



Ministry of Housing,  
Communities &  
Local Government

# Mobile homes: a fit and proper person test for park home sites

Summary of consultation responses and Government  
response



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# Introduction

The Government is committed to targeting and removing the worst offenders from managing residential caravan sites in order to protect residents, whilst allowing the many responsible site owners to flourish. This improvement will be achieved by requiring site owners to have someone in place who is a fit and proper person to manage the site.

Section 8 of the Mobile Homes Act 2013 introduced a power for the Secretary of State to create a requirement for relevant protected sites (defined in the Glossary at page 44) in England to be owned or managed by a fit and proper person. In 2017, the Government reviewed the impact of the Mobile Homes Act 2013. The review revealed that more needed to be done to protect the interests of those living on residential caravan sites and committed to introduce the fit and proper person test, subject to a technical consultation.<sup>1</sup>

The technical consultation to consider how a fit and proper person test would work in practice was published on 25 July and closed on 17 September 2019. The aim was to gather information from stakeholders to ensure that the test would target and remove the worst offenders, operate to the benefit of residents, and not unduly burden responsible site owners.

The consultation sought views on:

- Who the fit and proper person test will apply to;
- What local authorities must consider in assessing an application;
- The fit and proper person application process;
- Local authority decisions, notification, and appeal rights;
- The register of fit and proper persons;
- Reviewing entries on the register;
- Management orders;
- Sanctions; and
- The transition and implementation period.

Responses from 370 stakeholders across the sector were received. There was broad support for the proposals set out in the consultation. Key concerns raised by respondents included: a concern from many residents that the proposals did not go far enough; a view expressed by some site owners that the proposed test gave local authorities too much discretion, and uncertainty about the implementation of the test from local authorities.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/749770/Park\\_homes\\_Review\\_Government\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749770/Park_homes_Review_Government_response.pdf)

We would like to thank everyone who took the time to respond to the consultation and inform the proposals. We have considered all responses carefully and given a detailed response below. The test will be implemented as described in the consultation document unless otherwise is stated in this response.

# Overview of the fit and proper person test

When regulations made under sections 12A to 12E of the Caravan Sites and Control of Development Act 1960<sup>2</sup> come into force, there will be a requirement for the person managing a residential caravan site to be a fit and proper person to do so. This will mean that the occupier or person they appoint to manage the site will undergo a fit and proper person test to satisfy the local authority that they are a fit and proper person to manage the site.

In this document, “site operator” is used in place of the term “occupier”, for clarity.<sup>3</sup> The term “residential caravan site” is used to mean a “relevant protected site”.<sup>4</sup>

The site operator will apply to the local authority in which the site is located to be included on the authority’s register of fit and proper persons. If the site operator has appointed a site manager to manage the site, they could apply for that person (rather than themselves) to be assessed by the local authority for inclusion on the register.

The fit and proper person regulations will set out the prescribed matters a local authority must consider when determining a person’s fitness to manage a site, in addition to other matters that the authority considers relevant to the person’s fitness. The test we have proposed builds on, and is consistent with, the matters local authorities must already consider when granting or transferring site licences in order to assess an applicant’s capability and suitability to manage a site.

The local authority will assess the application and decide either to include the applicant on the register unconditionally, include the applicant on the register with conditions that must be met, or that the person has not met the test and so will not be included on the register. If a site operator or their appointed site manager fails to meet the test, the site operator will have a limited grace period in which to submit another application for an alternative site manager to be assessed for inclusion on the register.

Where an application for inclusion has been successful, a local authority can include a person in the register for up to 5 years. The fit and proper person’s name and business contact details, as well as the name and address of the site, and whether a condition has been attached, will all be included on the register. Where an application is rejected, the name and address of the site will be included on the register but not the person’s name or business contact details. Local authorities will be required to make the register available to the public and online.

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<sup>2</sup> These sections were retrospectively inserted into the Act by section 8 of the Mobile Homes Act 2013.

<sup>3</sup> An occupier is defined in section 1(3) of the Caravan Sites and Control of Development Act 1960. A person who holds a site licence issued under section 3(1) of the 1960 Act must be the occupier of the land under s3(1) of the 1960 Act, but an occupier may also be a site owner who does not, but should, hold a site licence.

<sup>4</sup> “Relevant protected site”, as defined in section 5A(5) of the Caravan Sites and Control of Development Act 1960, means land in respect of which a site licence is required under Part 1 of that Act, other than land in respect of which the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 or the site licence is-- (a) expressed to be granted for holiday use only, or (b) otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be stationed on the land for human habitation (subject to exceptions for year-round occupation by the occupier and persons employed by him).

When the fit and proper person requirement is in force, it will be an offence for a site operator to cause or permit land to be operated as a residential caravan site unless the local authority is satisfied that the occupier or the appointed site manager is a fit and proper person to manage the site.

Where neither the site operator nor their appointed manager is a fit and proper person, no alternative fit and proper manager is appointed by the site operator, and an appointee cannot be agreed between the site operator and the local authority, enforcement action could be taken by the local authority. On conviction for breach of the requirement to have a fit and proper person in place, the site operator would be liable for an unlimited fine. In addition, where the requirement has been breached, the local authority may apply for the site licence to be revoked, regardless of whether the site owner has been convicted in court of the breach.

The regulations will also enable appeals against a local authority decision and set out the implementation and transition process for bringing the requirement into force.

# Responses to consultation questions and the Government Response

## Summary of respondents

We received 370 responses to the consultation from stakeholders across the sector.

<b>Respondent</b>	<b>Total</b>
A local authority	21
A park home owner	237
A residents' representative body	35
A site owner/operator	38
A site owners' representative body	2
An advisory body	2
Legal sector	2
Other	32
Blank	1
<b>Grand Total</b>	<b>370</b>

The categories in the table above are those which were offered to respondents to the consultation. In the analysis below, “a park home owner” has been consolidated with “a residents’ representative body” to create a new category of “park home owners and their representative bodies”. Similarly, “a site owner/operator” has been consolidated with “a site owner’s representative body.” These respondents have been grouped together as their views broadly align. “Legal sector” has also been joined with “other”, and “an advisory body,” due to the low numbers of respondent who chose these options.

Furthermore, 18 respondents who chose “other” went on to describe themselves as residents or park home owners in comments. These respondents have also been included in the “park home owners and their representative bodies” category.

