

Customer Access Review – Full Assessment

Assessment details	
Assessment area	Fit and Proper Person Test for Mobile Home Sites – Determination Policy
Date of assessment	2 June 2021
Directorate and Service	Housing and Public Protection, Housing Services
Manager	Housing Solutions and Private Sector Manager
Officer conducting assessment	Housing Policy and Development Officer
Step 1: Scoping the assessment	
1. What are the aims and objectives of the activity or proposal?	<p>From the 1 July 2021 up to and including 30 September 2021, all relevant mobile home site owners, or their appointed site manager must apply to their local authority to be included on a register of fit and proper persons.</p> <p>The draft Fit and Proper Persons Determination Policy supports the assessment of fit and proper person applications. It sets out the matters and considerations taken into account for assessing and determining applications.</p> <p>The aim of the Fit and Proper Persons Determination Policy is to ensure the process for undertaking the fit and proper person test function is fair, consistent, reasonable and transparent.</p>
2. Who will be affected by the activity or proposal?	The Fit and Proper Persons Determination Policy affects operators and residents of both park home sites and privately owned Gypsy and Traveller sites where pitches are rented out on a commercial basis. Owner-occupied sites, where they are only occupied by a single family and are not operated commercially, will be exempt from the fit and proper person test.
3. How does the activity or proposal contribute to: a) any key performance indicators? b) policies, values or objectives of Dartford Borough Council?	<p>a) There are no specific Corporate Plan performance indicators in relation to the fit and proper person test function. However, within the realm of the work of the Private Sector Housing Team, the following performance indicators are reported under the Corporate Plan:</p> <ul style="list-style-type: none"> • HP-17a: Number of service requests completed for Private Sector Housing • HP-17b: Number of service requests received for Private Sector Housing • HP-18: Number of private sector dwellings returned to occupation <p>b) The Fit and Proper Persons Determination Policy contributes to the Corporate Plan strategic aims of ‘facilitating quality, choice and diversity in the housing market, assisting in meeting housing need in Dartford and delivering high quality services to service users’ and ‘creating strong and self-reliant communities. The policy also relates to the strategic objective to ‘provide high quality housing services and to strive to improve the quality and condition of the borough’s private rented housing sector’.</p>

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Step 1: Scoping the assessment	
<p>4. Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?</p>	<p>The Mobile Homes Act 2013 made significant changes to the local authority site licensing regime, providing local authorities with new statutory enforcement powers. Section 8 of the Act empowers the Secretary of State to introduce a requirement for ‘relevant protected sites’ (as defined by the Caravan Sites and Control of Development Act 1960) to be managed by a fit and proper person. Section 8 sets out an overarching framework for the operation of the test, the processes that local authorities will use and a register of fit and proper site managers. The requirement for the person responsible for managing the site to be a fit and proper person is in addition to the requirement for a site to be licensed.</p> <p>The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 sets out the framework for a fit and proper person test function. It is a mandatory requirement for site owners to submit an application to be assessed as a fit and proper person. The Regulations set out the prescribed criteria a local authority must consider when determining a person’s fitness to manage a site, in addition to discretionary matters.</p> <p>The Fit and Proper Persons Determination Policy has been drafted to take account of the Regulations and draft non-statutory guidance on the fit and proper person test Regulations by the Ministry of Housing, Communities and Local Government (MHCLG).</p> <p>The Regulations allow local authorities to charge fees in respect of the new fit and proper person test function and must prepare and publish a fees policy before they can charge a fee. Given that government guidance in respect of setting fees has not been published yet, it is proposed that the development of a Fees Policy be deferred until this guidance is published and considered. This will enable the Council to properly consider fee levels and to ensure a robust approach to the process.</p>
Step 2: Information collection	
<p>5. What do you know about the groups of people who will be affected? (i.e. demographic information in relation to the protected characteristic groups of age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender</p>	<p>There are two sites in Dartford that currently may fall into the requirement of the new fit and proper person test regime with a further possible two more sites in the next twelve months.</p>

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Step 2: Information collection	
reassignment, marriage and civil partnership)	
6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings	There is no requirement to consult with site owners or homeowners on setting fees.
7. Are there any gaps in information? If so, what additional research and/or consultation is needed to ensure that affected groups needs and views are taken into account?	No additional information is required.
Step 3: Assessing the equality impact	
<p>8. Consider whether the activity or proposal has or will have any positive or negative equality impacts on the protected characteristic groups in relation to the following aims of the Public Sector Equality Duty:</p> <p>a) tackling unlawful discrimination b) promoting equality of opportunity c) promoting good relations</p> <p><u>NOTES:</u></p> <ul style="list-style-type: none"> • The Initial Screening will have identified which aims of the Public Sector Equality Duty are relevant to the activity or proposal for consideration • For existing activities, consider how they are working in practice for each relevant protected group • For new proposals, consider whether there is anything that could give rise to positive and negative equality impacts for each relevant protected group • If there is no identified equality impact, please tick the 'No Impact' box and explain why in question 9 • If the equality impact is unclear, please tick the 'Unknown' box and explain why in question 9 	

