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<b>Subject:</b>	<b>MOBILE HOMES AMENDING FEE POLICY</b> ( <i>Requirement for manager of site to be fit and proper person</i> )
<b>Meeting and Date:</b>	<b>Regulatory Committee 22 June 2021</b>
<b>Report of:</b>	<b>Diane Croucher, Head of Regulatory Services</b>
<b>Decision Type:</b>	<b>Non-Executive</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	The report is seeking approval of fees <u>only</u> but wants the committee to note the new requirement of applying a fit and proper person test.
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<b>Recommendation:</b>	That the Regulatory Committee: <ul style="list-style-type: none"><li>i) Note the new requirement for a “fit and proper person test” for relevant protected sites in accordance with regulations.</li><li>ii) Approve the fee policy for protected sites that enables recovery of the costs in the application process of undertaking a fit and proper person test.</li></ul>
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## 1. Summary

1.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 becomes operative from 1<sup>st</sup> July 2021. The regulations take effect under section 12A of the Caravan Sites and Control of Development Act 1960 and require a fit and proper person test to be applied to site owners or appointed managers of protected sites (park homes). This 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.

## 2. Introduction and Background

2.1 From the 1<sup>st</sup> July 2021 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, require the manager of a site to be a Fit and Proper Person. Local authorities are accordingly required to introduce a fit and proper person test for mobile home site owners, or the person appointed to manage the site, unless they are eligible for an exemption under the Regulations.

2.2 The Regulations only apply to commercial sites deemed to be relevant protected sites. Non – commercial family occupied sites are exempt. If the council does not have a fee policy in place it will not be able to charge existing site owners for the cost of undertaking an application for a fit & proper person test.

- 2.3 A local authority must be satisfied that the site owner “is a fit and proper person to manage the site” or, if the owner does not manage the site, “that a person appointed” to do so by the site owner “is a fit and proper person to do so” or has, with the site owner’s consent, “appointed a person to manage the site.” Failing to establish a fit and proper person to manage a site can lead to revoking the licence and/or prosecution.
- 2.4 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.
- 2.5 The regulations set out the prescribed criteria which the council must consider when determining a person’s fitness to manage a site. Currently the council has no say on who manages a park home site.
- 2.6 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.
- 2.7 The Council is permitted to charge a fee for implementing a fit and proper person test and retain the revenue. **Appendix 1** of this report sets out all the relevant fees for protected caravan sites and the fee for dealing with applications for the fit and proper test.
- 2.8 The local authority must set up and maintain a register of persons who they are satisfied are fit and proper persons 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.
- 2.9 In the District there are 4 sites where we believe this requirement will apply. In total these sites contain a total of 99 mobile homes.

### 3. **Identification of Options**

- 3.1 Local authorities which have commercial residential park homes in their districts 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 this function must be adopted.
- Option 1: To approve the recommended fees policy.
  - Option 2: To make revisions to the attached fees policy.
  - Option 3: To reject the fees Policy.

### 4. **Evaluation of Options**

- Option 1: is the recommended option as the policy has been carefully considered against legislation and guidance and is based on other Kent Councils fees policy and is considered to be the best option

- Option 2: Any changes to the policy will need to be considered quickly. Any delays in approving the policy may prevent fees being charged for the fit and proper test to existing sites
- Option 3: Is not recommended as it will mean that we will not be able to charge a fee in implementing the regulations.

## 5. **Resource Implications**

- 5.1 The Council is permitted to charge a fee for implementing a fit and proper person test and retain the revenue.

## 6. **Climate Change and Environmental Implications**

- 6.1 The change in policy will have no adverse effects on climate change or Environmental implications.

## 7 **Corporate Implications**

- 7.1 Comment from the Director of Finance (linked to the MTFP):
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- 7.4 Comments from Climate Change and Energy Conservation Officer: There are no Climate Change and Environmental Implications as this report relates only to the site owner/ manager's suitability to undertake the role.

## 8 **Appendices**

Appendix 1 – Dover District Council Fee Policy for Relevant Protected Sites 2021

## 9 **Background Papers**

The Caravan Sites and Control of Development Act 1960

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

Mobile Homes Act 2013 - Guide for Local Authorities on setting site licensing fees dated February 2014.

Mobile Homes Act 2013 - Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime dated March 2015.

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