

## **POLICY AND RESOURCES COMMITTEE – 23 JANUARY 2023**

### **PART I – DELEGATED**

#### **6. FIT AND PROPER PERSON ASSESSMENT POLICY**

##### **(EHoS)**

##### **1 Summary**

1.1 To propose to Committee a new Fit and Proper Person Assessment Policy to ensure the Council's compliance in its duties to the residents of Mobile Homes Sites in the District.

1.2 The full policy is contained in Appendix A.

##### **2 Details**

2.1 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.

2.2 The purpose of this fit and proper person test is to improve the standards of mobile home site management.

2.3 This 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.

2.4 Following an application, the Council will be 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, therefore the adoption of a policy to oversee this decision is required.

2.5 The Policy will clearly outline to an applicant what will be taken into consideration by the Council whilst assessing their application.

2.6 The Fit and Proper Person Assessment Policy has been drafted in line with UK Government guidance that has been provided to Local Authorities and sets out the following;

2.6.1 Who must apply to the Council for an assessment as a fit and proper person and individuals or sites that may be exempt from this requirement;

2.6.2 A reference to the Council's Fit and Proper Person Fee Policy that sets out the fee that will be applicable to any applicant on the submission of their application;

2.6.3 The information that a site owner or site manager will be required to submit to the Council before an assessment will be undertaken;

2.6.4 What the Council will consider when making a decision if a site owner or manager of a site is a 'Fit and Proper Person';

2.6.5 What decisions that the Council can make following an application for assessment, how further representations to the Council can be made following a decision and how any decision will be issued to the site owner or site manager;

- 2.6.6 How the site owner or manager can appeal any decision made by the Council;
- 2.6.7 How the Council will maintain a register of persons they are satisfied are fit and proper persons to manage a relevant protected site within the district and how this register can be viewed by members of the public;
- 2.6.8 How often the Policy will be reviewed and if required, updated, to reflect changes in legislation, UK Government guidance or changing local needs.

### **3 Options and Reasons for Recommendations**

- 3.1 It is recommended that the Council adopt this Policy to enable officers to make guided decisions in their assessment of a Fit and Proper Person in relation to the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
- 3.2 It is recommended that the Council adopt this Policy so that any applicant to the Council for a Fit and Proper Person Assessment will be clearly informed on what the Council will take into consideration whilst making this decision.
- 3.3 Decisions taken with reference to this Policy will enable the creation of a Fit and Proper Person Register to be maintained by the Council and will ensure the Council complies with relevant legislation.

### **4 Policy/Budget Reference and Implications**

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

### **5 Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Risk Management and Health & Safety Implications and Health & Safety Implications**

- 5.1 This Policy will enable the Council to ensure that residents of Mobile Home Sites in the district reside in sites that are managed by a site owner or manager that the Council can be confident is a 'Fit and Proper Person'.
- 5.2 An Equality Impact Assessment (EIA) has been completed and been signed off by the Head of Community Partnerships. This EIA will be reviewed one year from implementation to assess any equalities impacts.
- 5.3 A Data Protection Impact Assessment (DPIA) has been completed for this Policy.

### **6 Financial Implications**

- 6.1 None specific.

### **7 Legal Implications**

- 7.1 Approval of the Fit and Proper Person Application Policy will ensure Council compliance with relevant legislation.

### **8 Communications and Website Implications**

- 8.1 The Policy will be added to the website.
- 8.2 A register of 'Fit and Proper' Persons will be added to the Council's website.

## **9 Risk and Health & Safety Implications**

- 9.1 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.
- 9.2 Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

## **10 Recommendation**

- 10.1 That this Policy is adopted by the Committee.

Report prepared by: Jason Hagland, Strategic Housing Manager

### **Data Quality**

Data sources: None

Data checked by: N/A

Data rating: N/A

<b>1</b>	<b>Poor</b>	<b>N/A</b>
<b>2</b>	<b>Sufficient</b>	<b>N/A</b>
<b>3</b>	<b>High</b>	<b>N/A</b>

### **Background Papers**

APPENDIX A: Fit and Proper Person Assessment Policy January 2023