

East Cambridgeshire District Council

Fit and Proper Person

Determination Policy

for Mobile Home and Caravan Sites

2026

Directorate	
Service	Waste and Environmental Services
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Approved by	Licensing Committee
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1. Executive Summary

The Fit and Proper Person (FPP) Determination Policy lays out the legislation and shows the steps the Council goes through to determine whether or not an applicant is 'fit and proper' to manage a 'relevant protected' Mobile Home or Caravan Site. A 'relevant protected' site is a licenced site which has permanent residential homes, whether solely permanent residential or mixed with holiday use and let on a commercial basis.

The fit and proper person requirement outlined in this Policy will provide a safeguard to examine site owners, or their managers in order to prevent site owners/managers posing a risk to the welfare or safety of persons occupying mobile homes on the site.

The Policy also sets out different circumstances which may arise, including refusal of putting a person on the register or removal from it if this is required etc. and the procedures for these different circumstances.

If approved, the applicant will be placed on the Council's Fit and Proper Person Register on the East Cambridgeshire District Council website, generally for a period of 5 years, although a shorter period may be granted at the discretion of the Council. On expiry, a new application is required.

Conditions may also be attached to the approval e.g. the annual payment must be paid within 4 weeks from the date of the letter requesting payment.

This Policy has been updated from the 2021 version to reflect:

- Operational experience gained since the regime commenced in October 2021;
- First-tier Tribunal decisions and legal precedent from Upper Tier Tribunals and Higher Courts;
- The Consumer Rights Act 2015 and other consumer protection legislation, which protect residents from unfair commercial practices;
- The Mobile Homes (Pitch Fees) Act 2023, which amended the pitch fee review index; and
- The requirement, identified at policy review, to ensure consistent and transparent decision-making.

Policy at a Glance

Application fee: £240.00 (subject to annual review in line with the Council's Fees and Charges Schedule)

Registration period: Up to 5 years (shorter period may be granted at the Council's discretion)

DBS check required: Basic certificate — no more than 6 months old at date of application

Enforcing officer: Environmental Health Domestic Team

Contact: environmentalhealth@eastcambs.gov.uk | 01353 665555

Register: Published on ECDC website and available at The Grange, Nutholt Lane, Ely, CB7 4EE

2. Legislative Framework

This policy has been prepared pursuant to, and in accordance with, the following legislation and guidance:

Legislation / Guidance	Relevance
Caravan Sites and Control of Development Act 1960	Site licensing framework; sections 12A–12E (as inserted by Mobile Homes Act 2013) govern the FPP scheme
Mobile Homes Act 1983	Residents' rights; pitch agreement protections
Mobile Homes Act 2013	Enforcement powers; local authority charging; FPP framework inserted into 1960 Act
Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034)	Core FPP requirement — Key legislation for this policy
Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) (Amendment) Regulations 2021	Corrects statutory reference in the 2020 Regulations
Mobile Homes (Pitch Fees) Act 2023	Changed pitch fee review inflation index
Consumer Rights Act 2015	Protects residents from unfair commercial practices
Equality Act 2010	Conduct criterion; non-discrimination obligation
Sexual Offences Act 2003, Schedule 3	Notification requirement offences considered as conduct criterion
Police Act 1997, s.113A	Authority for Disclosure and Barring Service (DBS) checks
MHCLG Non-Statutory Guidance: 'Mobile homes: a guide for local authorities on the fit and proper person test' (June 2021)	Government guidance to which ECDC has regard in making determinations

3. Scope — Which Sites and Persons Are Covered

3.1 Relevant Protected Sites

The fit and proper person requirement applies to all ‘relevant protected sites’ within the East Cambridgeshire district. A relevant protected site is a site that:

- Requires a site licence under section 1 of the Caravan Sites and Control of Development Act 1960; and
- Is not solely for holiday purposes, or is not otherwise incapable of being used all year round.

This includes:

- Residential parks used exclusively for permanent residential occupation; and
- Mixed-use parks used for both residential and holiday purposes.

3.2 Exemptions

A site is exempt from the fit and proper person requirement if it is a ‘non-commercial family-occupied site’, defined as a site:

- Where each caravan stationed on a permanent pitch and used as a permanent residence is occupied only by the site owner, the site owner’s family members, or a member of the site owner’s family and their family members; and
- That is not operated on a commercial basis — i.e. the amount charged to residents does not exceed a fair contribution to the site owner’s reasonable rates, council tax and maintenance costs.