Several respondents also entered their contact details and confirmed which category of respondent they were on the online response form but did not substantively answer any of the questions. After the consultation closed, we contacted these respondents to confirm that they did not wish to substantively respond to the consultation. 8 respondents then sent substantive responses, having experienced technical difficulties submitting responses online. All blank responses, including the 8 which were later supplemented, are included in the figure of 370.

Not all respondents answered every question. The analysis conducted below, therefore, is of those respondents who answered each question.

Following the consultation, the Government also carried out a series of engagements to hear views on how the requirements would be applied to privately owned residential Gypsy and Traveller sites. This engagement included hearing views from:

- Local authorities with experience of managing the site licenses for Gypsy and Traveller sites; and
- Representatives of Gypsy and Traveller communities, including Friends, Families and Travellers, and the Derbyshire Gypsy Liaison Group.

# Who the test will apply to

In the consultation, we proposed that all site operators would need to meet the fit and proper person requirement. This would include operators of both park home sites and privately owned Gypsy and Traveller sites.

Although we did not ask a question under this section of the consultation, the Local Authority Caravan Site Licencing Officers' Forum raised concerns in response to Question 15 (Do you have any other comments on the proposals for the fit and proper person test for park homes sites?) that the application of the test to Gypsy and Traveller sites, as well as to single occupancy sites, may be disproportionate.

The Government therefore carried out further engagement with local authorities and representatives of Gypsy and Traveller communities, to fully assess the impact of these requirements on Gypsy and Traveller communities. During this engagement there was a broad consensus that these proposals would benefit vulnerable residents living on commercial Gypsy and Traveller sites. However, there was also broad consensus that the requirements would place a disproportionate burden on sites which were occupied by a single family (which make up a significant proportion of Gypsy and Traveller sites).

## **Government response**

**The introduction of the fit and proper person requirement will help to ensure that residents of both park home, and privately owned Gypsy and Traveller sites are protected against discrimination, harassment and victimisation.**

**However, on balance, the Government considers that it does not further the aims of the regulations to require owner-occupied sites, where they are only occupied by a single family and are not operated commercially, to be subject to the fit and proper person test. Consequently, such sites will be exempt from the requirement if they are only occupied by a single family and are not operated commercially.**

# What local authorities must consider in assessing an application

## Question 1- Do you agree that the list of mandatory matters a local authority should consider (Annex A) are the right ones?

The matters that local authorities must consider in assessing an application for inclusion on a register of fit and proper persons would be set out in the regulations. These matters are set out in Annex A of this response, which duplicates Annex A of the consultation. In addition to the mandatory matters, local authorities would be able to take account of any other information they consider relevant to a person's fitness to manage a site.

We proposed that the mandatory matters to be considered will include: a site operator's suitability (financial and managerial) to manage the site, conduct (both professional and personal), and any relevant contraventions of the law made by them.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	1	4	12	17
Park home owners and their representative bodies	10	20	131	161
Site owner/operators and their representative bodies	0	7	2	9
Other	4	0	10	14
<b>Grand Total</b>	<b>15</b>	<b>31</b>	<b>155</b>	<b>201</b>

77% of respondents to this question agreed that the proposed mandatory matters set out at Annex A were the right ones.

20% of residents who answered this question said their views should be included in the mandatory rather than the discretionary matters.

88% of site owners who answered this question did not agree with the list of proposed mandatory matters and 75% were concerned that the proposed test for a fit and proper person could be too subjective or left too much to local authority discretion thus creating uncertainty and a risk of inconsistency. However, the trade body, the British Holiday and Park Homes Association ('BH&HPA') agreed with the proposed matters in Annex 1A-C and 2, relating to the suitability of the site operator to manage the site under the terms and conditions of the licence, the conduct of the site operator, the proposed structure for the

management of the site, and if the applicant has owned, managed, or held a licence where a local authority has applied to Tribunal to have the licence revoked.

75% of local authorities who answered this question, including the Site Licencing Officers' Forum, said that an enhanced Disclosure and Barring Service ('DBS') check should be included in the mandatory matters. The National Park Home Residents' Association ('NAPHR') agreed that an enhanced DBS check would provide valuable additional protection to residents of residential caravan sites.

Other categories of stakeholder did not add significant further comments to this question.

### **Government response**

**The Government believes that residents' views could be an important tool in the decision-making process for local authorities in assessing applications for inclusion on the fit and proper register. However, on balance, the administrative burden of a mandatory requirement to consider residents' comments would be disproportionate and risk undermining the effective application of the test. In order to achieve fairness for all stakeholders, local authorities will have discretion as to whether they consider residents' views as part of their assessment.**

**The Government is keen to protect the welfare of residents of caravan sites, who are often elderly or vulnerable. That is why applicants will be required to provide a basic DBS check with their application. Under the existing legislative framework, the Government is unable to require site operators and/or their managers to undergo an enhanced DBS check, as some respondents requested. We will continue to engage with local authorities to consider how effective the requirement for a basic DBS check is to the fit and proper person test.**

**Given the varied nature of residential caravan sites in England, and within the park homes industry, the Government wishes to give local authorities freedom to consider the matters they consider relevant to the sites in their area. Therefore, many of the considerations consulted on in Annex A have been retained as part of the fit and proper person test. They have, however, been reframed slightly in order to focus on the proposed fit and proper person.**

**In making their assessment, the local authority must now have regard to the proposed fit and proper person's ability to secure the effective management of the site, whether they have committed certain offences or breached relevant laws, and if they have been disqualified from being a company director or personally insolvent in the last 10 years. Local authorities will also have a discretion to consider the conduct of any associates of the proposed fit and proper person, and any other matters they consider relevant. The information which site operators will need to provide in their application will reflect these considerations. Detailed guidance will be produced to assist local authorities with the exercise of this discretion.**

# The fit and proper person application process

**Question 2- Is there any information that the site operator should be required to provide in their application to enable local authorities to reach their decision in addition to that in Annex B?**

We proposed that a current or prospective site operator would be required to submit an application to the local authority for themselves, or a person appointed by them as site manager, to be assessed as fit and proper persons and added to the register.

The proposed content of the application includes: contact details of the proposed fit and proper person as well as the site operator (where they are different people), details of the site in question as well as any other sites in which the applicant has an interest, and details of any relevant convictions. Full details of the proposed required information are set out at Annex B, which duplicates Annex B to the consultation.

## Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	0	5	11	16
Park home owners and their representative bodies	32	30	100	162
Site owner/operators and their representative bodies	0	7	3	10
Other	1	1	5	7
<b>Grand Total</b>	<b>33</b>	<b>43</b>	<b>119</b>	<b>195</b>

21% of respondents who answered this question did not believe that the site operator should be required to provide any further information to that listed in Annex B. Amongst the 61% of respondents who believed that something further was required, there was no significant pattern based on stakeholder group as to what should be included.

56% of residents who answered this question said that all criminal and civil breaches of the law should be included in the application.

70% of site owners who answered this question did not think that anything additional should be provided to that in Annex B. Those who did suggest further matters said that the applicant's interest in any other parks should be included. 40% of the site owners who answered this question again stressed that the test should be objective, limiting the discretion of the local authority.

Other categories of respondent also suggested that an applicant should be obliged to provide details of any Trading Standards breaches.

### **Government response**

**As set out in the consultation document, certain convictions must be disclosed by applicants to the local authority as a minimum, including any offences involving fraud or other dishonesty. In addition, because of the varied nature of residential caravan sites across the country, the Government agrees that certain civil breaches of law should also be considered by the local authority as part of the fit and proper determination. Therefore, applicants will also have to provide details if they have contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning, environmental health, or of landlord and tenant law.**

**The Government wants to give local authorities freedom to determine if any other infractions of the law will be relevant to determining an individual application, due to the varied nature of the industry and the consequent need for flexibility in how the test is applied. Therefore, local authorities will be able to request that applicants inform them of any other times they have breached the law, for example in relation to planning or public health. This does not mean that prior convictions would necessarily prevent someone being considered fit and proper – that is for the discretion of the local authority based on all the evidence. Detailed guidance will be published to assist local authorities with exercising this discretion, and the Government continues to engage with local authority stakeholders to ensure that this guidance is as helpful as it can be.**

**The Government considers that the regulations will best improve professionalism in the sector if the applicant is obliged to provide their local authority with details of rejected applications in other areas, as well as details of any other sites which they manage or in which they have an interest. We consider that this is necessary due to the nature of the industry and variety of business structures adopted by irresponsible site operators and owners. It will enable local authorities to make appropriate enquiries between themselves in order to determine applications.**

**We have also carefully considered responses to the consultation and broader correspondence expressing concern that some of the worst offenders will find ways to get around the fit and proper person requirement. To address this concern, we have adapted the test where the proposed fit and proper person is not an individual but a company or other body corporate. In this case, the application would need to identify the officers of the company, as well as the board member with ultimate responsibility for management of the site. That person's business contact details, details of their role as person with ultimate responsibility for management of the site, and details of any other sites they hold licences for, have an estate or interest, or manage, must be provided, as well as an up-to-date DBS certificate.**

**The Government will not require site operators to provide any further information in their application to that given in Annex B, unless the proposed fit and proper 'person' is in fact a company. Applicants will also not be obliged to specify if their site is for residential use, or the number of pitches broken down by type. However, local authorities will retain the discretion to ask for any further information that they**

**consider relevant. Detailed guidance will be produced to assist local authorities with the exercise of this discretion.**

**Question 3.a)- How much do you consider would be an appropriate application fee for a local authority to charge? b) How much do you consider would be an appropriate annual fee for a local authority to charge?**

The proposed regulations gave local authorities a power to charge an application fee, as well as an annual fee via a condition on someone’s inclusion in the register.

Questions 3a and 3b were separate on the online SurveyMonkey questionnaire but merged on the paper response form. As a result, many respondents to the paper survey answered both questions together. Approximately 30% of the respondents who answered Question 3 did so in this way. For analytical purposes, where this joining of responses occurred, the response has been reproduced in both sections a and b of Question 3.

Despite this duplication, parts a) and b) will be summarised separately due to the differing nature of annual and application fees, and the fact that the majority of respondents did answer each part separately.

Question 3.a) summary of responses

<b>Respondent</b>	<b>Total</b>
A local authority	13
Park home owners and their representative bodies	115
Site owner/operators and their representative bodies	11
Other	11
<b>Grand Total</b>	<b>150</b>

This question was entirely open-ended. 73% of respondents to the consultation did not answer this question.

Few respondents suggested criteria for determining the level of fees to be charged by local authorities, instead suggesting simple figures. However, all those who did suggest criteria said that the level of fee should be based on the costs incurred by the local authority in determining the application.

Local authority estimates of the cost of administering the application ranged from £20 to £500. The most popular range (43% of all respondents) estimated a cost of between £100 and £500. The Site Licencing Officers’ Forum estimated an application administration cost of around £250.

10% of respondents further suggested that the cost should not be passed on to residents via the pitch fee. These were almost exclusively residents, including NAPHR. No site

owners said that the cost should not be passed on to residents, and some specifically said that they should be able to pass this cost on.

Other categories of respondent did not contribute significantly to this question.

Question 3.b) summary of responses

<b>Respondent</b>	<b>Respondents</b>
A local authority	14
Park home owners and their representative bodies	107
Site owners/operators and their representative bodies	12
Other	11
<b>Grand Total</b>	<b>144</b>

This question was also entirely open-ended. 62% of respondents chose not to answer the question.

As discussed above, there were many similarities between the answers to part a and part b. However, around 28% of respondents suggested an annual fee should be between £100 and £500. These respondents represented all key groups and included 30% of local authority respondents.

The Site Licencing Officers' Forum estimated an annual cost of around £75, based on predictions of officers spending time responding to questions from other local authorities, responding to questions from residents, and making sure the register was up to date.

27% of respondents to this question said that the annual fee must also not be passed on to residents, and this included all categories of respondent, although a small percentage (3%), did suggest that the annual fee should be passed on to residents.

Some respondents also said that the fee should be dependent on the size of the park in question, as that will have an impact on the time the local authority will spend assessing the application, as well as the site owner's ability to pay, and any distribution of the fee amongst residents.

Other categories of respondent did not contribute significantly to this question.

