions of an existing site licence, and
4. The application of annual site monitoring fees (a 'fee per pitch')

5. Application to Register as a Fit and Proper Person(new fee from 1<sup>st</sup> July 2021)

For items 1 to 3 (inclusive) above, we will charge based on a banding system and the following fees will apply:

**Banding table**

Number of mobile homes	Band
200+	5
100-199	4
51-99	3
11-50	2
1-10	1

**Please note:** A local authority is not required to consider an application for the grant of a licence, a transfer of a licence or an application to alter conditions unless that application is accompanied by the correct fee.

**Application for the grant of a site licence**

All sites require a site licence to operate, subject to exemptions under the Caravan Sites and Control of Development Act 1960. Only sites with valid and correct planning permission for the use will be issued with a licence.

Fees for new site licences are based on a fixed cost of processing the application according to the size of the site.

Application fees are not refundable if the application is not approved.

New site licence application					
Charge to	Band 5	Band 4	Band 3	Band 2	Band 1
site owner	£854.50	£697	£562.00	£425.50	£380.50

**Application for the transfer of a site licence**

Where a licence holder wishes to transfer the licence an application must be made to the council.

A fixed fee is applicable which must accompany the application to transfer the licence.

Application to transfer a site licence					
	Band 5	Band 4	Band 3	Band 2	Band 1

Charge to site owner	£170.92	£139.40	£112.40	£85.10	£76.10
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### Application for the alteration to the conditions of an existing licence

Where a site owner requests an amendment to the site licence conditions the council will charge a fee which is payable at the application stage.

If the council instigates an amendment to the licence conditions there will be no fee payable.

Application to Amend Site licence- Fee Structure					
Total charge to site owner (£)	Band 5	Band 4	Band 3	Band 2	Band 1
	£281.99	£230.01	£185.46	£140.42	£125.57

Details of the basis of calculation of these fees is shown in Appendix 1

### Depositing of site rules

The council will charge a fee of £50 to deposit site rules and to publish them on our website.

### Annual Site Monitoring Fee

It is at the Local authorities' discretion whether they charge for all or any aspect of the site licensing. Ashford Borough Council has decided to charge an annual licensing fee to cover part of its cost in monitoring our park homes. This fee can be passed onto the individual plot-holders through the annual pitch fee.

Our licence fee is calculated on a price per unit based on the total cost of carrying out our licensing functions for our sites divided equally by the total number of units over all our relevant protected sites (10 or more units)

The method to determine the total annual site monitoring fee is based on the following formula.

$$(A / 60) \times B / D$$

Where:

A = Admin and inspection time in minutes based on banding on those sites with 10 or more units: This has been calculated on our five main sites in our borough – see page 8 for total hours for each banding.

<b>Banding</b>	<b>Number of sites</b>	<b>Minutes</b>
100-199	2	2 x 1142
51- 99	1	1x 753
11-50	2	2x 687
		<b>Total hours – 4,411</b>

B = Officer hourly rate - £30

D = Number of relevant protected mobile homes, based on our commercial sites – currently **392** in total in the borough

**Therefore: (A( total hours- 4411) /60) x B( £30 hourly rate) / D (390) = £5.66**

The above calculation provides an annual licence fee based on **£5.66 per pitch**. The pitch fee will apply only to the number of units on your site licence conditions. For example a site with current residential permission for 100 relevant protected mobile homes on its site licence conditions will be required to pay an annual site fee of £540. Sites with 10 plots or fewer will have no annual monitoring fee applied.

See Appendix 1 for calculations in determining the base levels for admin and inspection times.

The calculation and methodology relating to the above, and other proposed fees set out in this policy were developed in accordance with the guidance provided by the Department for Communities and Local Government (CLG) on setting of site licence fees.

The above fee is based on the introduction of the first calculation of the pitch fee in 2017, further fees are set in accordance with deficits and surplus. The current pitch fee for 2019/20 = **£7:21**

### **Application to Register as a Fit and Proper Person**

From 1st July 2021, the council must be satisfied that the occupier of the land used as a relevant protected site or a person appointed by the occupier to manage the site, is a fit and proper person. If necessary, the council can appoint a person to manage the site.

An **occupier** means a person who is entitled to the possession of the land as under section 1(3) of the Caravan Sites and Control of Development Act 1960.

