



## AGENDA ITEM: 6

### SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	29 <sup>th</sup> June 2021
PART:	I
If Part II, reason:	

Title of report:	<b>Mobile Homes Act 2013 – Fit and Proper person requirement</b>
Contact:	Nathan March – Licensing Team Leader, Corporate and Contracted Services
Purpose of report:	To advise the Committee of new requirements under the Mobile Homes Act 2013
Recommendations	That the Licensing Team Leader be delegated responsibility for the provision of the relevant application form, and procedures to ensure that the Council can meet its responsibilities in regards to the determination of whether individuals are fit and proper to hold a caravan site licence and to be included on the register.
Corporate objectives:	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Delivering an efficient and modern council</li> <li>• Building strong and vibrant Communities</li> <li>• Ensuring economic growth and prosperity</li> </ul>
Implications:	<p><u>Equalities</u> This work is directed by legislation so apply to any person who wishes to hold a Caravan Site Licence</p> <p><u>Financial / Value for Money / Risk / Health &amp; Safety</u> None arising.</p>
Consultees:	Due to the short timescale of the legislative requirements coming into effect, there is no time to consult. However, the existing licensees will be notified of the new requirements as soon as possible, and these requirements are laid out by the

	legislation rather than any local policy.
Background papers:	Mobile Homes Act 2013 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

- 1.1. The Mobile Homes Act 2013 made it possible for regulations to be made by Government that require local authorities to establish whether existing and potential caravan site licence holders, or their site managers are 'fit and proper' to do so.
- 1.2. As part of this requirement, from 1 July 2021, licensing authorities are required to allow applications to be received from relevant individuals to be included on a register to be maintained by the Council of fit and proper people for this purpose.
- 1.3. The assessment the Council is required to make for any applicant is as follows:
  - 1.3.1. Whether the relevant person has the ability to secure the proper management of the site
  - 1.3.2. has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
  - 1.3.3. has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
  - 1.3.4. has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
  - 1.3.5. has harassed any person in, or in connection with, the carrying on of any business;
  - 1.3.6. is, or has been within the past 10 years, personally insolvent;
  - 1.3.7. is, or has been within the past 10 years, disqualified from acting as a company director;
  - 1.3.8. has the right to work in the United Kingdom; and
  - 1.3.9. is a member of any redress scheme for dealing with complaints in connection with the management of the site.
- 1.4. The regulations prescribe what information must be provided to applicants in the event that they are rejected for inclusion on the register.

- 1.5. Individuals can also be removed from the register in certain circumstances as stipulated by the regulations.
- 1.6. Once accepted for the register, an individual should normally remain on the register for 5 years, before being required to reapply.
- 1.7. The Council can issue a preliminary decision notice if it initially makes a decision other than to include the applicant on the register. Where a preliminary decision is made, the applicant has the right to make representations to the Council, and should the Council maintain its decision to refuse inclusion on the register, the individual can then appeal this decision to a Third Tier Tribunal.
- 1.8. It is possible to set a fee for inclusion on the register, and this can include an annual fee. However, to charge a fee, a fees policy is required. Given the timescales for the new regulations coming into force, it is proposed that no fee is charged at this time, and that this be reviewed in the future should the work required to maintain the register be significant.
- 1.9. There are only 5 caravan sites within Dacorum currently, the owners of which will be affected by these new requirements.

## **2. WORK TO BE DONE**

- 2.1. The following needs to be done urgently in order that the Council can meet the new requirements:
  - 2.1.1. Application form to be created
  - 2.1.2. Procedures develop for consideration of applications
  - 2.1.3. Register to be set up
  - 2.1.4. Other communications such as confirmation of inclusion and refusal notices

## **3. RECOMMENDATION**

- 3.1. That the Licensing Team Leader be delegated responsibility for the provision of the relevant application form, and procedures to ensure that the Council can meet its responsibilities in regards to the determination of whether individuals are fit and proper to hold a caravan site licence.
- 3.2. The Licensing Team Leader to be delegated authority to determine applications for inclusion on the register.
- 3.3. The Assistant Director (Corporate and Contracted Services) or Group Manager (Legal and Corporate Services) to be delegated responsibility for consideration of any representations made following a preliminary decision notice being issued.