

## **Appendix 3 – Procedure for Handling Fit and Proper Person**

### **Fit and Proper Person Test (FPPT)**

On receiving an application for a mobile home site licence, Perth & Kinross Council must decide if the licence holder and any other relevant person involved in management of the site are a “Fit and Proper Person”. Not meeting the requirements of the test may result in a licence being refused.

### **FPPT Assessments**

In applying the fit and proper person test account must be taken of any evidence as detailed by “the Act” which includes the following general headings;

- Been convicted of a relevant offence
- Practiced unlawful discrimination
- Contravened the law in relation to caravans, housing, landlord and tenant law.
- Committed a breach of an agreement under the Mobile Homes Scotland Act 1983 as amended.
- Contraventions under legislation relating to water, gas and electricity legislation
- Engaged in antisocial behaviour
- Breached caravan site licence conditions
- Any other relevant material which the local authority is aware of as a result on any other function carried out by the local authority.

It will be appropriate as part of the determination of a licence application to seek the views of other Council services (e.g. Safer Communities, Landlord Registration), enforcement agencies (e.g. Police Scotland, Scottish Fire & Rescue Service, SEPA) and affected parties. Any information which is received must be considered in regard to the obligations to establish that the site licence holder and site manager meet the fit and proper person requirements.

Under certain circumstances information could be shared with other local authorities where it may be of relevance to the fit and proper person test. The law allows this information to be shared even if there is a duty of confidentiality owed to the person the information is about.

Perth & Kinross Council may also under certain circumstance in applying the test require a criminal conviction certificate

### **Determination of licence application**

In accordance with Council’s Scheme of Delegation the determination of routine, non-contentious licence applications regarding the FPPT will be made by competent officers of Regulatory Services, within Housing & Environment.

However, for those applications where credible information suggests the FPPT requires further robust and impartial scrutiny by experienced Council members then a referral report will be submitted to the Licensing Committee. Determination of

compliance or not via the committee process, including consideration of any representations by the applicant and relevant complainants can be made by Committee members.

Thereafter any further action as a consequence of e.g. failure of the FPPT will be taken by Regulatory Services.

### **Appeal against refused application**

The applicant can appeal to the Sheriff court if a final decision is made to refuse the application for granting or renewing a site licence.

Figure 1 below details a summary of the FPPT process for a first site application

