

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
LICENSING DEPARTMENT	PUBLIC PROTECTION COMMITTEE	7 th JULY 2021	10
CARAVAN SITE FIT & PROPER PERSONS TEST			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

1. On 15 June 2020, section 8 of the Mobile Homes Act 2013 (“the Act”) came into force. Section 8 of the Act provides that there is requirement for a manager of a Relevant Protected Site to be a fit and proper person in England.
2. The Mobiles Homes (Requirement for Manager of Site to be Fit & Proper Person) (England) Regulations 2020 were published on 23 September 2020.
3. The local authority will consider a set of criteria – the “fit and proper person test” and will either grant an application unconditionally, grant it subject to conditions, or reject it. If a site licence holder or site manager fails the test, the site licence holder would have to appoint a new manager (who must be a fit and proper person) themselves, or consent to the local authority doing so.
4. Applicants will be included on the register for a period of up to 5 years.
5. A local authority may vary or reject a condition attached to an entry on a register.
6. It will be an offence to breach a condition attached to an entry, provide false or misleading information in support of an application, or to operate a site without having a fit and proper person in place. If convicted of any of these offences, the site owner will be liable for an unlimited fine. Breach of these requirements will also enable the local authority to apply to court to have the site licence revoked.
7. During the first year applications must be submitted between the 1st July 2021 and by midnight of 30 September 2021 inclusive to be assessed as a Fit and proper Person. If a person is found to be operating a site and fails to comply with the fit and proper person test it is a criminal offence and if found guilty would be liable, on summary conviction, of a fine up to level 5 (unlimited).
8. The local authority may charge a reasonable fee cover the administration of the application process and/or any enforcement of the regime. The fee was been agreed at £250.00 per application at Finance & Democracy Committee on 28th June 2021.

SOURCE OF INFORMATION

UK Public General Acts - The Mobile Homes Act 2013 - <http://www.legislation.gov.uk/ukpga/2013/14/section/8>
www.legislation.gov.uk/ukpga/2013/14/section/8

UK Statutory Instruments – The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 -

<http://www.legislation.gov.uk/uksi/2020/1034/contents/made>
www.legislation.gov.uk/uksi/2020/1034/contents/made

Mobile homes: A guide for local authorities on the fit and proper person test: tions/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities/mobile-homes-a-guide-for-local-authorities-on-the-fit-and-proper-person-test" www.gov.uk/government/publications/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities/mobile-homes-a-guide-for-local-authorities-on-the-fit-and-proper-person-test

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To update the Committee regarding the upcoming implementation of the Fit & Proper Test in respect of 14 Residential Park Home Sites (relevant protected sites) which are situated within the Borough of Fylde.

FURTHER INFORMATION

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