**Government response**

**In order to allow local authorities to set annual and application fees in line with their local fee charging policy, the Government will not prescribe an annual or application fee.**

**It is especially important the local authorities have the freedom to set their own annual fees, as these are more likely to be tailored to the circumstances of individual parks. However, detailed guidance as to the calculation and application of fees will be published.**

**The primary legislation giving the Government power to introduce a fit and proper person test does not include a power to prevent site owners from passing on annual or application fees to residents via the pitch fee. Therefore, the Government is unable to do so in this legislation. However, local authorities will be obliged to create and publish a fee policy for any fee they charge and ensure that the fee is reasonable and transparent.**

**Guidance will be published clarifying how local authorities should exercise this discretion to set fees. Guidance is already available to local authorities to support them in setting fees and will be updated to include information specific to the fit and proper person test.**

**Annual and application fees will not be set centrally by the Government, although the Government will assist local authorities to set reasonable and transparent fees.**

# Local authority decisions, notification and appeal rights

## Question 4- Do you agree the decision making and appeal process, including timescales for notification are reasonable?

We proposed that local authorities would be required to inform applicants of their interim decision on inclusion in the register within 7 days of having made that decision. Site operators would have 28 days from receipt of the interim decision to make representations if they disagreed with it. The local authority would then have 28 days from the sooner of the end of the period for receiving representations, or from having received the representations, to make their final decision.

Where a local authority issued a final notice of rejection, we proposed they would have discretion to grant a grace period to the applicant. During this period, applicants would be able to submit a further application whilst being protected against enforcement action for breach of the requirement to have a fit and proper person in place to operate a site.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	1	5	11	17
Park home owners and their representative bodies	20	14	116	150
Site owner/operators and their representative bodies	1	7	2	10
Other	2	2	8	12
<b>Total</b>	<b>24</b>	<b>28</b>	<b>137</b>	<b>189</b>

72% of respondents who answered this question agreed that the proposed decision making and appeal process, including the timescales for notification, were reasonable.

This was not a divisive question. 36% of respondents, from all categories, who disagreed said that the amount of grace periods available to a site owner where their application was rejected should be limited.

Site owners, including the BH&HPA, said that the time period for the local authority to determine an application, as well as notify the site owner of that decision, should be limited and made clear.

Other categories of respondent did not provide significant further comments on this question.

### **Government response**

Local authorities will be expected to make and issue an interim decision on an application, as well as to consider any representations made by a site owner and issue their final decision, in a reasonable time. The Government, on balance, considers that it is preferable to allow local authorities flexibility in considering applications for inclusion on the fit and proper person register, in order to allow them to undertake the assessment thoroughly and without being limited by an arbitrary deadline.

However, where a local authority has issued a notice of proposed action in relation to an existing entry on the register, it will be required (except in respect of a removal of a condition) to issue a notice of action within 5 working days of having performed the action. This is because a site owner will need to be informed promptly of any changes to their obligations.

The Government also considers that unlimited 'grace periods' may undermine the objective of the test. Therefore, instead of allowing local authorities discretion to grant grace periods to site owners who fail the test, the regulations will provide a defence for site operators to operate a site in breach of the fit and proper requirement. This defence will operate where the site owner submits a new application within 3 months of having received the final notice of rejection, having notified the local authority in the first 28 days of that period of their intention to do so. Site owners who have had applications rejected may also co-operate with their local authority to identify a fit and proper person to manage the site.

The Government considers that these mechanisms adequately balance the rights of those responsible site owners who may not at first pass the test, with the wellbeing of residents on badly run sites, where site operators may seek to exploit an open-ended defence period.

Alternatively, a site owner who has had an application for inclusion rejected by the local authority could submit an appeal to the Tribunal within 28 days of receiving the final notice of rejection. If a site owner exercises their right of appeal against a notice of rejection, or imposition of conditions on their inclusion on the register, any relevant enforcement action is suspended until the appeal process is concluded.

The Government agrees that unlimited grace periods for failed applicants would introduce potential for abuse by unscrupulous operators. Therefore, the mechanism for allowing failed applicants to submit a further, complete application has been amended and restricted as discussed above.

However, local authorities will be required to determine applications in a reasonable time depending on the circumstances.

# Register of fit and proper persons

## Question 5- Do you agree with the proposed content of the fit and proper person register?

The proposed regulations create a requirement for each local authority to record the details of fit and proper operators and site managers on a publicly accessible register. It was proposed that each authority decide on the format of their local register.

Where an applicant has been successful, we proposed that the register would hold details of: (a) the name and business contact details for the fit and proper person for the site; (b) the address of the site; (c) the start and end dates of the period of inclusion on the register; (d) any conditions/undertakings attached to the applicant's inclusion in the register; (e) the start and end dates of the conditions/undertaking; and (f) the date the conditions are fulfilled, extended or varied.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	0	3	12	15
Park home owners and their representative bodies	4	12	132	148
Site owner/operators and their representative bodies	0	4	3	7
Other	2	1	10	13
<b>Grand Total</b>	<b>6</b>	<b>20</b>	<b>157</b>	<b>183</b>

86% of respondents who answered this question agreed with the proposed content of the fit and proper person register.

Those who disagreed tended to favour inclusion of more detail rather than less on the register, including the names of those who have had application rejected, as well as any grace periods that were granted prior to the application being accepted. NAPHR suggested that applicants who failed the test should be included on the register.

Many comments also tended to focus on the merits of local authority registers rather than the content of them. Many respondents (both residents and site owners) suggested that instead the register should be national.

Other categories of respondent did not comment significantly on this question.

## **Government response**

**The Government agrees with the suggestions that limited detail of sites which have had applications for inclusion on the register rejected will help further the aims of the legislation. Therefore, the name and address of sites which have had applications rejected will appear on the register of fit and proper persons until a successful application is made in respect of that site.**

**The power in the Mobile Homes Act 2013 enables the introduction of a fit and proper person test to be administered by local authorities only. The Government therefore does not currently have the power to conduct the test or hold the register centrally. However, the Government has noted stakeholders' desire for a park home site fit and proper person register to be held centrally and will give this due consideration.**

**The Government considers that best practice in terms of data handling is furthered by not requiring local authorities to include details of any conditions attached to a person's inclusion on the register. However, local authorities will be required to indicate that a condition has been attached to the entry and clarify the detail of that condition to individuals who enquire on a case by case basis, subject to compliance with data protection legislation.**

**Where an applicant has been successful, the details laid out in the consultation document will be included in the register. Where an application in respect of a site is rejected, its name and address will also be placed on the register until a successful application is made in respect of that site.**

## Question 6- Should local authorities make the register available online?

We proposed that local authorities would be required to keep a register of fit and proper persons on a publicly accessible register but would have discretion to determine the way in which the register was publicly accessible.

