



**Report to: Licensing and Environment Health Committee, 13 June 2022**

**Report of: Head of Worcestershire Regulatory Services on Behalf of Worcester City Council**

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**Subject: Review of the Mobile Homes Act 2013 and Implementation of the Mobile Homes (Requirement for Manager of Site to be a Fit and Proper Person) (England) Regulations 2020.**

**1. Recommendation**

**That Committee:**

- 1.1 Notes the contents of this report and in particular the consideration of implementing the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020**
- 1.2 Approve the draft Determination Policy at Appendix 1 for implementation on 1<sup>st</sup> July 2022**
- 1.3 Approve the draft Fee Policy for Relevant Protected Sites at Appendix 2 for the purpose of stakeholder consultation**
- 1.4 Delegates the Corporate Director of Operations, Homes and Communities in consultation with the Chair and Vice Chair of this Committee, to approve the draft fee policy for implementation, subject to a review of the consultation feedback**

**2. Background**

- 2.1 The Council is responsible for the licensing of caravan sites. There are two main areas of caravan site licensing, those sites with residential caravans, commonly referred to as 'residential park home sites', and those with caravans sited for holiday purposes.
- 2.2 Officers have recently undertaken a review of the Council's Caravan and Mobile Home Park licensing function, in response to the implementation of the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
- 2.3 In doing so Officers have identified that with the implementation of The Mobile Homes Act 2013, introduced in April 2014 local authorities have been in a position to charge fees in relation to the licensing of Residential Sites, known as "Relevant Protected Sites", in order to cover the costs of administration this particular licensing function.
- 2.4 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 amend the Caravan Sites and Control of Development Act 1960 to introduce a fit and proper person test for relevant protected mobile / park

home site owners or the person appointed to manage the site. The purpose of the fit and proper person test is to improve the standards of park home site management.

- 2.5 The Regulations were made on 23 September 2020 and allow local authorities to prepare to receive applications from site owners from 1 July 2021. All site owners must apply to be assessed as fit and proper persons and to be included on a fit and proper person register.
- 2.6 The Council will consider a set of criteria under the "fit and proper person test" and will either grant an application unconditionally, grant it subject to conditions, or reject it. If the test is failed, the site owner would have to appoint a new manager (who must be a fit and proper person) themselves, or consent to the local authority doing so.
- 2.7 The draft Determination Policy at "**Appendix 1**" sets out the approach that will be taken when determining applications for inclusion on the register of fit and proper persons. The draft Determination Policy also sets out the approach that will be taken when considering the removal of someone from the register.
- 2.8 In light of the Council's ability to charge fees in line with the Mobile Homes Act 2013 and with the recent introduction of the "fit and proper person test", the Licensing Committee are also asked to approve the draft Fee Policy for Relevant Protected Sites at "**Appendix 2**" for the purpose of public consultation.
- 2.9 Whilst there is no statutory duty imposed on the Council to consult on the proposed draft fees policy, officers will undertake a consultation exercise on the policy over a 6-week period with various trade bodies and their representatives. Consultation will also take place with licensed relevant protected site owners, of which it has been identified that there is currently only one within Worcester.

### **3. Preferred Option**

- 3.1 Officers recommend the Licensing and Environmental Health Committee to approve the draft Determination Policy at **Appendix 1** with a commencement date of 1<sup>st</sup> July 2022.
- 3.2 Furthermore, Committee are recommended to approve the draft Fee Policy for Relevant Protected Sites at **Appendix 2** for the purpose of a six week consultation exercise with relevant stakeholders.
- 3.3 The consultation will provide respondents with the opportunity to make comment on proposal to adopt the draft Fee Policy, with the results of the consultation being reported back to Members for consideration at a future meeting of the Licensing Committee.

### **4. Implications**

#### **Financial and Budgetary Implications**

- 4.1 Adoption of a revised Fee Policy for Relevant Protected Sites will allow the Council to go some way to recovering its costs in respect of the administration of the current caravan and mobile home licensing function and also for any applications it receives for inclusion on the register of fit and proper persons. It should be noted however that the Licensing Function and its fees are set at cost recovery rates and does not seek to create a surplus in line with licensing legislation.

### **Legal and Governance Implications**

- 4.2 Approval of the Determination Policy will assist the Council to make robust and consistent decisions, in order to mitigate the risks of appeals against those decisions being successful at a Tribunal.

### **Risk Implications**

- 4.3 Without a Determination Policy, the Council may be challenged when exercising its functions under the Regulations and the Mobile Homes Act 2013 through several routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by implementing the requirements of the Regulations, the Council is complying with its legal obligation.

### **Corporate/Policy Implications**

- 4.4 All regulatory policies relating to Environmental Health and Licensing approved by Worcester City Council should comply with the Regulators Code. The Regulators Code is made under the provisions of the Legislative and Regulatory Reform Act 2006. It seeks to promote proportionate, consistent, and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

### **Equality Implications**

- 4.5 The Licensing and Environmental Health Committee will ensure it has regard to the desirability of exercising its functions regarding the need to eliminate discrimination and to increase equality of opportunity.
- 4.6 On this occasion no Equality Implications have been identified.

### **Human Resources Implications**

- 4.7 No Human Resources Implications have been identified.

### **Health and Safety Implications**

- 4.8 No Health and Safety Implications have been identified.

### **Social, Environmental and Economic Implications**

- 4.9 Implementation of the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 will ensure that only fit and proper persons will manage relevant protected mobile home sites in Worcester.
- 4.10 There are no anticipated environmental economic implications associated with the recommendations in this report.

**Ward(s):** All

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**Background Papers:** None