

<b>Title of Report</b>	<b>CARAVAN FIT &amp; PROPER PERSON FEES POLICY</b>	
<b>Presented by</b>	Cllr Andrew Woodman Portfolio Holder for Community Services	
<b>Background Papers</b>	None	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	Contained within Appendix 2	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	Legal advice has been provided on the report and draft policy by Legal Services	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	None	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To seek the following: Approval of the continued use of the fee structure for Fit & Proper Person checks for owners of residential park home sites	
<b>Reason for Decision</b>	The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020	
<b>Recommendations</b>	<p><b>THAT CABINET:</b></p> <ol style="list-style-type: none"> <li><b>1. APPROVES THE CONTINUED USE OF THE FEES POLICY FOR FIT &amp; PROPER PERSON CHECKS FOR OWNERS OF RESIDENTIAL PARK HOME SITES</b></li> <li><b>2. DELEGATES AUTHORITY TO THE HEAD OF COMMUNITY SERVICES TO ANNUALLY REVIEW AND AMEND THE FEES POLICY FOR FIT &amp; PROPER PERSON CHECKS FOR OWNERS OF RESIDENTIAL PARK HOME SITES</b></li> </ol>	

## 1.0 BACKGROUND

- 1.1 In 2014, the Caravan Site and Control of Development Act 1960 (CSCDA 1960) was amended by the Mobile Homes Act 2013 (MHA 2013) to provide greater protection to occupiers of residential caravans (park homes). This amendment allowed councils to charge site owners a fee for new site licences, annual fees for administering and monitoring of existing sites and fees for amendments or transfers of existing licences. This also ensured that there were controls in place to manage the historical exploitation of occupiers e.g. by controlling who they bought their gas from and charging a premium as well as improving standards. The Council introduced a fee structure in line with the legislation and guidance.
- 1.2 The Council currently has 12 caravan sites across the district, of which 8 are charged an annual fee and this brings approximately £1000 income per annum. ~~As a council~~ The number of caravan sites within the district has remained fairly stable year on year and therefore officers do not anticipate any applications from sites that officers are not aware of.
- 1.3 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (the "Regulations"), require the manager of a site to be a fit and proper person. Local authorities are accordingly required to implement the 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. The Regulations set out a number of factors that Local Authorities must take into account in determining if an application is a fit and proper person.
- 1.4 The fit and proper person test applies to "relevant protected sites" other than non-commercial family-occupied sites. A "relevant protected site" is a site, which requires a site licence under the CSCDA 1960 and which is not solely for holiday purposes or is otherwise not capable of being used all year round e.g. a residential mobile park home. The fit and proper person requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguards that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on the site i.e. park home owners.
- 1.5 A fit and proper person is someone who is deemed suitable to manage the site. To check this the following information is required as part of the application process:
- Details of the site
  - Applicant details
  - Site manager details (where applicable)
  - Whether the responsible person 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);
  - Whether the responsible person 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;
  - Whether the responsible person has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
  - Whether the responsible person has harassed any person in, or in connection with, the carrying on of any business;
  - Whether the responsible person is, or has been within the past 10 years, personally insolvent;
  - Whether the responsible person is, or has been within the past 10 years, disqualified from acting as a company director; and

- Whether the responsible person has the right to work in the United Kingdom.

## **2.0 SETTING THE FEE**

- 2.1 Provisions in the Regulations relating to fees came into force on 1 July 2021. In order to be able to charge a fee to recover the Council's costs in determining these applications, the Council needed to have adopted and published a Fees Policy before 1 July 2021. This is because applications from existing sites could be received from 1 July 2021, so without a fee policy, the Council would have to charge a zero fee if an application was received.
- 2.2 The adoption of a Fee Policy is a Cabinet function. It would have been possible to prepare a report to go to Cabinet on 8 June 2021 in time to publish the Fees Policy by 1 July 2021, however, the final Government guidance on the Regulations had not been published at that time and it was preferable to await this guidance which was published on 4 June 2021.
- 2.3 A decision was therefore made to ask the Chief Executive to use emergency powers to delegate the function to approve and publish a Fees Policy for the consideration and determination of Fit & Proper Person Checks under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 to the Head of Community Services.
- 2.4 This decision was made on 25 June 2021. A copy of the decision can be found in **Appendix 1**.
- 2.5 The Head of Community Service approved the Fee Policy on 28 June 2021. A copy of the current Fee Policy can be found in **Appendix 2**.
- 2.6 It is anticipated that the Council will receive 5 fit and proper person applications. This will bring in an income of £1,312.90. To date officers have received a number of enquiries about the application process, but officers have not as yet received any applications. Existing site owners have until 1 October 2021 to apply, thereafter officers will consider options for non-compliance within the Regulations.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Local people live in high quality, affordable homes</li> <li>- Our communities are safe, healthy and connected</li> </ul>
Policy Considerations:	N/A
Safeguarding:	N/A
Equalities/Diversity:	N/A
Customer Impact:	N/A
Economic and Social Impact:	Occupiers of residential park home sites will be reassured that they are operated by a fit and proper person.
Environment and Climate Change:	N/A
Consultation/Community Engagement:	N/A
Risks:	<p>The Fees Policy allows the team to recover the costs associated with the fit and proper person application and registration process.</p> <p>The Fee Policy will be reviewed annually.</p>
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