Single family site owners that are not operating as a commercial business are exempt from the requirement to be a fit and proper person test.

The council must establish and maintain a register of persons they are satisfied are fit and proper to manage a relevant protected site in their area.

The council is not required to consider an application for entry on the register unless that application is accompanied by the correct fee. If the correct fee is not paid, the application will not be valid and the site owner could be in breach of the Regulations

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

Where an application for a Fit & Proper Person test has been successful the applicants will be included on the public register for a period of 5 years.

Application to register as a Fit and Proper Person = **£160.00**

### **Table for calculating fee for Fit & Proper Person Application Test**

<b>Fit &amp; Proper Person Application Fee</b>	<b>Minutes</b>
Send out application form.	30
Receipt of application, background checks and processing,	120
Time for reviewing necessary documents and certificates	60
Manager review	20
Preparing preliminary and final decision notices.	60
Update database and public register.	30
<b>Total time (mins)</b>	<b>320</b>
<b>Total time (hours)</b>	<b>5.33</b>
<b>Hourly rate £</b>	<b>30</b>
<b>Total charge for Fit &amp; Proper Test Application (£)</b>	<b>160.00</b>

There is also provision for the council to appoint a person to manage a site, with the site owner's consent. In this instance, any costs incurred or to be incurred, in making the appointment will be recharged to the site owner on the same basis as enforcement costs are calculated.

The council could decide to include the person on the register subject to a condition(s).

The council may add or alter conditions attached to an entry on a register by adding new conditions or changing or deleting existing ones, following a review.

The council will notify the site owner of its interim decision (except in the case where it is deleting a condition) and consider any representations made by the site owner, before reaching a final decision. If the site owner is unhappy with the decision to alter or not alter the conditions, they have the right to appeal to a tribunal.

There are no requirements for a site owner to make an application for a condition to be altered. Any costs involved with amending existing conditions, or adding new conditions to an entry, must also be factored into the cost of calculating the annual fee.

Officer time can be considered as part of the fee, where site visits are required to

ascertain whether or not site condition(s) are met. Travel time to and from the site, including fuel costs, can also be taken into account and could be calculated using a single value for travel costs which could be applied to all sites.

Any costs involved with amending existing conditions or adding new conditions to an entry will be factored into the cost of calculating the annual fee.

### **Payment of annual monitoring fee**

Annual fees are due on the 5<sup>th</sup> of May. Site owners will be notified of the due fee, one month before by letter.

Where a fee becomes overdue for payment, the council may apply to a residential property tribunal for an order requiring the licence holder to pay the council the amount due by the date specified in the order. If the licence holder has still not paid the fee within three months from the date specified in the order, the council may apply to the tribunal for an order revoking the site licence.

### **Exclusion from the annual charge**

The licence annual monitoring fee requirement will not apply to the following sites:

- Sites for holiday use only
- Sites where conditions require that there are times of the year when no caravan may be stationed on the land for human habitation
- Sites that are occupied only by the site owner and his/her family or by a person employed by the site owner except where under an agreement to which the Mobile Homes Act 1983 applies.
- Residential sites where there are ten or fewer pitches are exempt from annual licencing fees, as the council does not intend to carry out annual inspections of these sites. However, we will continue to respond to complaints at these sites and take any appropriate action if necessary.

### **Review**

As this is a new provision, the policy for fee calculations will be reviewed every year to assess any changes that need to be made. As a minimum, the council would expect to adjust fees in line with inflation, but officers will also have regard to the volume of work linked to our obligations in legislation, and will amend the charges based on identified time spent in work related to mobile homes sites.

In setting annual fees each year the council will inform the site owner of the extent to which they have had regard to any surpluses/deficits from the previous year, as well as the basis of charge and will confirm to the site owner the annual fee for the forthcoming year.

## **Enforcement Expenses**

The Mobile Homes Act 2013 provides provisions for charging for enforcement action, which will include the cost to the local authority of taking formal action leading up to and including any enforcement.

We will recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice. These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.

Where appropriate, we will also seek to recover expenses incurred in taking action for the following:

- conviction of the site owner for failure to carry out actions required by a compliance notice
- taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions

A site owner may not pass on costs of enforcement action to residents through the pitch fee.

