

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

DECISION

meeting date: THURSDAY, 28 OCTOBER 2021
title: THE MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020
submitted by: CHIEF EXECUTIVE
principal author: MATTHEW RIDING – PT HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To inform Committee of the implications of the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. Approval is sought to adopt a Fit and Proper Person Fees Policy and Determination Policy, to support the introduction of the Fit and Proper Person test (F&PP) in relation to caravan site licensing (residential sites).

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – This document will contribute to two of the three stated ambitions, namely:
 - “to help make people’s lives safer and healthier”; and
 - “to protect and enhance the existing environmental quality of our area”.
- Corporate Priorities – To “promote a healthier environment and lifestyle” and “ensure a well-managed Council providing efficient services based on identified customer needs”.
- Other Considerations – None.

2 BACKGROUND

2.1 Following a Government review of the Mobile Homes Act 2013, the Government introduced a new regime under the Caravan Sites and Control of Development Act 1960 called the Fit and Proper Person test.

2.2 The new regime was introduced by regulations, the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, on 23 September 2020. The regulations apply to all protected residential sites which are operated on a commercial basis.

2.3 The fit and proper person requirement will ensure that site owners, or their managers, of protected residential sites 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. Once approval is granted, the applicant's details must be kept on a register of fit and proper persons maintained by the local authority.

2.4 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).

3 ISSUES

3.1 Ribble Valley currently has 27 licensed caravan sites and the majority of these have been granted for holiday purposes and/or have stipulated closure periods. Therefore, only two sites in the Ribble Valley meet the criteria of 'relevant protected sites', being 'Shireburne', Waddington Road, Clitheroe and 'Three Rivers', Eaves Hall Lane, West Bradford.

3.2 When conducting the fit and proper person assessment, a local authority must consider the following points relevant to the application:

- Is the individual able to conduct effective management of the site?
- Personal information relating to the applicant concerned (including a criminal record check).

3.3 On receipt of an application the local authority may:

- grant the application unconditionally;
- grant the application subject to conditions;
- reject the application.

3.4 The local authority must, as soon as reasonably practicable after the end of the period allowed for making representations, make a final decision and serve the decision notice on the applicant. The applicant can decide to appeal the decision by making an application to the First-tier Tribunal.

3.5 A Determination Policy has been drafted for consideration and adoption in order to support the assessment of F&PP test applications (attached as Appendix A to this report).

3.6 A Fees Policy has been drafted for consideration and adoption to support the recovery of costs associated with performing this new function (attached as Appendix B to this report).

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Approval of new fees will generate income to help cover the costs of work on the Fit and Proper Test.
- Technical, Environmental and Legal – There are no environmental or legal implications, other than the Council is required to maintain a register of fit and proper persons for 'relevant protected sites'.
- Political – None.
- Reputation – None
- Equality & Diversity – There are considered to be no significant implications.

5 RECOMMENDED THAT COMMITTEE

5.1 Considers and approves the adoption of the proposed Determination Policy set out in Appendix A.

5.2 Considers and approves the adoption of the proposed Fees Policy set out in Appendix B, including approval of the following fees:

- Mobile Homes Fit and Proper Test Application Fee; £261.00.
- Mobile Homes - Site Manager Appointment Costs (costs recovered in full from site owner).

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CHIEF EXECUTIVE

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