

SCHEDULE 3

Regulation 7(1)(a)

Considerations relevant to fit and proper person assessment

Interpretation

1. In this Schedule, “site” means the relevant protected site or proposed relevant protected site in relation to which the application is made.

Ability to secure the proper management of the site

- 2.—(1) Whether the relevant person is able to secure the proper management of the site.
- (2) For the purposes of sub-paragraph (1)—
- (a) “proper management of the site” includes, but is not limited to, securing—
 - (i) compliance with the site licence; and
 - (ii) the long-term maintenance of the site; and
 - (b) in considering whether the relevant person is, or would be, able to secure the proper management of the site, the local authority must (among other things) have regard to—
 - (i) whether the relevant person has a sufficient level of competence to manage the site; and
 - (ii) the management structure and funding arrangements for the site or proposed management structure and funding arrangements.

Other considerations – relevant person

- 3.—(1) Whether the relevant 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;
 - (g) has the right to work in the United Kingdom; and
 - (h) is a member of any redress scheme for dealing with complaints in connection with the management of the site.
- (2) Where any other local authority has rejected an application for the relevant person to be included in a register, the local authority’s reasons.

Other considerations – responsible persons

- 4.—(1) Sub-paragraphs (2) and (3) apply where the relevant person is not an individual.
- (2) Whether any person who is a responsible person—

Status: This is the original version (as it was originally made).

- (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.
- (3) Where any other local authority has rejected an application for the responsible person to be included in a register, the local authority's reasons.
- (4) In this paragraph, "responsible person" means a person in relation to whom the applicant is required to provide information under paragraph 10(2) or (5), 11 or 12 of Schedule 2.