**Policy as at 1<sup>st</sup> April 2021**



## Appendix 1

**Table for setting a new licence application fee**

Process and time in minutes	200+	100-199	51-99	11-50	1-10
Initial enquiries and correspondence to facilitate application (mins)	45	45	45	45	45
Receipt of application and background checks (mins)	75	75	75	75	75
Prepare for and organise visit (mins)	30	30	20	20	20
Site inspection ( mins)	150	120	60	30	30
Travel time (mins)	60	60	60	45	30
Draft licence including conditions(mins)	150	120	90	60	60
Licence review and correspondence with site owner, residents and other interested parties (mins)	420	360	300	180	160
Manager review (mins)	45	30	20	15	15
Issue licence and register (mins)	30	30	30	30	30
Prepare for and organise revisit (mins)	30	30	20	20	10
Re-visit (total mins)	360	240	180	210	180
Travel time (mins)	80	80	80	40	40
Secondary review and correspondence (mins)	180	120	90	45	30
<b>Total time (mins)</b>	<b>1655</b>	<b>1340</b>	<b>1070</b>	<b>815</b>	<b>725</b>
<b>Total time (hours)</b>	<b>27.56</b>	<b>22.33</b>	<b>17.83</b>	<b>13.58</b>	<b>12.08</b>
<b>Hourly rate (£)</b>	30	30	30	30	30
<b>Average mileage @ £9.00 return trip</b>	27.00	27.00	27.00	18.00	18.00
<b>Total new application charge to site owner (£)</b>	<b>£854.50</b>	<b>£697.00</b>	<b>£562.00</b>	<b>£425.50</b>	<b>£380.50</b>

### Transfer a site licence - fee

<b>Application to Transfer Site Licence</b>					
Process	200+	100-199	51-99	11-50	1-10
Charge to the owner	£187.40	£139.40	£112.40	£85.10	£76.10

NB: 20% of New Site Licence Application

### Amend a site licence - fee

<b>Amend a site licence fee Application to Amend Site Licence</b>					
Process	200+	100-199	51-99	11-50	1-10
<b>Total charge to site owner (£)</b>	<b>£281.99</b>	<b>£230.01</b>	<b>£185.46</b>	<b>£140.42</b>	<b>£125.57</b>

NB: 33% of New Site Licence Application

**Fixed admin and inspection time calculations used in formula to calculate annual licence fee.**

Process and time in minutes	200+	100-199	51-99	11-50
Contact the site owner to notify them of the time and date of the inspection. Enter the action on the Case Management System	20	20	20	20
Prepare for and organise visit (mins)	30	30	20	20
Site inspection ( mins)	240	180	90	60
Travel time (mins)	60	60	60	45
Licence review and correspondence with site owner, residents and other interested parties (mins)	60	60	60	60
Additional monitoring visits for larger sites	120	120	0	0
Complete inspection report and attach to Case Management System	60	60	60	60
Write to the owner detailing results of inspection and works required to remedy breaches plus any certificates required.	60	60	60	60
Write to the owner following additional monitoring visit for larger sites	60	60	0	0
Enter the date of the inspection and the next routine inspection on Management System	10	10	10	10
Follow up telephone conversations and letters	30	30	30	30
Follow up visit to check compliance	100	100	100	85
Record details of follow up visit	30	30	30	30
Annual admin	180	180	120	120
Determine level of compliance to decide next visit	20	20	20	20
Postage and Printing and mileage costs. Larger sites require additional visits = extra mileage costs	18	18	10	10
Additional time for complicated cases (approx. 10%) averaged over all applications	110	104	63	57
<b>Total time (mins)</b>	1208	1142	753	687

**Appendix 4**



**FIT AND PROPER PERSON APPLICATION FORM  
RESIDENTIAL MOBILE HOME PARKS**

**SECTION 1**

**Part 1 – Details of site and applicant**

Name of Site:	Address:

Name of Applicant	
Is the Applicant the occupier: Yes/No (please circle appropriate answer)	
Applicants Business Contact Details :	
Address:	
Telephone:	
Email:	

If the applicant named in Q1 is a company/organisation (**see statutory notes**), provide the following information in relation to the individual completing the form and each relevant officer of the organisation (**see statutory notes**);

Officers Name	Role (if any) in relation to the management of the site

## Part 2 – Applicant’s legal estate or equitable interest in the site

What is the applicant’s estate or equitable interest in the site?(please indicate below)	
Site Owner	
Leaseholder	
Other (please provide details)	