### Summary of responses

Respondent	Don't know	No	Yes	Total
A local authority	0	1	15	16
Park home owners and their representative bodies	4	1	131	154
Site owner/operators and their representative bodies	0	1	9	10
Other	0	0	13	13
<b>Grand Total</b>	<b>4</b>	<b>3</b>	<b>186</b>	<b>192</b>

97% of respondents to this question agreed that local authorities should make the register of fit and proper persons available online. Respondents across all categories agreed, and there is no clear pattern among those respondents who disagreed.

25% of respondents to this question gave the reason for online publication as that it would be useful for prospective park home owners. A further 25% said an online register would help to ensure transparency and accountability of site operators.

Respondents who did not think the register should be available online often said in comments that the register should be administered centrally rather than by local authorities.

### Government response

**The Government agrees that both current and prospective residents of residential caravan sites will be best protected by an online register. That is why the regulations will mandate that local authorities publish their register of fit and proper persons online.**

**Local authorities will also be required to make a copy of the register available at their offices during business hours so that those without internet access do not suffer a disadvantage.**

**As stated above the Government has noted stakeholders' desire for a park home site fit and proper person register to be held centrally and will give this due consideration.**

## Question 7- Do you agree that local authorities should have flexibility to set the period for inclusion on the register up to a maximum of 5 years? Should the maximum period be longer?

We proposed that local authorities would be able to set a limit to the period in which an applicant would be included in the fit and proper register. We suggested a maximum period of 5 years, whilst allowing local authorities discretion to set a shorter period where they felt a fit and proper person would benefit from more regular review.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No, it should be 5 years in all cases</b>	<b>Yes, they should have the flexibility and also to set a period longer than 5 years</b>	<b>Yes, they should have the flexibility to set a maximum 5 year period</b>	<b>Total</b>
A local authority	0	1	2	13	16
Park home owners and their representative bodies	7	28	23	98	156
Site owner/operators and their ' representative bodies	2	1	0	3	6
Other	0	4	3	7	14
<b>Grand Total</b>	<b>9</b>	<b>34</b>	<b>28</b>	<b>119</b>	<b>192</b>

63% of respondents who answered this question said that local authorities should have the flexibility to set a maximum 5 year period of inclusion on the register. Respondents across all categories chose this option.

However, site owners were almost universally dissatisfied with the proposal of inclusion on the register being time limited. Although there was not a comments box on this question, site owners commented that there should not be a maximum period of inclusion, as re-application would be an administrative burden. Site owners added that this change would remove the need for an annual fee.

Other categories of respondent did not comment significantly on this question.

## **Government response**

**Although the Government understands site owners' concerns, local authorities will be given the discretion to set a maximum 5 year period of inclusion in the register. This limited period is to enable local authorities to respond to and take account of any material changes in the circumstances of the site operator or their appointed manager. Where the site operator is responsible and meets any conditions set by the local authority, it is not anticipated that re-application will be a significant administrative burden. This will particularly be the case where site management arrangements remain the same as they were at the initial application.**

**Site operators, or their managers where relevant, will be included on the register for a maximum of 5 years.**

## Question 8- Should it be mandatory for local authorities to review a person’s inclusion on the register of fit and proper people in certain circumstances? What would the circumstances be?

We know that circumstances can change significantly in a period of 5 years and are keen that the fit and proper test continues to protect residents where circumstances change. Therefore, we proposed that reviews of a person’s inclusion would be mandatory in specified circumstances, such as a material change in any information provided in the original application. We proposed that local authorities would use their judgement in reaching a decision on whether to review an entry and on any subsequent action.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No, it should not be mandatory in any circumstances</b>	<b>Yes, it should be mandatory in certain circumstances</b>	<b>Total</b>
A local authority	1	1	15	17
Park home owners and their representative bodies	7	18	131	156
Site owner/operators and their representative bodies	0	1	9	10
Other	0	1	12	13
<b>Grand Total</b>	<b>8</b>	<b>21</b>	<b>167</b>	<b>196</b>

85% of respondents to this question agreed that it should be mandatory for the local authority to review a person’s inclusion in the register in certain circumstances. These respondents covered all categories of stakeholders.

44% of respondents to this question said that any material changes to the circumstances given on the original application should trigger a review. These respondents covered all categories of stakeholders.

21% of residents who responded said that local authorities should have the power to monitor performance of site owners.

30% of residents who responded said that a possible circumstance for mandatory review would be a specified quantity of complaints from residents. This suggestion was also made by 35% of local authorities who responded to this question.

Site owners reiterated their concerns given in Question 7 that, once found to be fit and proper, a site operator or his manager should not need to be reviewed.

Local authorities, including the Site Licencing Officers' Forum, held the view that site operators should be under a duty to inform their local authority of any material change in circumstances. Local authorities also suggested that information received from other local authorities could trigger a review.

Other categories of respondent did not provide significant comments on this question.

### **Government response**

**The Government considers that it will further the objective of the regulations to provide that local authorities may review the fit and proper person's inclusion in the register if any relevant new information becomes available.**

**The Government will leave it to the discretion of local authorities to carry out further reviews of fit and proper persons in their area. These reviews could be based on information given by residents, or by other local authorities. The Government considers that this power to review will adequately balance the interests of residents, local authorities, and site owners.**

**In this legislation, the Government does not have the power to impose a duty on site operators to inform their local authority of any material change in their circumstances relevant to their inclusion in the fit and proper person register. However, local authorities already have a range of enforcement powers under the site licencing regime, including the power to carry out inspections of sites. Local authorities will also be able support their enforcement activities by including conditions on a person's inclusion in the register.**

## Question 9- Do you agree that, in order to remain on the register, an applicant should undergo the same test as for the first application? If no, what should the test include?

We proposed that an operator would need to make a new application for inclusion on the register before the end of the period of inclusion. We proposed that the local authority would consider the same matters on a site operator's re-application as they would for a first application.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	0	1	16	17
Park home owners and their representative bodies	3	9	143	155
Site owner/operators and their representative bodies	0	9	1	10
Other	0	0	11	11
<b>Grand Total</b>	<b>3</b>	<b>19</b>	<b>171</b>	<b>193</b>

89% of respondents to this question agreed that an applicant should undergo the same test as for the first application when they reapply for inclusion on the register.

