

**REPORT OF** Public Health and Housing Manager  
**To:** Community and Resources Committee  
**Subject:** Fit and Proper Persons - Fee setting for Park Home operators  
**Date:** 6<sup>th</sup> December 2021 **Reference:**

**PURPOSE OF REPORT:**

1. To advise members of the new Fit and Proper Persons checks for operators of designated mobile home sites.
2. To approve Fit and Proper Person Assessment Fee Policy for TDC
3. To approve Fit and Proper Person Determination Policy for TDC
4. To approve the Fit and Proper Person Assessment fee for 21/22.

**1. INTRODUCTION**

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations”) introduced a Fit and Proper Person test for mobile home site owners or the person appointed to manage sites, unless exempted by the Regulations. The Regulations apply to all relevant protected sites other than non-commercial family-occupied sites. These include both “residential parks”, which are used exclusively residentially, and “mixed use parks”, which are used for both residential and holiday purposes.

At the current time, 6 operators/premises within the TDC area will be subject to these provisions.

**2. REPORT**

A register of Fit and Proper persons will be maintained by TDC. The applicant wishing to be included on the register will have to show that there are suitable financial and management arrangements in place for the site and to provide information relating to their conduct in relation to any of the following:

- Offences relating to fraud, dishonesty, violence, arson or drugs or listed in schedule 3 of the Sexual Offences Act 2003.
- Contraventions of law in relation to: housing, caravan sites, mobile homes, public health, planning or environmental health or landlord and tenant law.
- Contraventions of law in relation to the Equality Act 2010, or in connection with the carrying out of any business.
- Harassment of any person in connection with the carrying out of any business.
- Insolvency within the last 10 years.
- Disqualification from acting as a company director within the last 10 years.
- Has the right to work in the UK

Under the legislation the fit and proper person must be the person with day-to-day responsibility for managing a site, whether that is the site owner or a person appointed to undertake the task on the owner’s behalf.



Anyone currently with a licence of a protected site, applying for a new site licence, or the transfer of a site licence to a new owner, will need to apply to have themselves or the site manager included on the register.

The operation of a site and failing to comply with the fit and proper person test it is a criminal offence and if found guilty the operator would be liable, on summary conviction, of a fine up to level 5 (unlimited).

### **3. POLICY AND FEE PROPOSAL**

In order to meet the regulations it is recommended that the Council adopts:

- The Fit and Proper Person Assessment Fee Policy
- The Fit and Proper Person Determination Policy

And approves:

- A Fit and Proper Person Assessment Fee

The fee for the Fit and Proper Person test has been calculated in consideration of the Regulations and to the best knowledge of the officers to ensure that the fee is transparent and reasonable to only cover the cost of the application and determination for the Fit and Proper Person test. The fee is cost neutral for the Council and will be reviewed on an annual basis.

The fee assessment policy ensures that the fee is transparent and reasonable for the site owners. It outlines the initial fee and the basis on which an annual fee can be calculated.

The Fit and Proper Person Determination Policy is consistent with other Council's in England and ensure that the determination and enforcement is transparent and reasonable for the site owner.

### **3. IMPLICATIONS**

#### Legal Implications

The Fit and Proper Persons check introduced by the Regulations is a new legal requirement on regulators/ relevant site operators.

#### Financial Implications

This is an additional licensing function for which a fee can be charged for its implementation.

#### Human Resources Implications

None

#### Sustainability/Biodiversity Implications

None

#### Equality/Diversity

None

#### Risk Management

None



Compliance with Policies and Strategies

None

Data Protection (GDPR) Implications

None

Climate Change

None

Ward Member and Lead Member Views

Cllr Hackett

**4. CONCLUSIONS**

There is a legal requirement on local authority regulators to implement the Regulations. The assessment and determination policy has been set out, along with a breakdown of the proposed fee in order that we are fair, consistent and transparent about our approach to these provisions. In order for operators to comply, the local authority need to have these arrangements in place. Ultimately these provisions seek to ensure that residential mobile home sites are managed by fit and proper persons, and ultimately look to improve the standards of park home site management.

**5. RECOMMENDATIONS**

1. For members to note the new Fit and Proper Persons checks for operators of designated mobile home site.
2. To approve Fit and Proper Person Assessment Fee Policy for TDC
3. To approve Fit and Proper Person Determination Policy for TDC
4. To approve the Fit and Proper Person Assessment fee for 21/22.

**SUPPORTING INFORMATION**

Consultations: Cllr Hackett

Contact Officer: Jan Williams Public Health and Housing Manager

Background Papers: The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020  
<https://www.legislation.gov.uk/ukxi/2020/1034/contents/made>

Mobile homes: a guide for local authorities on the fit and proper person test <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>