Important: Exemption Conditions

If circumstances change (e.g. the site begins to rent to non-family members or is let commercially), the site owner must apply to ECDC without delay.

ECDC will assess exemption claims on a case-by-case basis and may request supporting evidence.

3.3 Who Must Apply

The ‘relevant person’ subject to assessment is:

- The site owner themselves (where they manage the site); or
- A person appointed by the site owner to manage the site.

Only a site owner who holds, or has applied for, a site licence may apply. Where the site owner is not an individual, the application must be made by the following ‘relevant officer’:

- Company: a director or other officer of the company;
- Partnership: a partner;
- Body corporate (management vested in members): a member; or
- Any other body: a member of the management committee.

Where there are joint site owners, one owner may apply on behalf of all, but must provide details of all other owners in the application form.

The fit and proper person must be the individual with day-to-day responsibility for managing the site. Anyone applying for a new site licence, or for the transfer of an existing licence to a new owner, must apply to have themselves or their site manager included on the register before the site may lawfully operate.

4. The Application Process

4.1 How to Apply

Applications must be submitted in writing to the Environmental Health Domestic Team using the Council's prescribed application form, accompanied by the application fee and supporting documents. Applications should be sent to:

Environmental Health Domestic Team
East Cambridgeshire District Council
The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE
Email: environmentalhealth@eastcambs.gov.uk
Telephone: 01353 665555

4.2 Required Information

All applications must include the following:

A. Site and applicant details

- Applicant's name and business contact details;
- Where the applicant is not an individual: the name and role of each relevant officer;
- Name and address of the site;
- Evidence of the applicant's legal estate or equitable interest in the site (e.g. Land Registry title);
- Confirmation that the applicant is the occupier within the meaning of section 1 of the Caravan Sites and Control of Development Act 1960;
- Name and business contact details of any other person holding a legal estate or equitable interest in the site; and
- Name and address of any other relevant protected site for which the applicant holds or has an interest in a licence, or which the applicant manages.

B. Information about the relevant person (where different from applicant)

- Whether the application is made in respect of the site owner or an appointed site manager;
- The relevant person's name and details of their role;
- Where a further individual is responsible for day-to-day management, the Required Information for that individual as defined in paragraph 14 of Schedule 2 of the Regulations.

C. Conduct and management information

- A completed declaration addressing all conduct criteria set out in Section 5 of this policy;
- A management plan (see Section 5.1(b)); and
- Evidence of financial standing (see Section 5.1(c)).

D. Criminal record certificate

- A basic Disclosure and Barring Service (DBS) certificate issued under section 113A(1) of the Police Act 1997, dated no more than six months before the date of application, for the relevant person and each individual in relation to whom information is provided.
- Where further information is deemed necessary, ECDC may request further details from the applicant or the individual.

- Information on obtaining a DBS certificate is available at [Request a basic DBS check - GOV.UK](#)

E. Declaration

A declaration must be signed by the appropriate person (site owner, director, partner, etc.) confirming:

- All reasonable enquiries have been made into the matters relevant to the fit and proper person assessment; and
- All information provided is correct and complete to the best of their knowledge and belief.



Warning: It is a criminal offence to provide false or misleading information in an application, or to omit material information. There is no defence available for this offence. The application is not valid unless the correct fee is paid. ECDC is not required to consider an incomplete application.

4.3 Application Fee

The current application fee is £240.00. This fee is reviewed annually in line with the Council's Fees and Charges Schedule. Any significant revision requires Committee approval and public consultation pursuant to the Fit and Proper Person Fee Policy.

The fee is not refundable if an application is refused. No fee is payable in respect of sites that qualify for the family-occupied site exemption.

5. Evidence and Assessment Criteria

'Fit and proper' is not defined in statute. ECDC must assess all relevant evidence and exercise judgement in reaching a determination. The following criteria, drawn from the 2020 Regulations and MHCLG guidance, are applied in every assessment.

5.1 Ability to Manage the Site

(a) Competence

ECDC will consider whether the relevant person has a sufficient level of competence to manage the site, including:

- Relevant experience in site management or property management;
- Relevant training or professional qualifications;
- Knowledge of the legal framework governing park home sites, including site licensing conditions, residents' rights under the Mobile Homes Act 1983, and relevant health and safety legislation; and
- Awareness of the Consumer Rights Act 2015 obligations and protection of residents from unfair commercial practices.

