

Customer Access Review – Full Assessment

Assessment details	
Assessment area	Fit and Proper Person Test for Mobile Home Sites – Fees Policy
Date of assessment	25 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. Local authorities are allowed to charge a fee for their fit and proper person functions. If the local authority decides to charge a fee, it must prepare and publish a fees policy.</p> <p>The purpose of the Council’s Fit and Proper Person Fees Policy is to support the recovery of costs associated with performing the fit and proper person test function and to set out the fees that the Council will charge in respect of this function. The Policy aims to ensure that fees are set out in a structured way and that they are fair, consistent, reasonable and transparent.</p>
2. Who will be affected by the activity or proposal?	The Fit and Proper Person Fees 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 Person Fees 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 Regulations allow local authorities to charge fees in respect of the new fit and proper person test function and they must prepare and publish a fees policy before they can charge a fee. The fees should be transparent and reasonable, and may include an application fee and an annual fee to cover the cost of monitoring the scheme and conditions attached to entries on the register. Both the level of fees and how they are charged are, subject to legal restrictions, at the discretion of the local authority. Fees should also only cover the costs (or part of the costs) incurred by a local authority in carrying out their functions under the Regulations.</p> <p>The Council’s Fit and Proper Person Test Fees Policy has taken into consideration non-statutory Government guidance issued to local authorities setting out advice on matters that can and cannot be taken into account in setting fees and how fees are to be calculated. Under the Policy, a fixed initial application fee will be charged. The Council is not seeking to introduce an annual fee at this stage given the likely low number of caravan sites that fall under this requirement; and the low levels of fees levied for an annual charge.</p>

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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 reassignment, marriage and civil partnership)</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>
<p>6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings</p>	<p>There is no requirement to consult with site owners or homeowners on setting fees.</p>
<p>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?</p>	<p>No additional information is required.</p>

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Step 3: Assessing the equality impact

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:

- a) tackling unlawful discrimination
- b) promoting equality of opportunity
- c) promoting good relations

NOTES:

- 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

Step 3: Assessing the equality impact

PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Age			<input checked="" 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			<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.

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Step 3: Assessing the equality impact	
<p>9. If 'no impact' or 'unknown' was selected, please explain</p>	<p>There are no known circumstances where the Fit and Proper Person Fees Policy will have a disproportionate equality impact on affected protected characteristic groups.</p>
<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</p>	<p>Not applicable.</p>
<p>11. Any other comments</p>	<p>The introduction of fees for the fit and proper person test function will be an additional cost to the site owner. The charging of fees is permissible under the Regulations to assist local authorities in covering the costs of the fit and proper person test function. The fees structure applies to all site owners thereby providing consistency and fairness in its application.</p> <p>The primary legislation giving the Government the power to introduce a fit and proper person test does not include the power to prevent site owners from passing on fees in relation to this function to residents via the pitch fees. However, by publishing a clear policy on the fee structure will provide transparency to residents, as well as to site owners, of the fees being charged, thereby enabling all affected persons, including residents, to be informed of the likely costs.</p> <p>In accordance with the Council's Equality & Diversity Document Framework, the Fit and Proper Person Fees 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