Please provide documentary evidence (e.g Land Registry title document)

Does any other person/organisation have a legal estate or equitable interest in the site? Yes [ ] No [ ] If you answered yes please provide details below:		
Name	Business Contact Details	Legal estate/equitable interest in the site

## Part 3 – Other relevant protected sites

Does the Applicant:

Hold a licence issued under S3 of CSCDA 1960 for any other relevant protected site? Yes [ ] No [ ] If you have answered yes, please provide the details below for each site. Use a separate sheet if necessary.		
Name of Site	Address	Site Licensing Authority

Have an estate or interest in any other relevant protected site? Yes [ ] No [ ]. If you have answered yes, please provide the details below for each site. Use a separate sheet if necessary.	
Name of Site	Address

Manage any other relevant protected site? Yes [ ] No [ ]. If you have answered yes, please provide the details below for each site. Use a separate sheet if necessary.

Name of Site	Address

**Part 4 – Details of the person (Relevant Person) to be included in the register**

Name of Relevant Person: .....  
 (the person/organisation subject to the test)

What is the status of the Relevant person to be included in the register? Please tick as appropriate:

- The occupier [ ]
- A person/organisation appointed/to be appointed (delete as appropriate) by the occupier to manage the site (site manager) [ ]
- A person appointed/to be appointed by the local authority, with the occupier’s consent, to manage the site [ ]

**SECTION 2**

**Part 5 – Information relating to the relevant and responsible persons**

Please select one of the options below which apply to you and provide the required information in the relevant part of this section

	The site owner is an individual, is the subject of the test and will manage the site themselves, <b>Complete Part A.</b>
	The site owner is an individual, is the subject of the test and has appointed or intends to appoint a person to manage the site. <b>Complete Parts A and B.</b>
	The site owner is an individual, is the subject of the test, and has appointed or intends to appoint a company/organisation to manage the site. <b>Complete Parts A, B, C and if applicable Part D.</b>
	The site owner is an individual and has appointed or is to appoint a person who will be subject to the test, to manage the site. <b>Complete Part B.</b>
	The site owner is an individual and has or is to appoint a company/organisation to manage the site and who will be subject to the test, complete Parts B, C and D (where applicable).
	The site owner is a company and will be subject to the test. <b>Complete Parts B, C and if applicable Part D.</b>

Where the company/organisation has or will appoint a person (X) to manage the site (site manager), Part B should be completed for that person. If that person (X) is not a relevant officer of the company, the information in Part C should be provided for all relevant officers of the company and the information in Part D provided for the relevant officer to whom X is/will be accountable for the day-to-day management of the site.

If the site manager is not an individual, the information in Part B must be provided for the individual (Y) that the site manager has appointed or intends to appoint to be responsible for the day-to-day management of the site. Where the individual (Y) is not a relevant officer, the information in Part C must be provided for all relevant officers of the company and the information in Part D provided for the relevant officer to whom Y is/will be accountable for the day-to-day management of the site.

**Part A – Site owner’s details**

		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, or have you been within the past 10 years, personally insolvent?		
6	Are, or have you been within the past 10 years, disqualified from acting as a company director?		
7	Do you have the right to work in the United Kingdom?		

If you have answered YES to any of the above questions, please provide further details below.

.....

.....

.....

		Yes	No
8	Are you a member of any redress scheme for dealing with complaints in connection with the management of the site?		
(a)	If yes please provide details.  Name of redress scheme:  Membership number/ member since:		

		Yes	No
<b>9</b>	(a) Has any other local authority rejected an application for you to be included in a register?		
<b>(a)</b>	<p>If yes please provide the following details the local authority's reasons.</p> <p>Local authority:</p> <p>Date of the application: .....</p> <p>Reason(s) for rejection:</p>		
<b>10</b>	<p>Do you have a Criminal record certificate issued under s113A(1) of the Police Act 1977 and is no more than six months before the date of the application?</p> <p>If yes, please provide:</p> <p>Certificate number: .....</p> <p>Date of issue: .....</p>		

**Part B**

**Section 1 – Details of Site Manager or a Responsible Person**

Name:	
Business Contact Details :	
Address:	
Telephone:	
Email:	

Where the person has not yet been appointed, please provide details at which the person may be contacted in respect of the application

Address:	
Telephone:	
Email:	

Role in relation to the management of the site:

.....