(b) Management Plan

The applicant must provide a management plan demonstrating how they will ensure effective management of the site. ECDC will consider whether the plan adequately addresses:

- Pitch fee arrangements and billing processes;
- The manager's proximity to and availability at the site;
- Contact details for residents, including out-of-hours and emergency contacts;
- A complaints procedure;
- Planned maintenance and repair schedules;
- Staffing arrangements; and
- Refuse removal and site cleanliness arrangements.

Management Structure Note

The council will normally expect the person responsible for the management of the site to be ordinarily resident in the United Kingdom and capable of responding promptly to site management issues and regulatory requirements.

Where the applicant is a company, ECDC may take into account the location of its directors, officers and principal place of business when assessing whether suitable management arrangements are in place.

Where overseas management is proposed, ECDC will require additional information regarding management arrangements and reserves the right to seek legal advice when determining whether the arrangements are suitable.

Where a third party is proposed to carry out day-to-day management, full details of that person and their management arrangements must be provided.

(c) Financial Standing

ECDC will consider whether the applicant has, or has access to, sufficient funds to manage the site and comply with licence obligations. Applicants should provide:

- Evidence of available funds or financial reserves;
- Details of any third-party funding arrangements, including from associated companies.

ECDC will be cautious where third-party funding is not disclosed, as this affects the assessment of financial viability. Funding structures that could impair compliance with licence conditions will be given significant weight.

5.2 Conduct Criteria

ECDC will assess whether the relevant person (and, where applicable, associated persons) meets the following conduct criteria. The applicant must demonstrate that the relevant person:

#	Conduct Criterion
a	Has not committed any offence involving fraud or other dishonesty, violence, firearms or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)
b	Has not contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health, or landlord and tenant law
c	Has not contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
d	Has not harassed any person in, or in connection with, the carrying on of any business
e	Is not, and has not been within the past 10 years, personally insolvent
f	Is not, and has not been within the past 10 years, disqualified from acting as a company director
g	Has the right to work in the United Kingdom
h	Is, or will upon registration become, a member of any applicable redress scheme enabling complaints to be dealt with in connection with the management of the site (when such a scheme is in place)

5.3 Harassment Records

ECDC will investigate any conduct that could amount to harassment. Where information is received suggesting conduct which may amount to harassment of residents, the Council may make such enquiries as it considers necessary to determine whether the conduct is relevant to the fit and proper person assessment or any other regulatory function.

The Council may take into account complaints, witness statements, enforcement records and other relevant evidence, whether or not this resulted in prosecution or formal action. The weight attached to such evidence will depend on its credibility, seriousness and relevance to the management of the site.

Any refusal of an application by another local authority will be centrally recorded and the details and reasons for refusal considered as part of the assessment.

5.4 Associated Persons

The Council may consider the conduct of persons associated or formerly associated with the applicant where there is evidence that the conduct is relevant to the management of the site or the applicant's suitability to be included on the register. A relevant associate is any individual who may have played a part, directly or indirectly, in a decision or action that has had an impact on residents' rights, or the quiet enjoyment of their homes.

ECDC may require the applicant to provide details of current or former associates during the application process. The authority will determine which associates' conduct is material to the assessment on a case-by-case basis.

5.5 Other Relevant Matters

The Regulations are drafted widely. ECDC may take into consideration any other matters it considers relevant to the assessment of the relevant person's conduct, competence and suitability to manage the site. This may include events at other sites or in other business activities of the site owner or manager.

6. Decisions, Notification and Rights of Appeal

6.1 Decision Options

Following assessment, ECDC will decide to:

- Grant the application unconditionally and include the relevant person on the register for up to 5 years;
- Grant the application subject to conditions and include the relevant person on the register (for up to 5 years, or a shorter period at the Council's discretion); or
- Reject the application.

6.2 Unconditional Grant — Final Decision Notice

Where ECDC is satisfied the relevant person meets the fit and proper person test without conditions, a final decision notice will be served. The notice will state:

- The date of the notice;
- The final decision;
- The reasons for the decision;
- When the decision takes effect; and
- The right of appeal to the First-tier Tribunal (Property Chamber) and the period within which an appeal may be made.

