

ARUN DISTRICT COUNCIL

REPORT AND DECISION OF CORPORATE POLICY AND PERFORMANCE COMMITTEE ON 17 JUNE 2021

SUBJECT: Caravan Sites and Control of Development Act, 1960 – Fit and Proper Person Test

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DATE: 20 May 2021
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EXECUTIVE SUMMARY

Committee approval is sought to adopt a Fit and Proper Person Fees Policy and Determination Policy to support the introduction of the Fit and Proper Person test (F&PP) in relation to caravan site licensing (residential sites) on 1 July 2021.

The F&PP legislation is a new mechanism for local authorities to determine whether the person with day-to-day responsibility for managing every residential, commercial site within their district is fit and proper to do so.

Applications can be made to the Local Authority (LA) from 01 July 2021. The LA will need to assess the applicant's circumstances in consideration of any determination policy. A register of approved F&PP applicants will also need to be maintained by the LA. This is a new function of the LA, who are able to recover their costs only in accordance with an adopted fees policy.

RECOMMENDATIONS

It is recommended that Committee:

1. adopt the Fit & Proper Person Determination Policy;
2. adopt the Fit & Proper Person Fees Policy;
3. delegate to Group Head of Technical Service the ability to make minor revisions to F&PP fees policy, including amendments to the fee schedule.

1. BACKGROUND

Following a Government review of the Mobile Homes Act, 2013, the Government introduced a new regime under the Caravan Sites and Control of Development Act 1960 called the Fit and Proper Person test. The new regime was introduced by regulations in 2020 and it is to be implemented by local authorities on 01 July 2021. The regime sits within The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations, 2020. All protected residential sites which are operated on a commercial basis must have demonstrated that they are operated/managed by a fit and proper person. The legislation states that applications can be received by local authorities

from 01 July 2021 until midnight on 30 September 2021. The local authority has the ability to recover costs, once the appropriate fees policy is adopted.

A Determination Policy has been drafted for consideration and adoption in order to support the assessment of F&PP test applications which can be received from 01 July 2021.

A Fees Policy has been drafted for consideration and adoption to support the recovery of costs associated with performing this important new function.

2. PROPOSAL

It is recommended that Committee:

1. adopt the Fit & Proper Person Determination Policy;
2. adopt the Fit & Proper Person Fees Policy;
3. delegate to Group Head of Technical Service the ability to make minor revisions to F&PP fees policy, including amendments to the fee schedule.

3. OPTIONS

The following alternative options have been identified:

1. amend and adopt the fees policy and/or the determination policy;
2. do not adopt the fees policy and/or the determination policy
3. do not delegate to Group Head of Technical Service the ability to make minor revisions to F&PP fees policy, including amendments to the fee schedule.

4. CONSULTATION

Has consultation been undertaken with the following?:

	YES	NO
Relevant Town/Parish Council (if applicable)		X
Relevant District Ward Councillors (if applicable)		X
Site Owners		X

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES (Explain in more detail in section 6):

	YES	NO
Financial	X	
Legal	X	
Human Rights/Equality Impact Assessment	X	
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS

Financial: Adopting the fees policy will enable Arun DC to recover the costs associated

with delivering this process. If the fees policy is not adopted, the Council will not be able to recover the costs associated with this new statutory function.

Legal: Adopting the determination policy will enable Arun DC to make decisions and uphold these decisions if challenged. Not adopting the determination policy increases the risk of challenges to decisions made in relation to the F&PP test. Through the Local Authority Caravan Site Licensing Officers' Forum which has over 200 local authority members, barrister advice has been obtained in the preparation of both policies.

Equalities: The Equalities Impact Assessment has not identified adverse impacts on protected characteristics.

7. REASON FOR THE DECISION

To support the performance of a new and important statutory function.

8. BACKGROUND PAPERS

List of residential mobile home sites in Arun: <https://www.arun.gov.uk/camping-and-caravan-sites>

Appendices:

1. Equality Impact Assessment
2. fees policy
3. fees schedule
4. determination policy