90% of site owners who answered this question, including the BH&HPA, did not agree that the test should be the same. 30% of these respondents commented further that the test should be more limited on reapplication.

Other categories of respondent did not add anything significant in the comments to this question.

### Government response

**The Government considers that, due to the potential for the circumstances of a site owner to change, the same test must be applied on re-application. Where the site operator is responsible and meets any conditions, it is not anticipated that re-application will be a significant administrative burden. This will particularly be the case where site management arrangements remain the same as they were at the initial application.**

## Question 10- Do you agree that making management orders available to local authorities should be considered to help protect residents in the extreme circumstances when a licence needs to be revoked or a fit and proper person cannot be found?

We proposed that provision should be made to give local authorities powers to apply to the Tribunal to install an interim site manager to take over management of a site where a site licence may need to be revoked, or where a fit and proper person cannot be found. This measure would avoid the need for local authorities to seek to revoke an applicant's site licence, which could lead to closure of the site and put residents at risk of homelessness.

As management orders are outside the scope of powers provided by Section 8 of the Mobile Homes Act 2013, implementation of such a provision would require primary legislation when parliamentary time allows. Question 10 is therefore intended to help inform future policy development.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	0	2	15	17
Park home owners and their representative bodies	4	0	152	154
Site owner/operators and their representative bodies	0	2	8	10
Other	0	0	13	13
<b>Grand Total</b>	<b>4</b>	<b>4</b>	<b>188</b>	<b>197</b>

95% of respondents to this question agreed that making management orders available to local authorities would help protect residents. These respondents covered all key stakeholder groups.

However, respondents of all categories were also concerned about the practicalities of management orders and the possibility of local authorities paying the operating costs of unscrupulous site owners.

### Government response

**The Government has noted the views of respondents and will consider including management orders as part of forthcoming primary legislation. In doing so, the Government will carefully consider the financial consequences of such an order.**

## Question 11- Are any additional sanctions needed to provide local authorities with effective tools to enforce the test requirements?

We proposed to make the requirement for a site operator or the manager of a site to be a fit and proper person to be enforceable by local authorities by an application to the Tribunal for an order revoking the site licence and/or a prosecution in the magistrates' court for a fine (summary offences).

We proposed to create three summary offences, for which a person convicted would face an unlimited fine (level 5). These offences are: operating a site in contravention of the regulations, providing false or misleading information or failing to provide information in an application, and failing to comply with any conditions imposed by a local authority as part of inclusion on the fit and proper register.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	0	7	10	17
Park home owners and their representative bodies	47	27	79	153
Site owner/operators and their representative bodies	1	6	1	8
Other	3	1	8	12
<b>Grand Total</b>	<b>51</b>	<b>41</b>	<b>98</b>	<b>190</b>

52% of respondents said they agreed that some additional sanctions were needed to provide local authorities with effective tools to enforce the test requirements.

Few additional sanctions were suggested in comments to this question. 42% of residents who thought additional sanctions would be necessary suggesting site licence revocation, which is an existing proposed sanction.

Residents and local authorities, including the Site Licencing Officers' Forum, suggested civil fines as an effective alternative sanction, and some gave the example of Civil Penalty Notices ('CPNs')<sup>5</sup> as a good example of how these could be implemented. 17% of respondents to this question suggested a civil fine system as an additional sanction.

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<sup>5</sup> Civil Penalty Notices were introduced by the Housing and Planning Act 2016 as a new sanction for certain offences in the private rented sector. Local authorities can issue CPNs for up to £30,000 and are able to retain any monies recovered to support ongoing enforcement activity.

## **Government response**

**The Government is not able to extend CPN use to residential caravan sites in these regulations, as this would require primary legislation. However, stakeholders' interest in CPNs as an additional tool for local authority enforcement has been noted and will be considered as part of future policy development.**

**No new sanctions will be added to those proposed in the consultation.**

## Question 12- Do you agree that six months is long enough for site operators to submit applications for inclusion on the fit and proper person register?

We proposed to bring the requirement for the operator or an appointed site manager to be a fit and proper person into force no less than six months after the regulations are made. This period of time would allow local authorities to prepare for the changes and allow site operators to make their applications.

### Summary of responses

<b>Respondent</b>	<b>Don't know</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	0	5	12	17
Park home owners and their representative bodies	5	44	105	156
Site owner/operators and their representative bodies	0	1	8	9
Other	1	4	8	13
<b>Grand Total</b>	<b>6</b>	<b>54</b>	<b>135</b>	<b>195</b>

69% of respondents to this question did think that 6 months was long enough for site owners to submit applications for inclusion on the fit and proper person register. These respondents included a majority of local authority, resident, and site owner respondents.

24% of residents who answered this question thought that the 6 month period was too long. The same number suggested a 3 month period would be more appropriate, giving reasons such as: the need for site owners to be assessed as soon as possible, the already lengthy period of time since the test was first suggested, and their predicted length of time it would take to complete the application.

Site owners did not leave any significant comments to this question, although 89% of site owners who responded to this question agreed that 6 months would be enough time for them to submit their applications.

41% of local authorities who responded to this question, including the Site Licencing Officers' Forum, said that 6 months would not be long enough. Local authorities pointed out that this would be the same period of time that local authorities would have to prepare to receive applications. The Site Licencing Officers' Forum suggested that, where guidance is not published until after the regulations are made, a 12 month implementation period, by the end of which site owners must have submitted their applications, would be more appropriate.

Other categories of respondent did not leave any significant comments to this question.

## **Government response**

The Government notes that, while site owners may benefit from up to 6 months to complete and submit an application to be included on the fit and proper person register, local authorities have indicated that 6 months would not be long enough for them both to prepare to receive applications and allow site owners a reasonable time to submit applications.

In order to balance the views of local authorities and site owners on the length of time they would need to prepare to receive and submit applications (respectively), and the views of residents that the process for a fit and proper person to be managing their site should be completed promptly, the Government will introduce the fit and proper person regulations in two stages. Since the close of the consultation, events, most significantly the Covid-19 pandemic, have had a significant impact on local authorities which will have an impact on the timetable for implementing the fit and proper test.

The first stage will therefore run from when the regulations are made until 1st July 2021 to allow local authorities to put the register of fit and proper persons in place and prepare to receive and assess applications. The second stage will run from 1<sup>st</sup> July 2021, until 1<sup>st</sup> October 2021, by which time all existing site operators must have submitted an application in respect of each site that they own to the local authority in which each site they own is located. Local authorities will be able to prosecute site operators who have not submitted an application by the end of the second stage if they cause or permit the site to continue to operate as a residential caravan site after that date. More detailed guidance on the operation of these stages will be published when the regulations are made.