6.3 Grant Subject to Conditions

Conditions may be attached to an entry where ECDC would only be satisfied the relevant person meets the requirement if the conditions were complied with. All conditions must be:

Requirement	Description
Specific	The exact condition the site owner is required to address must be clearly stated
Measurable	The conditions required and the expected outcomes must be defined
Achievable	The applicant should reasonably be expected to meet the condition. A small single-site operator cannot be expected to have the same resources as a large company
Realistic	The applicant must have a clear path to achieving the required outcome with no factors making it impossible or unlikely
Time-bound	A clear timescale must be set for completion of each condition

Conditions must relate to the relevant person's competence to manage the site, the management structure, funding arrangements, or the influence of an associated person. Where a person has committed a criminal offence or contravened legislation, it is not appropriate to set a condition in relation to that specific incident, as such a condition cannot reverse past conduct.

6.4 Refusal

Where ECDC determines the applicant does not meet the requirements and conditions would not be appropriate, the application will be refused. A preliminary decision notice will be served before a final refusal decision is made.

6.5 Preliminary Decision Notice

Where ECDC proposes to grant subject to conditions, or to refuse, a preliminary decision notice will be served setting out:

- The date of the notice;
- The preliminary decision and the reasons for it;
- The proposed effective date of the final decision;
- The right to make written representations within 28 days; and
- The consequences of operating the site in contravention of the Regulations.

6.6 Representations

An applicant who receives a preliminary decision notice has 28 days (beginning the day after the notice is served) in which to make written representations to ECDC. The Council must take all representations into account before making a final decision.

6.7 Final Decision Notice

Following the representations period, ECDC will, as soon as reasonably practicable, make a final decision and serve a final decision notice on the applicant. The notice will set out: the date; the final decision; the reasons; when the decision takes effect; the right of appeal and the timeframe; and the consequences of non-compliance.

6.8 Appeals

An applicant may appeal to the First-tier Tribunal (Property Chamber) within the period specified by the Tribunal. Grounds of appeal include:

- Inclusion on the register for a period of less than 5 years;
- Inclusion on the register subject to conditions; or
- Rejection of the application.

Where an applicant accepts a decision not to include the originally nominated person on the register, they must put in place alternative management arrangements compliant with the Regulations. Failure to do so is an offence. An appellant cannot claim compensation for losses incurred while an appeal is pending.

7. The Fit and Proper Person Register

7.1 Maintenance and Publication

ECDC will maintain and keep up to date a register of fit and proper persons for relevant protected sites in the district. The register will be:

- Published on the ECDC website [Information for site users | East Cambridgeshire District Council](#)
- Available for inspection at The Grange, Nutholt Lane, Ely, CB7 4EE during normal office hours; and
- Updated promptly following each decision.

7.2 Register Contents

The register will record, for each entry:

- The name and address of the site;
- The name of the relevant person;
- The date of inclusion and the expiry date of the registration;
- Any conditions attached to the entry; and
- Where an application has been refused, the date of refusal.

7.3 Duration and Renewal

Registration is valid for up to 5 years from the date of inclusion. A shorter period may be granted at ECDC's discretion. Site owners must apply for renewal before the expiry date. ECDC will write to site owners no later than three months before expiry as a reminder; however, it remains the site owner's legal responsibility to ensure a valid registration is in place at all times.

7.4 Changes in Circumstances

A site owner must notify ECDC and apply for a new registration if:

- The site manager changes;
- The ownership of the site changes or transfers;
- Any declared information changes (e.g. a new criminal conviction, insolvency, or disqualification from acting as a director); or
- Any other material change occurs that may affect the relevant person's fitness and propriety.

7.5 Review and Removal from the Register

If new evidence relevant to an entry becomes available, ECDC may:

- Impose a new condition on the entry;
- Vary an existing condition;
- Remove a condition; or
- Remove the person from the register.

Before taking action to impose or vary a condition, or remove a person from the register, ECDC must serve a notice of proposed action setting out the reasons, the proposed action and its proposed effective date, and the right to make representations. The site owner will have 28 days to make representations. ECDC must, as soon as reasonably practicable after that period, decide whether to take the action and serve a notice of action taken within 5 working days.

No notice of proposed action is required before removing a condition — as this is a positive step — but ECDC will notify the site owner in writing and update the register accordingly.

