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| <b>Report to:</b>           | Cabinet   | 14 November 2022 |
| <b>Lead Cabinet Member:</b> | Councillor Brian Milnes, Deputy Leader, and Lead Cabinet Member for the Environment |                  |
| <b>Lead Officer:</b>        | Bode Esan, Head of Climate, Environment and Waste                                   |                  |

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## Mobile Homes (Fit & Proper Person policies and fees & charges) – Draft Approval

### Executive Summary

1. This report outlines The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, (“the Regulations”), which 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. The attached determination policy (Appendix A) has been produced to enable officers to undertake this test in a fair, consistent and transparent way.
2. The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the Fit & Proper Person register. It is imperative that the fee is included with the application and failing to include this may mean that the site owner is in breach of the requirements of the Regulations. The attached fees policy (Appendix B) has been produced to enable officers to appropriately and fairly charge for the costs incurred in determining a Fit & Proper Person application.
3. The final aspect of this report concerns a proposal of new fees and charges for costs incurred by the Council in undertaking work in relation to Mobiles Homes (Appendix C). These fees and charges have been calculated to accurately reflect the costs incurred by the Council in determining applications and undertaking enforcement in relation to Mobile Homes. This will enable the Council to recover its costs in relation to this area of work, something that has not been undertaken for a number of years.

### Key Decision

4. Yes

The key decision was first published in the October 2022 Forward Plan.

## Recommendations

5. It is recommended that Cabinet approves the two proposed Mobile Homes- Fit & Proper Person policies (determination policy and fees policy) as well as the proposed fees & charges for Mobile Homes.

## Reasons for Recommendations

6. Local authorities are 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. The determination policy and accompanying fees policy will provide the Council with the framework and be able to do this in a fair, consistent and transparent way. Furthermore, the introduction of a new fees and charges structure for Mobile Homes will ensure that the Council is able to accurately recover its costs for Mobile Homes related enforcement and administration.

## Details

7. 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 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. The attached determination policy (Appendix A) has been produced to enable officers to undertake this test in a fair, consistent and transparent way.
8. South Cambridgeshire District Council 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.*”
9. Where a site owner or their manager fails the fit and proper person test, and they are unable to identify and appoint a suitable alternative manager, who must pass the fit and proper person assessment, the local authority can instead appoint a person to manage the site, but only with the consent of the site owner.
10. Principally, the fit and proper person test applies to a “relevant protected site”. A relevant protected site is a site, which requires a licence and which is not solely for holiday purposes or is otherwise not capable of being used all year round. The fit and proper person requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard 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.
11. The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the Fit & Proper Person register. It is imperative that the fee is included with the application and failing to include this

may mean that the site owner is in breach of the requirements of the Regulations. The attached fees policy (Appendix B) has been produced to enable officers to appropriately and fairly charge for the costs incurred in determining a Fit & Proper Person application.

12. It is important to highlight that this fee policy will refer to any annual fee to recover costs which the local authority may have incurred, or which will be incurred, in appointing a person to manage a site with the site owner's consent.
13. The Regulations require site owners to submit a completed application and pay the fee, outlined in Appendix B, to their local authority, which will also include any additional fees such as an annual site fee.
14. The final aspect of this report concerns a proposal of new fees and charges for costs incurred by the Council in undertaking work in relation to Mobiles Homes (Appendix C). These fees and charges have been calculated to accurately reflect the costs incurred by the Council in determining applications and undertaking enforcement in relation to Mobile Homes. This will enable the Council to recover its costs in relation to this area of work, something that has not been undertaken for a number of years. These new fees and charges can then be reviewed annually with all other Council fees and charges.
15. When considering the annual site licence fee detailed in Appendix C, it is proposed that a risk assessment be introduced (Appendix D) when carrying out routine site inspections. The rationale behind this is that sites which are more compliant will be regulated less since they are deemed lower risk and their annual fee is reduced accordingly. This in turn will incentivise site owners to improve their level of compliance.

## **Options**

16. Members have the following options in relation to these proposals:

- (i) Approve the proposed policies and fees & charges structure.
- (ii) Approve the proposed policies and fees & charges structure with amendments.
- (iii) Refuse the approval of the proposed policies and fees & charges structure.

## **Implications**

17. There are no significant implications.

## **Alignment with Council Priority Areas**

### **A modern and caring Council**

18. The proposed policies align with this Council priority, specifically measure D8(i) which seeks to refresh caravan site licensing policy, fees and charges.

## **Background Papers**

N/A

## **Appendices**

Appendix A: Fit & Proper Persons Determination Policy

Appendix B: Fit & Proper Persons Fees Policy

Appendix C: Proposed Mobiles Homes fees & charges

Appendix D: Mobile Homes risk assessment

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