



LICENSING COMMITTEE

4 November 2021

ITEM 08

Report sponsor: Samantha Dennis, Director of
Public Protection & Streetpride
Report author: Angela Rawson, Service
Manager - Licensing

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

Purpose

- 1.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the Regulations') prohibit the use of land as a residential mobile home site unless the Council is satisfied that the owner or manager of the site is a fit and proper person to manage the site.
- 1.2 The purpose of the fit and proper person test is to improve the standards of residential mobile home site management.

Recommendations

- 2.1 That Committee consider the report and note the statutory powers the Council has under the Regulations.
- 2.2 That Committee consider and approve the proposed amendments to the Mobile Homes Fees Policy at Appendix 1.

Reason

- 3.1 To ensure compliance with the legislative requirements.

Supporting information

- 4.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") came into force in July 2021.
- 4.2 The Regulations introduce a requirement for 'relevant protected sites', which have residential occupation all year round (park home sites) to be managed by a fit and proper person. It also sets out an overarching framework for the application of the test, the processes that local authorities will use to establish a register of fit and proper site managers.
- 4.3 The purpose is to improve the standards of park home site management, by assessing the person responsible for managing the site is suitable and is of good character.

- 4.4 As of 1 October 2021, it is an offence for the site licence holder to cause or permit the land to be operated as a park home site, unless they are, or an appointed person is, a fit and proper person to manage the site.
- 4.5 There are currently 3 licensed park home sites within the Derby city area. All site owners/managers were provided with the requisite information regarding the new fit and proper criteria. The forms were completed successfully and passed the criteria as set out in section 9 of the policy document at Appendix 1 of the report.
- 4.6 **Fees**
- 4.7 The Regulations allow the Council to charge a fee for processing and determining applications if they wish, and to charge an annual fee.
- 4.8 Guidance from Ministry of Housing, Communities and Local Government (MHCLG) stipulates the criteria to be included in assessing the fees that can be charged for this type of application.
- 4.9 The fee has been calculated taking into account the time taken for the processing of the application and for the maintenance of the public register.
- 4.10 Applying the cost recovery model advocated within the guidance, should committee accept the principle that fees should be payable, the application fee for the fit and proper test is proposed to be £135 and will take immediate effect. The approved fee will be published on the Council's website, and will be reviewed on an annual basis

Public/stakeholder engagement

- 5.1 None arising from this report. The people affected by the introduction of this new legislation were contacted directly.

Other options

- 6.1 None.

Financial and value for money issues

- 7.1 This is additional work to be carried out and the charging will be cost recovery and will be reviewed on an annual basis.

Legal implications

- 8.1 There are legislative requirements under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. Failure to put in place a mechanism enabling the regulations to apply within its administrative area may leave the Council open to legal challenge.

Climate implications

- 9.1 None directly arising from this report.

Other significant implications

10.1 None

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal Services	13 October 2021
Finance		
Service Director(s)		
Report sponsor	Samantha Dennis, Service Director	19/10/21
Other(s)	Michael Kay, Head of Service	19/10/21

Background papers:	Mobile homes: a guide for local authorities on the fit and proper person test - GOV.UK (www.gov.uk)
List of appendices:	Appendix 1 – Proposed Amended Mobile Homes Fees Policy