

Policy and Resources Committee - Fit and Proper Person Assessment and Fit and Proper Person Fee Policies – Update

09/03/2026

- **POLICY AND RESOURCES COMMITTEE**

PART I

**Fit and Proper Person Assessment and Fit and Proper Person Fee Policies-
Update
(ADCCC)**

1 Summary

- 1.1 The council adopted the Fit and Proper Person Assessment Policy and the Fit and Proper Person Fee Policy in January 2023.
- 1.2 As confirmed within these policies, they are to be reviewed in line with any significant change in Government legislation, new Government guidance or any changes in relevant case law. In any case, the policies will be reviewed to ensure compliance with the above every three years.
- 1.3 To ensure compliance with any change required, both policies have now been reviewed, with the changes to the policies listed below.

2 Recommendation

- 2.1 That:

Committee review and adopt the updated policies that adhere to current Government legislation and guidance.

Committee to delegate authority to the council's Associate Director of Corporate, Customer and Community in collaboration with the Lead Member to make minor amendments to the Policies if required.

Report prepared by: Jason Hagland – Strategic Housing Manager

3 Details

- 3.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 prohibit the use of land as a residential mobile home site unless the local authority is satisfied that the owner or manager of this site is a fit and proper person.
- 3.2 The purpose of this fit and proper person test is to improve the standards of mobile home site management.
- 3.3 The legislation requires current and future site owners or site managers of Mobile Home Sites in the district to apply to the council to be assessed as a fit and proper person and to be included on a register of fit and proper persons.
- 3.4 Following an application, the council are required to make a decision on whether an owner or manager of a site is a fit and proper person based on the information provided within the application.

- 3.5 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 also enable the council to charge a fee for this assessment, however the Regulations are clear that the council should not make any profit from this fee and should only charge a predicted level of expenditure to undertake this assessment.
- 3.6 It is estimated that the time taken to process an application will be 300 minutes of officer time.
- 3.7 At the time of the adoption of this Policy, the fee to be charged for an application for assessment as a Fit and Proper Person was confirmed to be £120.00.
- 3.8 Officers have reviewed both policies and the legislation and guidance that governs these matters.
- 3.9 With regards to the Fit and Proper Person Assessment Policy, there has been no change in the relevant legislation or the Government guidance.
- 3.10 Therefore, there are no changes that are required to this Policy.
- 3.11 With regard to the Fit and Proper Person Fee Policy, there has been no change in the relevant legislation or the Government guidance.
- 3.12 However, the price charged for the assessment undertaken by Officers upon application has been increased in line with the council's annual Fees and Charges and increases to Officer pay since adoption in 2023.
- 3.13 Therefore, the only change to this Policy is the fee for this assessment to be undertaken by the council has now changed from £120.00 to £127.00.

4 Options and Reasons for Recommendations

- 4.1 It is recommended that the council adopt these updated policies to ensure the council's ongoing compliance with our obligations listed within the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
 - 4.1.1 Furthermore, the adoption of these updated policies will enable the council to recover the costs that will be incurred (Officer time) following an application for an assessment of a Fit and Proper Person.

5 Policy/Budget Reference and Implications

- 5.1 The recommendations in this report are within the Council's agreed policy and budgets.

Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Risk Management and Health & Safety Implications

6 Financial Implications

- 6.1 None specific

7 Legal Implications

- 7.1 None specific

8 Equal Opportunities Implications

8.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required?	No

8.2 Impact Assessment

An Equality Impact Assessment (EIA) is contained within the appendices for this report. It is not anticipated that the updated policies will have any negative impact on any group with protected characteristics.

9 Communications and Website Implications

9.1 Once adopted, the updated policies will be required to be uploaded to the council's website.

10 Risk and Health & Safety Implications

10.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.2 The subject of this report is covered by the Housing Services service plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
The council do not adopt the updated policies	<p>The council are not compliant with our obligations as listed within the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.</p> <p>The council are unable to recover the costs incurred</p>	The updated policies are adopted by council.	Tolerate	4

	for the Officer time to assess any application received.			
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10.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ↓ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact Low -----> Unacceptable			

Impact Score
 4 (Catastrophic)
 3 (Critical)
 2 (Significant)
 1 (Marginal)

Likelihood Score
 4 (Very Likely (≥80%))
 3 (Likely (21-79%))
 2 (Unlikely (6-20%))
 1 (Remote (≤5%))

10.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

Data Quality

Data sources:

Nil

Data checked by:

N/A

Data rating:

N/A

1	Poor	N/A
2	Sufficient	N/A
3	High	N/A

Background Papers

APPENDICES / ATTACHMENTS

Fit and Proper Person Assessment Policy – Jan 2026

Fit and Proper Person Fee Policy – Jan 2026

Equality Impact Assessment

Climate and Sustainability Impact Assessment

