

Chichester District Council

THE CABINET

7 December 2021

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

1. Contacts

Report Author(s):

Laurence Foord – Divisional Manager; Communications, Licensing & Events
Telephone: 01243 534742 E-mail: lfoord@chichester.gov.uk

David Knowles-Ley – Licensing Manager
Telephone: 01243 534743 E-mail: dknowles-ley@chichester.gov.uk

Cabinet Member:

Councillor Alan Sutton – Cabinet Member for Housing, Communications, Licensing & Events
Telephone: 01798 342452 E-mail: asutton@chichester.gov.uk

2. Executive Summary

Cabinet approval is sought to adopt the proposed fee to be charged to undertake the statutory 'Fit and Proper Person Test' under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. Approval is also sought of the associated separate Fee and Determination Policies.

3. Recommendation

3.1 Cabinet is recommended to approve the proposed fee and separate supporting Fees and Determination Policies.

4. Background

- 4.1 A new licensing function has been introduced by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
- 4.2 All protected residential sites which are operated on a commercial basis must now demonstrate that they are operated and/or managed by a fit and proper person.
- 4.3 The Fit and Proper Person Test is a new mechanism for Local Authorities to determine whether the person with day-to-day responsibility for managing every residential, commercial site within their district is a fit and proper person to do so.
- 4.4 The proposed fee of £450 is in addition to any current fee charged for the administration of the licensing functions in respect of 'Relevant Protected Sites' under the Mobile Homes Act 2013.

4.5 Any charges must be justifiable and reasonable ensuring full transparency for the site owner.

5. Outcomes to be Achieved

5.1 The proposed fee, along with the separate Fee and Determination policies, were presented to and approved by the General Licensing Committee on 1 November 2021.

5.2 The Local Authority must publish its fee and supporting Fees Policy which can be revised if necessary. The purpose of publishing the Fees Policy is to show that the fees imposed by the Local Authority are fair and transparent so that anyone required to pay a fee can understand the charges.

6. Proposal

6.1 The proposed fees calculation table found at Appendix 1 outlines the various tasks that are expected to be carried out in determining whether an individual is 'fit and proper'. This provides a transparent justification for an appropriate fee to be imposed upon receipt of an application.

6.2 A Local Authority is not required to consider an application as having been validly made unless it is accompanied by the correct fee.

7. Alternatives Considered

7.1 As referred to above, it is a statutory requirement that the authority prepares and publishes a Fees Policy, so no alternative was considered. As a minimum, it is proposed to publish a copy of both the approved Fees Policy and Determination Policy on the Local Authority's website and to write to all parties who it is believed may have to make an application.

8. Resource and Legal Implications

8.1 There are no resource and/or legal implications raised other than those set out within the body of this report. In order that the Local Authority may recover the full costs associated with delivering this new statutory licensing function, it must have adopted a Fees Policy.

9. Consultation

9.1 As mentioned earlier, it is a statutory requirement that the authority prepares and publishes a Fees Policy and there is no statutory requirement to undertake a consultation exercise. As a minimum it is proposed to post a copy of the approved policy on the Local Authority's website and write to the respective site owners.

10. Community Impact and Corporate Risks

10.1 The aim of the new 'fit and proper person test' and associated powers is to protect vulnerable occupants from the potential poor management practices of residential site owners. Residents of such sites are often older people. Adopting these policies

will better enable the Local Authority to effectively resource and determine applications, helping to improve the management of park home sites for all residents ensuring affected sites are operated only by persons who are deemed to be 'fit and proper'.

11. Other Implications

	Yes	No
Crime and Disorder	X	
Biodiversity and Climate Change Mitigation		X
Human Rights and Equality Impact	X	
Safeguarding and Early Help	X	
General Data Protection Regulations (GDPR)		X
Health and Wellbeing	X	
Other (please specify)		X

9. Appendices

- Appendix 1 Proposed fee for 'Fit & Proper Person Test'
- Appendix 2 Proposed Fee Policy
- Appendix 3 Proposed Determination Policy

10. Background Papers

- Policy templates emanating from the Caravan Site Licensing Forum for England –
- Guidance and templates for Fees Policy & Determination Policy
- Guidance for Site Owners
- General guidance/advice to Local Authority Forum members