**Does the person:**

Hold a licence issued under S3 of CSCDA 1960 for any other relevant protected site? Yes [ ] No [ ] If you have answered yes, please provide details below for each site. Use a separate sheet if necessary		
Name of Site	Address	Site Licensing Authority

Have an estate or interest in any other relevant protected site? Yes [ ] No [ ] If you answered yes, please provide the details below for each site. Use a separate sheet if necessary	
Name of Site	Address

Manage any other relevant protected site? Yes [ ] No [ ] If you answered yes, please provide the details below for each site. Use a separate sheet if necessary	
Name of Site	Address

**Section 2 – Conduct**

<b>Has the person,</b>	<b>Yes</b>	<b>No</b>
------------------------	------------	-----------



<b>1</b>	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>2</b>	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?		
<b>3</b>	Contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business?		
<b>4</b>	Harassed any person in, or in connection with, the carrying on of any business?		
<b>5</b>	Are, or have you been within the past 10 years, personally insolvent?		
<b>6</b>	Are, or have you been within the past 10 years, disqualified from acting as a company director?		
<b>7</b>	Do you have the right to work in the United Kingdom?		
<b>8</b>	Has any other local authority rejected an application for you to be included in a register?		
<b>(a)</b>	If yes please provide the following details.		

Local Authority	Date of Application	Reason(s) for rejection

		Yes	No
<b>9</b>	Do you have a Criminal record certificate issued under s113A(1) of the Police Act 1977 which is no more than six months before the date of the application?		
	If Yes, please provide the following details.  DBS Certificate number .....		
	Date of issue .....		

Please provide information for any additional persons in section Part B of this application form (replicate same info in that section)

**Part C – Information below for each relevant officer of the company**

Name of each relevant officer of the company or organization	The person's role (if any) in relation to the management of the company
--	---


Is the person appointed to manage the site (Part B) one of the relevant officers listed above?  
 Yes [ ] No [ ]

If no, please provide the following information in Part D for the relevant officer of the company or organisation to whom the site manager is/will be accountable for the day-to-day management of the site.

**Part D**

**Section 1 – Relevant Officer’s Details**

Name	
Business Contact Details :	
Address:	
Telephone:	
Email:	

Where the person has not yet been appointed, please provide details at which the person may be contacted in respect of the application	
Address:	
Telephone:	
Email:	

Person’s role in relation to the management of the site:  
 .....

**Does the person:**

Hold a licence issued under S3 of CSCDA 1960 for any other relevant protected site? Yes [ ] No [ ]
---

If you have answered yes, please provide details below for each site. Use a separate sheet if necessary		
<b>Name of Site</b>	<b>Address</b>	<b>Site Licensing Authority</b>

Have an estate or interest in any other relevant protected site? Yes [ ] No [ ]	
If you answered yes, please provide the details below for each site. Use a separate sheet if necessary	
<b>Name of Site</b>	<b>Address</b>

Manage any other relevant protected site? Yes [ ] No [ ]	
If you answered yes, please provide the details below for each site. Use a separate sheet if necessary	
<b>Name of Site</b>	<b>Address</b>

## Section 2 – Relevant Officer’s Conduct

	<b>Has the person,</b>	<b>Yes</b>	<b>No</b>
<b>1</b>	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>2</b>	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?		
<b>3</b>	Contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business?		
<b>4</b>	Harassed any person in, or in connection with, the carrying on of any business?		
<b>5</b>	Are, or have you been within the past 10 years, personally insolvent?		
<b>6</b>	Are, or have you been within the past 10 years, disqualified from acting as a company director?		
<b>7</b>	Do you have the right to work in the United Kingdom?		
<b>8</b>	Has any other local authority rejected an application for you to be included in a register?		
<b>(a)</b>	If yes please provide the following details.		

Local Authority	Date of Application	Reason(s) for rejection

		Yes	No
<b>9</b>	Do you have a Criminal record certificate issued under s113A(1) of the Police Act 1977 which is no more than six months before the date of the application?		
	If Yes, please provide the following details:  DBS Certificate number: .....		
	Date of issue: .....		

