

POLICY AND RESOURCES COMMITTEE – 23 JANUARY 2022

PART I - DELEGATED

7. FIT AND PROPER PERSON FEE POLICY

(EHoS)

1 Summary

1.1 To propose to Committee a new Fit and Proper Person Fee Policy to set out the fees that the Council will charge for any application for an assessment as a Fit and Proper Person to manage a relevant protected site within the district as per the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

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 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.

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.

2.5 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 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.

2.6 It is estimated that the time taken to process an application will be 300 minutes of officer time.

2.7 It is anticipated that this application will be processed by the Senior Housing Enforcement Officer. The rate of pay for this officer at the top of their pay scale is £18.18 per hour. With the addition of National Insurance contributions and Employer Pension contributions, this rate of pay increases to £23.99 per hour.

2.8 Therefore the fee to be charged for an application for assessment as a Fit and Proper Person will be £120.00. (5 hours x £23.99).

2.9 The Fit and Proper Person Fee Policy also sets out the following;

2.9.1 The Council will not consider any application for assessment until this fee has been received;

- 2.9.2 The Council will not charge the applicant for any preliminary advice they receive before the application has been received;
- 2.9.3 If the Council decides to not approve any application or the applicant decides not to continue with an application, the applicant will not be entitled to a refund;
- 2.9.4 Subject to consent of the site owner, should the Council appoint an individual to manage a site, these costs will be recovered from the site owner;
- 2.9.5 The Council do not propose to implement an annual fee, however, this will be subject to review.

3 Options and Reasons for Recommendations

- 3.1 It is recommended that Committee adopt this Policy as this is a requirement for the Council to produce this Policy as per the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
- 3.2 This Policy will enable the Council to recover the costs that will be incurred following an application for an assessment of a Fit and Proper Person.

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 Fee 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

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

Background Papers

APPENDIX A: Fit and Proper Person Fee Policy January 2023