



**Cabinet**

**Tuesday, 8 June 2021**

**Revised Mobile Homes Fees Policy 2021 – 2024**

## **Report of the Director – Neighbourhoods**

### **Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis**

#### **1. Purpose of report**

- 1.1. To advise Cabinet of recent changes to the law relating to mobile home and caravan sites; specifically, the introduction of a fit and proper test and associated fees.
- 1.2. Cabinet is asked to approve the revised Policy to enable it to be exercised in accordance with the legal timetable.

#### **2. Recommendation**

It is RECOMMENDED that Cabinet approves the adoption of a fit and proper person test and Mobile Homes Fees Policy for 2021-2024.

#### **3. Reasons for Recommendation**

The Council approved a Mobile Homes Policy in 2017, which was renewed in 2020, in consultation with the Portfolio Holder, with no changes. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations”) come into force in July 2021. Consequently, there is a need to reflect the changes within a revised Policy framework.

#### **4. Supporting Information**

- 4.1. The Mobile Homes Act 2013 (MHA 2013) made significant changes to the local authority site licensing regime, providing local authorities with new enforcement powers. The Regulations come into force in July 2021, and introduce a requirement for ‘relevant protected sites’, which have residential occupation all year round to be managed by a fit and proper person. It also sets out an overarching framework for the operation of the test, the processes that local authorities will use and a register of fit and proper site managers.
- 4.2. The purpose of the test is to improve the standards of park home site management, by introducing an assessment that the person responsible for managing the site is suitable and of good character. The requirement for the

person responsible for managing the site to be a fit and proper person is in addition to the requirement for a site to be licensed.

4.3. Once in force, the fit and proper person requirement will make it an offence for a site licence holder to cause or permit land to be operated as a park home site unless they are a fit and proper person to manage the site.

4.4. There are seven “relevant protected sites” within the Borough. It is a legal requirement for the occupier of each site to have applied and have been entered onto a fit and proper person public register by the end of September 2021. Prior to this date all sites will have been advised of their responsibilities.

## **5. Alternative options considered and reasons for rejection**

No alternatives identified. The amended policy changes reflect statutory changes brought into effect through The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

## **6. Risks and Uncertainties**

Failure to properly enact the legal changes would open the Council to legal challenge.

## **7. Implications**

### **7.1. Financial Implications**

7.1.1. Additional workload created by these changes to the Policy are to be absorbed into existing Public Protection workloads, no additional staffing or financial resource is required.

7.1.2. The Council can recover the cost of this licensing function in the form of a charge to the customer. These fees are detailed within Appendix 1 of the Policy.

### **7.2. Legal Implications**

The recommendations support the proposed enactment of the Regulations so that the Council may properly apply them.

### **7.3. Equalities Implications**

There are no equalities implications arising from this report.

### **7.4. Section 17 of the Crime and Disorder Act 1998 Implications**

The implementation of this legislation will help to strengthen the current regulatory framework for such sites and ensure the suitability of persons responsible for site management.

## 8. Link to Corporate Priorities

Quality of Life	The licensing of caravan sites helps to ensure the safety of residents
Efficient Services	n/a
Sustainable Growth	n/a
The Environment	n/a

## 9. Recommendation

It is RECOMMENDED that Cabinet approves the adoption of a fit and proper person test and Mobile Homes Fees Policy for 2021-2024

<b>For more information contact:</b>	Geoff Carpenter Service Manager Public Protection 0115 914 8229 <a href="mailto:GCarpenter@rushcliffe.gov.uk">GCarpenter@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Not applicable
<b>List of appendices:</b>	Appendix 1- Draft Mobile Homes Act 2021 - 2024 Fees Policy Appendix 2- Revised Mobile Homes Licensing Fees