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Age	The introduction of the Fit and Proper Persons Determination Policy will enable the Council to effectively assess and determine applications. The fit and proper person test will help to ensure that relevant park home sites, to which some specifically accommodate older residents, are operated by fit and proper persons; that residents are protected from discrimination, harassment and victimisation; and that good relations are promoted between site owners and their residents. The requirement will also ensure that site owners have the finances to maintain sites to acceptable health and safety standards.		<input type="checkbox"/>	<input type="checkbox"/>
Disability			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	The introduction of the Fit and Proper Persons Determination Policy will enable the Council to effectively assess and determine applications. The fit and proper person test will help to ensure that relevant park home sites, some of which accommodate residents from the Gypsy and Traveller community are operated by fit and proper persons; that residents are protected from discrimination, harassment and victimisation; and that good relations are promoted between site owners and their residents. The requirement will also ensure that		<input type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	site owners have the finances to maintain sites to acceptable health and safety standards.			
Religion/Belief			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and Civil Partnership*			<input checked="" type="checkbox"/>	<input type="checkbox"/>

* Regarding the protected characteristic of Marriage and Civil Partnership – public bodies need to comply with the first aim of the Public Sector Equality Duty and only in the context of employment.

Step 3: Assessing the equality impact	
9. If 'no impact' or 'unknown' was selected, please explain	<p>There are no known circumstances where the Fit and Proper Persons Determination Policy will have a disproportionate equality impact on people due to their disability, gender, gender reassignment, religion or belief, sexual orientation or pregnancy or maternity.</p> <p>This assessment does not apply in the context of employment, therefore the protected characteristic group of marriage and civil partnership has not been subject to this assessment.</p>
10. If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise to positive or negative equality impacts between different groups	Not applicable.
11. Any other comments	The Council has a legal obligation to determine fit and proper person applications. The fit and proper persons test is relevant to a specific business sector, rather than to individuals or to non-commercial sites (e.g. family-only sites). Family-only sites were excluded from the Regulations following MHCLG consideration of feedback provided to them highlighting the potential negative impact on Gypsy and Traveller families.

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Step 3: Assessing the equality impact	
	<p>The fit and proper person test will provide better support to caravan site residents, many of whom are elderly and some of whom may be in vulnerable groups.</p> <p>The fit and proper person test requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on the site i.e. park homeowners.</p> <p>Right to appeal and complaints The Regulations provide applicants with the right to appeal a decision made on a fit and proper person test, including:</p> <ul style="list-style-type: none"> • Where a preliminary decision is made to not include an applicant on the register, the applicant has the right to make representations to the Council before a final decision is reached • Applicants have the right to appeal a final decision by making an application to the First Tier Tribunal. <p>Any person who believes they have been discriminated against or have not been treated fairly, can make a formal complaint to the Council under the Corporate Complaints Procedure. A person not satisfied after following the Council's complaints process may make a further complaint to the independent Local Government and Social Care Ombudsman.</p> <p>Accessibility of the Fit and Proper Persons Determination Policy In accordance with the Council's Equality & Diversity Document Framework, the Fit and Proper Persons Determination Policy and information about the services provided regarding the fit and proper person test function, can be provided in alternative formats, including: Braille, audio tape and large print versions of documents, and documents translated into other languages. Telephone and face-to-face language interpreting and British Sign Language interpreting services can also be provided upon request. Calls can also be received via Relay UK.</p>

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Step 4: Action plan

12. Based on the information in Steps 1 to 3, please list the actions that will be taken to address:
 a) any gaps in information and consultation
 b) how any negative impacts on equality will be mitigated or eradicated

a) If additional information and/or consultation is required or the impact is still unclear, what actions will you put in place to gather the information you need?

Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					

b) If any negative impacts on equality were found, what actions will you put in place to mitigate or eradicate these impacts?

Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					

Step 5: Decision making and future monitoring

13. Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by?
 Director of Housing and Public Protection

14. Is the subject of the Customer Access Review going to committee? If yes, include your findings in the committee report and attach this assessment to the report
 Yes No

15. How will you continue to monitor the activity or proposal on protected characteristic groups?
 Activity on the fit and proper person test for mobile home sites will be monitored by the Private Sector Housing Team. This will include monitoring the number of applications, decisions, appeals and complaints data.

16. When will you review this Customer Access Review?
 New assessments will be undertaken every three years.

Step 6: Final steps

17. Once this Customer Access Review has been approved, send this assessment to the Policy & Projects Officer

18. Implement the actions identified from this Customer Access Review and ensure progress is monitored and recorded