

Report to Environment and Licensing Committee

Subject: Mobile Homes Fit and Proper Policy

Date: 10 August 2021

Author: Food, Health and Housing Manager

Purpose

To advise the Environment and Licensing Committee of recent changes to the legislation relating to mobile home and caravan sites; specifically, the introduction of a fit and proper test and associated fees.

To seek approval of the Fit and Proper Policy found at Appendix A of this report to enable the Policy to be used in accordance with the new legal requirement.

Recommendation(s)

THAT Members :

- 1) Notes the contents of the report and the changes in legislation relating to mobile home and caravan sites**
- 2) Approves the adoption of a Fit and Proper Person Policy 2021**

1 Background

- 1.1 The Mobile Homes Act 2013 (MHA 2013) made significant changes to the local authority site licensing regime, providing local authorities with new enforcement powers. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") come into force in July 2021, and introduce a requirement for 'relevant protected sites', which have residential occupation all year round to be managed by a fit and proper person. It also sets out an overarching framework for the operation of the test, the processes that local authorities will use and a register of fit and proper site managers.

- 1.2 The purpose of the test is to improve the standards of park home site management, by introducing an assessment that the person responsible for managing the site is suitable and of good character. The requirement for the person responsible for managing the site to be a fit and proper person is in addition to the requirement for a site to be licensed.
- 1.3 Once in force, the fit and proper person requirement will make it an offence for a site licence holder to cause or permit land to be operated as a park home site unless they are a fit and proper person to manage the site.
- 1.4 There are two “relevant protected sites” within the Borough. It is a legal requirement for the occupier of each site to have applied and have been entered onto a fit and proper person public register by the end of September 2021. Prior to this date all sites will have been advised of their responsibilities.

2 Proposal

- 2.1 It is proposed that Members approve the adoption of the Fit and Proper Person Policy 2021 found at Appendix A of this report.

3 Alternative Options

- 3.1 Members could choose not to approve the Fit and Proper Person Policy 2021. However this would not be in line with the legislation. The new policy reflects statutory changes brought into effect through The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. Not to introduce such a policy would be against the requirements of the Regulations.

4 Financial Implications

- 4.1 Additional workload created by these changes to the Policy are to be absorbed into existing Public Protection workloads, no additional staffing or financial resource is required.
- 4.2 The Council can recover the cost of this licensing function in the form of a charge to the customer. These fees are detailed within Appendix 1 of the Policy. The associated fees will be added to the service fees and charges list and reviewed periodically and as required should the costs of providing the service change over time.

5 Legal Implications

- 5.1 The recommendations support the proposed enactment of the Regulations so that the Council may properly apply them.
- 5.2 Applicants will be informed how their information will be used and stored by the Council on the application form in order to comply with the Data protection Principles and obligations on the Council.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction of environmental sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix A – Mobile Homes Fit and Proper Policy 2021

9 Background Papers

- 9.1 MHCLG guidance Mobile Homes Fit and Proper Person Test Guidance – 4th June 2021