Please provide information for any additional persons in Section xxx of this application form (replicate same info in that section)

### SECTION 3

#### Part 6- Management of the site

Please provide details and evidence of the Relevant person’s training, experience and qualification in the ownership and/or management of park home sites.

.....

.....

Please provide details and evidence of the management structure and funding arrangements that will be in place to enable the relevant person to secure the proper management of the site (includes how residents’ complaints and concerns will be addressed).

Please provide photo ID of the relevant person - copy of passport photo or driving licence.

#### Part 7 – Other relevant information

Are you aware of any other person(s) associated or formerly associated with the relevant person (whether on a personal, work or other basis) whose conduct is relevant to the question of whether the

relevant person is a fit and proper person to manage the relevant protected site or proposed relevant protected site (as the case may be)?

No [ ]

Yes [ ] – please provide details below

Name	Relationship with relevant person	Reason(s) Comments

Is there any other relevant information you wish to provide?

No [ ]

Yes [ ] – Please provide details

.....

.....

**Part 8 – CHECK LIST**

I have enclosed the original copy of my DBS certificate (issued within 6 months of application)

I have made/enclosed the correct payment of the application fee

If Freeholder - I have enclosed a Land Registry Search

I have enclosed photo ID (copy of passport or driving licence )

If leaseholder - I have enclosed a copy of the lease agreement

I have enclosed a copy of the management structure and funding arrangements for the site

I understand that if I do not comply with the above requirements my application will be invalid and I could be in breach of the fit and proper person test requirements


**Part 9 – DECLARATION & SIGNATURE** (the appropriate person)

(a) I have read the notes attached to this application form particularly in relation to data protection.

(b) I have made all reasonable enquiries into the matters mentioned in Part D section 2 relating to the relevant person; and

(c) that the information provided in the application is correct and complete to the best of my knowledge and belief. Knowingly supplying information that is false or misleading for the purpose of applying for fit and proper person test may lead to revoking the site license or prosecution.

**Signature of applicant or appropriate person**

Name .....

Signature .....

Date .....

Position .....

**STATUTORY NOTES:**

An application must be made by the occupier.

If the occupier is a company or a corporate body, the application form must be completed by an officer of the company (“appropriate person”).

The “appropriate person” means;

- (a) where the declarant is a company, an officer of the company;
- (b) where the declarant is a partnership, one of the partners;
- (c) where the declarant is a body corporate the conduct of the management of which is vested in its members, a member;
- (d) where the declarant is a body not falling within paragraph (a), (b) or (c), a member of the management committee;
- (e) where the declarant is an individual, that individual

DBS certificates must be dated within six months of the date of the application.

The council must keep and maintain a register of fit and proper persons. This means that some of the information you provide in your application will be entered into the register. The information that will be included are your name, business address and contact details, name of the site.

### **Data Protection**

Ashford Borough Council is the data controller for any personal information collected in this form. Your information will be used to, maintain a register of fit and proper persons and processing is being conducted relying upon the public interest legal basis.

Ashford Borough Council manages personal data in accordance with the provisions of the Data Protection Act 2018 and UK GDPR. The information you provide on this form will be used by Ashford Borough Council for the purposes of the fit and proper assessment

We may share your information and make any other necessary enquiries with other departments within the Council and statutory organisations in relation to the application, including the Criminal Records Bureau, Police and other Local Authorities.

Your personal information will be processed in line with Data Protection legislation and we will not disclose information about you to anyone outside the Council unless the law permits or requires us to. We will retain your data for up to five years for the duration of the registration period, after which it will be securely disposed of.

Where the application is being made on behalf of a person appointed or to be appointed to manage the site, you are strongly advised to ensure they are aware of the register and the information that will be entered into it. As the applicant, it is your responsibility to seek confirmation that the information they have provided is true and accurate.

If you believe the data we process on you is incorrect you may request to see this information and, if necessary have it corrected or deleted. For more information about your data protection rights please see the council's data protection pages which can be found at [www.ashford.gov.uk](http://www.ashford.gov.uk) or contact the Data Protection Officer at:

The Data Protection Officer, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford TN23 1PL

Completed applications including the correct fee must be sent to:

Private Sector Housing  
Ashford Borough Council  
Civic Centre  
Tannery Lane  
Ashford  
Kent  
TN23 1PL

You are strongly advised to retain a copy of the form for your records.