



Report to Licensing Committee

Date:	20 October 2021
Reference number:	N/A
Title:	Implementation of Policy & Fees regarding Fit and Proper Persons for Mobile Home Parks
Cabinet Member(s):	Cllr Nick Naylor, Cabinet Member for Housing, Homelessness & Regulatory Services
Contact officer:	Jacqui Bromilow, Head of Environmental Health
Ward(s) affected:	None specific (has potential to affect all wards)
Recommendations:	To accept the policy and suggested fee of £112 per application.
Reason for decision:	The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person)(England) Regulations 2020 legislation requires owner to register a person to manage qualifying mobile home parks with the local authority. This paper outlines the policy and associated fees to enable compliance with the legislation.

1. Executive summary

- 1.1 This report gives an overview of the legislation and provides the rationale for the proposed fee which will apply to applications made. These are new regulations which support existing measures regarding the control and management of mobile home sites.

2. Content of report

- 2.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person (England) Regulations 2020 (hereafter called “the Regulations”), prohibit the use of

land as a residential mobile home site unless the local authority is satisfied that the owner or manager of the site is a fit and proper person to manage the site. The aim of this legislation is to improve the standards of mobile home site management.

- 2.2 The Regulations were made on 23 September 2020 and contained two key dates. From 1 July 2021 the Council should be able to receive an application in preparation of the second key date of 1 October 2021 where all site owners must submit an application for a relevant person to be assessed by the local authority to be deemed as a fit and proper person. The details of this person will then be placed on a public register.
- 2.3 The function of caravan/mobile home site licencing falls within the Housing and Regulatory Services Directorate. Between March 2020 and July 2021 the service has been disproportionately affected by Covid-19 pandemic as it was the service that was enforcing the coronavirus legislation affecting businesses, dealing with public enquiries as well as monitoring compliance at large events. As a result, the Council was not in a position to receive applications from 1 July 2021.
- 2.4 The service has had a number of enquiries from mobile home site operators regarding the application process. All contacts have been informed of the reasons why it has not been possible to make an application between 1 July and 1 October 2021.
- 2.5 The Regulations apply to all relevant protected sites other than those which are non-commercial family-occupied sites. It applies to both residential parks which are used exclusively for residential purposes and those which are mixed use (residential and holiday let). It is anticipated that there will be less than 40 applications.
- 2.6 The Regulations require site owners to apply to the local authority for the relevant person, either the site owner or a nominated manager, to be included on a register of fit and proper persons. Persons may only apply if they hold, or have applied for, a site licence as per the Caravan Sites and Control of Development Act 1960.
- 2.7 Local authorities must consider the application (which includes the submission of a DBS check) and will then determine whether the applicant meets the criteria to be included on the fit and proper person register. The local authority may apply conditions to the register's entry. The local authority may determine the length of time that a person may be included on the register but it must be no more than 5 years. The applicant can reapply before the current entry expires. The applicant has a right of appeal against a decision or a condition.
- 2.8 If a person fails the assessment the site owner will be asked for an alternative person to apply to be entered on the register. Should the site owner not be able to appoint

a relevant person, the local authority may manage the site with the consent of the owner.

- 2.9 The Regulations enable the local authority to set a fee. It is estimated the cost of processing an application will equate to approximately 2.5 hours. As this is a new area of work for the authority this will be monitored and the fees reviewed if necessary.
- 2.10 It is proposed that the fee is set at £112 per application and where there are no conditions the entry on the register would last 5 years.
- 2.11 A benchmarking exercise has been undertaken and the fees set by some other local authorities can be found in Appendix 1. The websites of 24 local authorities were reviewed including all the neighbouring councils to Buckinghamshire. The range of fees ranged from free of charge to £427. The average charge for the 13 local authorities who had published fees is £247.59.
- 2.12 The Council's constitution requires matters concerning caravan site licensing and associated fees are determined by licensing committee.
- 2.13 Appendices 2 and 3 contains the policy and fee policy which is proposed.

3. Other options considered

- 3.1 Another option considered is not to charge a fee and evaluate a fee structure based upon evidence. This approach was felt not to be appropriate as the fee is only collected once every 5 years therefore the service should be provided using an estimated cost recovery model. The mobile home sites are being operated as a commercial entity and therefore it is not an unreasonable expense.
- 3.2 The local authority has a legal duty to publish a register of fit and proper persons and therefore it is not a viable option not to have appropriate policies in place.

4. Legal and financial implications

- 4.1 It is anticipated the level of income overall generated by this legislation is approximately £4000, although it's important to note this is a cost neutral service.
- 4.2 The Regulations place a legal duty on local authorities to assess applications and to publish a register of people who are deemed to meet the fit and proper person criteria. If the Council does not accept applications it could be legally challenged.
- 4.3 The policy incorporates the legislation and associated guidance published by the Government on the .gov.uk website (links in Section 9 – Background Papers).

5. Corporate implications

- a) Property - none
- b) HR - none
- c) Climate change - none
- d) Sustainability - none
- e) Equality (does this decision require an equality impact assessment) – none anticipated (the requirement does not apply to sites which are non-commercially occupied)
- f) Data (does this decision require a data protection impact assessment) – Data from application forms will be stored on the departmental database and information published on our website in compliance with the Regulations
- g) Value for money – this is a cost neutral policy. Fees will be monitored.

6. Local councillors & community boards consultation & views

- 6.1 Cllr Naylor and Cllr Wallace have been contacted regarding the proposal for the policy and fees associated with this legal requirement.

7. Communication, engagement & further consultation

- 7.1 Following the licensing committee on 20 October 2021 information will be available on our website to enable affected site owner to make applications.
- 7.2 It is noted that the policies and arrangements for caravan site licensing varied within the former district councils. It is proposed that the policies regarding caravan site licensing is reviewed and harmonised. As part of this the fees associated with the licensing of caravan sites will be reviewed. This would also encompass a review of the fees associated with processing the fit and proper person applications to which this report appertains. The revised policy would be brought to a future Licensing Committee prior to adoption.

8. Next steps and review

- 8.1 Following the Licensing Committee on 20 October 2021 it is anticipated a policy and fee structure will be agreed and adopted. The Council's website will be updated to enable applications to be received and to enable the mobile site owners to comply with the legislative requirements placed upon them.
 - 8.2 The level of fees will be reviewed next year to ensure that the fee enables full cost recovery.
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9. Background papers

9.1 Information is available on the Government's website and provides full information regarding the requirements of the Regulations

<https://www.gov.uk/government/publications/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities/mobile-homes-a-guide-for-local-authorities-on-the-fit-and-proper-person-test>

A copy of the Regulations -

<https://www.legislation.gov.uk/uksi/2020/1034/contents/made>