The Government has also taken account of local authority responses to question 13 on the number of sites in their area in reaching this view.

## Question 13- Local authorities only – How many relevant protected sites do you have in your area?

This question was entirely open-ended and was information gathering purposes only.

<b>Respondent</b>	<b>Total</b>
A local authority	21

Local authorities responded citing between 1 and 50 relevant protected sites in their area.

67% of respondents had more than 6 sites in their area, and half of those had more than 20.

## Question 14- Local authorities only – Do you agree that decision and interim notices can be issued to all applicants who apply during the transition period within three months of the implementation date?

We proposed that local authorities would issue final and interim notices in respect of all applications received during the transition period within 3 months of the implementation date. This period was to allow local authorities sufficient time to process applications in case of an influx of applications close to the implementation date deadline.

### Summary of responses

<b>Respondent</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	8	8	16

50% of local authorities who answered this question agreed that the decision and interim notices could be issued within 3 months of the implementation date. One indicated that a longer time period may be necessary depending on the circumstances.

63% of those who disagreed had 6 or more sites in their area, and 50% of those who disagreed had 20 or more sites in their area. These figures indicate that the more sites are in one area, the less the relevant local authority felt they would be able to respond to all applications within 3 months.

The Site Licencing Officers' Forum also did not agree with the proposed time limit, primarily due to concern that some applicants will not provide all information needed by the local authority in their original application.

Responses from respondents other than local authorities have not been analysed as the question was for local authorities only.

### Government response

**The Government considers that, due to the variation in numbers and types of residential caravan sites across local authorities, it would not be appropriate to set a time limit in regulations for local authorities to make and issue their interim decision. Local authorities will instead be required to determine all applications within a reasonable time frame.**

**It will be an offence for site operators to withhold information from, or include false or misleading information in, their applications. Furthermore, local authorities will have the power to request site operators to provide supplementary information to their applications.**

## Question 15- Do you have any other comments on the proposals for the fit and proper person test?

### Summary of responses

<b>Respondent</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
A local authority	4	13	17
Park home owners and their representative bodies	45	100	145
Site owner/operators and their representative bodies	2	11	13
Other	4	8	12
<b>Grand Total</b>	<b>55</b>	<b>132</b>	<b>187</b>

Many respondents used this question as an opportunity to reiterate key points they had made earlier in the consultation and are therefore included in the analysis in the relevant sections above. Therefore, matters raised below are those that were raised for the first time in Question 15.

A significant number of residents shared concerns about the behaviour of their site owners, including criminal behaviour and a lack of maintenance on sites. 38% of residents who responded to this question stressed the need for strong enforcement by local authorities to make the test viable.

Furthermore, 11% of respondents to this question (including local authorities and site owners) indicated concern at the ability of local authorities to be able to effectively implement the test with their existing resources.

12% of respondents of all descriptions raised concerns that either the site owner or the manager will be subjected to the test, rather than both. The BH&HPA was keen to ensure that 'manager' was defined in the regulations to capture the person with responsibility of management of the site. Elsewhere in the consultation, NAPHR also raised concerns about the definition of 'manager'.

Site owners did not otherwise add significant further comments in this question.

As referenced earlier, the Site Licencing Officers' Forum raised concerns about the application of the test to Gypsy and Traveller sites, as well as single occupancy sites, where the burden of applying to be included on the register may be disproportionate.

### Government response

**The Government acknowledges residents' concerns about the behaviour of some site owners. The intention of the fit and proper person test is to provide an effective tool for tackling irresponsible and criminal behaviour in the industry.**

**The Government will publish detailed guidance to accompany the regulations to help local authorities use their extensive enforcement powers most effectively.**

**The Government does not consider that it would further the objective of the fit and proper person test to provide a static definition of manager, given the wide variety of business models and site arrangements. It will be for local authorities to determine if the person nominated in the application is able to secure the effective management of the site. Detailed guidance will also be published to assist local authorities with this determination.**

**As discussed above, the introduction of the fit and proper person requirement will help to ensure that residents of both park home and Gypsy and Traveller sites are protected against discrimination, harassment and victimisation.**

**However, on balance, the Government considers that it does not further the aims of the regulations to require owner-occupied sites to be subject to the fit and proper person test. Consequently, such sites will benefit from an exemption if they are only occupied by a single family for non-commercial purposes.**

# Next Steps

The Government has carefully considered the responses to the consultation and will implement a fit and proper person test for holders of residential site licences when parliamentary time allows. The regulations will be subject to the affirmative procedure and will therefore need to be debated and approved in both Houses of Parliament before they can be brought into force.

The regulations will oblige site operators to apply to be included on the register of fit and proper persons in respect of each site that they own. The regulations will set out certain mandatory matters which local authorities must consider when deciding whether to include someone in the register, but also grant local authorities a wide discretion to consider such further information they deem relevant to the site and applicant in question.

All existing site operators will need to apply for inclusion on the register once the 2<sup>nd</sup> part of the regulations have been brought into force. New site operators will also be subject to the requirement to have an application for their site manager granted in order to operate the residential caravan site.

The Government will continue to work with stakeholders to ensure that the test is smoothly implemented in order that it effectively targets the worst offenders and protects vulnerable residents, without over-burdening responsible site owners. In particular, we will work closely with the Site Licencing Officers' Forum, the Chartered Institute for Housing, LEASE, and the Primary Authority at North Somerset District Council to develop detailed guidance to assist local authorities and site operators to understand their responsibilities under the new legislation. LEASE will also include comprehensive information about the fit and proper person requirement for park home residents within its existing independent advice service.

We are confident that the implementation of this test will improve the standards of residential caravan site management by introducing an assessment that the person responsible for managing the site is suitable and of good character.

# Annex A: Proposed matters local authorities must consider

The purpose of the fit and proper person test is to improve the standards of residential caravan site management by introducing an assessment that the person responsible for managing the site is suitable and of good character. The mandatory matters provide the evidence for the test. Local authorities may include their own discretionary matters in the test to take account of additional evidence which is relevant to an assessment.

## **1. Matters local authorities must take into consideration where applicant is the site operator (A and B align with the requirements when deciding whether to grant or approve a transfer of a licence).**

### **A) The suitability of the site operator to manage the site under the terms and conditions of the licence.**

The local authority must take into account whether or not:

- The applicant has a sufficient interest or estate in the site;
- The funding arrangements in place for managing the site and complying with the licence are appropriate;
- The structure for the management of the site is appropriate;
- The licence holder has the ability to comply with licence conditions and to provide for the long-term maintenance of the site.

### **B) The Conduct of the operator.**

The local authority must take into account whether the site operator:

- Has been convicted for failing to comply with a compliance notice relating to the site
- Has been or is being investigated in relation to the offence of failing to comply with a compliance notice in relation to the site or is in the process of being prosecuted for such an offence
- Has failed to pay money owed to the local authority (annual licence fees, demands for enforcement)

### **C) Other considerations**

The local authority must take account of:

- All the factors in A) and B) in relation to any other sites the site operator is or has been involved in.
- Whether the applicant has owned, managed or held the licence of a site where a local authority has applied to a court or a Tribunal to revoke the licence or has within the previous six months notified the site owner of its intention to apply for an order of revocation.

**2. Where the application relates to a person appointed to manage the site, the local authority must consider whether:**

- a. The proposed structure for the management of the site supports and does not obstruct the applicant in discharging the obligations of the licence-holder.
- b. The applicant has owned, managed or held the licence of a site where a local authority has applied to a court or a Tribunal to revoke the licence or has within the previous six months notified the site owner of its intention to apply for an order of revocation.

**3. Other matters the local authority must consider in relation to a site operator or a person appointed to manage the site:**

- Convictions for fraud, theft, violence and sexual offences
- Breach of the law in relation to discrimination in the course of business
- Contravention of housing, park home or consumer, public health, planning and environmental health law
- Right to work in the country
- Whether the applicant has been insolvent or has held a position connected to financial responsibility or responsibility in a company or organisation that has been insolvent
- Association with persons who have committed offences within the test matters.
- Failure of the test in another local authority
- Membership of a redress scheme or other body

In addition to the mandatory matters, local authorities may take account of any information they consider relevant to an assessment of the suitability and good character of a site operator or their appointed manager as a fit and proper person. For example, this may include data that the local authority holds and information received from residents of the site.

# Annex B: Content of the fit and proper person test application

## A. The name, address, telephone number and e-mail address of:

- The applicant and the person appointed to manage the site (if any);
- Any other person or company (including a holding company) who has an interest in the site; and

## B. The name and address of the site for which the application is being made and the type of relevant protected site for which the application is being made (residential or mixed use);

## C. The total number of pitches broken down by type (owner occupied, holiday use, rented for residential use, vacant pitch or caravan);

## D. Details of the suitability of the site operator to manage the site under the terms and conditions of the licence: sufficient interest or estate in the site; appropriate funding arrangements; structure for the management of the site; ability to comply with licence conditions and to provide for the long-term maintenance of the site.

## E. Details of the other relevant protected sites that:

- The applicant owns/has an interest in or holds the site licence for
- The site manager is the manager of,

whether in the area of the local housing authority to which the application is made or in the area of any other local housing authority;

## F. Details of (as may apply to an individual or company):

- i. Any unspent convictions that may be relevant to the applicant's fitness to manage the site and in particular any such convictions in respect of any offence involving fraud, violence, arson, sex offences, deception, other dishonesty or drugs;
- iii. Findings by a court or Tribunal that the applicant has unlawfully discriminated against any person on grounds of sex, colour, race, ethnic or national origins, disability or sexuality in, or in connection with, carrying out any business activities;
- iv. Whether the applicant or site manager has been disqualified as a company director;
- v. Any information requested by the local authority to assess whether a person is of good character

## G. Whether the applicant or appointed site manager has:

- i. Been convicted of an offence under section 3 of the Caravan Sites Act 1968;

- ii. Been determined by a court or Tribunal to have harassed any person in connection with any business activity;
- iii. Failed to comply with any obligation or requirement under the Mobile Homes Act 1983;
- iv. Failed to comply with any requirement imposed upon him under any Health and Safety or Fire Safety legislation;
- v. Failed to comply with any obligation or requirement imposed on him under the 1960 Act (as amended);
- vi. Contravened any enactment relating to housing, public health, planning, environmental health which led to civil or criminal proceedings resulting in a judgment being made against them;
- vii. Owns or has managed any other site which has been subject of any enforcement action under the 1960 Act or any other enactment;
- viii. Owns or has managed any other site where the local authority has refused a licence;

# Glossary

British Holiday and Home Parks Association ('BH&HPA')

The representative body of the parks industry in the UK. BH&HPA serves and represents members who are the responsible owners and managers of park home estates and holiday park businesses.

Disclosure and Barring Service

Employers can check the criminal record of someone applying for a role. This is known as getting a Disclosure and Barring Service (DBS) check. You can request a more detailed check for certain roles, for example in healthcare or childcare.

LEASE

The Leasehold Advisory Service, an independent body providing free legal advice to park home owners.

Local Authority Caravan Site Licensing Officers' Forum

An organisation established in 2017 as a means of sharing best practice between local authorities and effectively liaising with the Ministry of Housing, Communities, and Local Government.

National Association of Park Home Residents ('NAPHR')

A voluntary organisation giving advice to residential park home owners and representing their views to Government and other official bodies.

Occupier

An occupier is defined in section 1(3) of the Caravan Sites and Control of Development Act 1960. A person who holds a site licence issued under section 3(1) of the 1960 Act must be the occupier of the land under s3(1) of the 1960 Act, but an occupier may also be a site owner who does not, but should, hold a site licence.

Relevant protected sites/residential caravan site

Relevant protected site, as defined in section 5A (5) of the Caravan Sites and Control of Development Act 1960, means land in respect of which a site licence is required under Part 1 of that Act, other than land in respect of which the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 or

the site licence is – (a) expressed to be granted for holiday use only, or (b) otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be 26 stationed on the land for human habitation (subject to exceptions for year-round occupation by the occupier and persons employed by him).

This includes both 'park home' sites occupied mainly by retirees, and privately owned Gypsy and Traveller sites.

Site operator

In this document this term is used to mean an "occupier" to

ease understanding. The fit and proper person requirements apply to occupiers (see above).

Tribunal

The First Tier Tribunal (Property Chamber)