Officers must exercise judgement in deciding whether new evidence warrants review. Any decision to impose, vary or remove a condition, or to remove a person from the register, should relate to the person's fitness and propriety rather than to separate site licensing issues.

8. Offences and Enforcement

8.1 The Three Offences

There are three criminal offences under the Regulations, all of which carry an unlimited fine on summary conviction (level 5):

#	Offence	Defence available?
1	Operating a site without a fit and proper person in place (i.e. without valid registration)	Yes — limited statutory defences apply (see Section 9)
2	Providing false or misleading information in the application, or failing to provide required information	No — no defence available
3	Failing to comply with a condition attached to an entry on the register	Yes — limited statutory defences apply (see Section 9)

8.2 Consequences of Non-Compliance

In addition to prosecution and an unlimited fine, where a site is operated by a person who has not been approved as fit and proper, the court or the First-tier Tribunal has power to revoke the site licence. ECDC will also consider the site owner's compliance history when assessing future applications for registration or licence renewal.

9. Defences

A limited defence is available to a site owner who has inherited a site and has a reasonable excuse for failing to make an application within the required period. The following table sets out the relevant periods in specific circumstances:

Circumstance	Relevant application period
Registered person's registration period expires	Before the expiry date of the registration
Relevant person ceases to be registered (other than by a local authority decision)	Within 28 days of the relevant person ceasing to be registered
New site licence applied for or transferred	Before the site is operated under the new or transferred licence

Circumstance	Relevant application period
Site owner inherits a site with no fit and proper manager in place	As soon as reasonably practicable after inheriting the site

10. Council-Appointed Manager

Where a relevant person fails the fit and proper person assessment and the site owner is unable to identify and appoint a suitable alternative manager, ECDC may, with the consent of the site owner, appoint a fit and proper person to manage the site. The costs reasonably incurred by ECDC in identifying and appointing a manager will be recovered from the site owner.

This power will be used as a last resort to protect the welfare and safety of park home residents, where no suitable alternative management can be put in place. ECDC will document its reasons for exercising this power.

11. Policy Review and Version Control

This policy will be reviewed no later than three years from the approval date, or earlier if there is a material change in legislation, government guidance or operational practice. Any revision will be subject to Licensing Committee approval.

Version	Date	Summary of Changes	Approved by
1.0	4 th October 2021	Original policy adopted to implement the 2020 Regulations	Licensing Committee
2.0	9 th September 2026	Full review: updated legislative framework (2023 Pitch Fees Act, Consumer Rights Act 2015); expanded conduct criteria (right to work, redress scheme); overseas management guidance; enhanced management plan requirements; UK Tribunal case law incorporated; version control table added.	Licensing Committee

Appendix A. Application Checklist

Use this checklist to confirm your application is complete before submission. An incomplete application will not be considered valid and may constitute an offence.

Item	Included
Completed application form	☐
Application fee paid (£240.00 or current rate)	☐
Evidence of legal estate or equitable interest in the site (e.g. Land Registry title)	☐
Confirmation of site licence held or applied for	☐
Details of all relevant officers (if applicant is a company, partnership or body)	☐
Details of any other relevant protected sites owned, managed or held	☐
Basic DBS certificate (issued no more than 6 months before date of application)	☐
Management plan addressing all matters in Section 5.1(b)	☐
Evidence of financial standing (Section 5.1(c))	☐
Completed conduct declaration (Section 5.2)	☐
Details of any associated persons where relevant	☐
Details of any criminal convictions, insolvency, or director disqualification	☐
Signed declaration confirming accuracy and completeness of application	☐

Appendix B. Glossary of Key Terms

Term	Definition
Applicant	The person making the application, usually the site owner or a relevant officer acting on behalf of the site owner
DBS Certificate	Disclosure and Barring Service certificate issued under section 113A(1) of the Police Act 1997, confirming an individual's criminal record history
ECDC	East Cambridgeshire District Council
FPP	Fit and Proper Person
Mixed-use park	A site used for both permanent residential and holiday occupation
Non-commercial family-occupied site	A site occupied only by the owner and/or family members, not operated on a commercial basis — exempt from the Regulations
Relevant officer	A director, officer, partner or management committee member authorised to act on behalf of a non-individual site owner
Relevant person	The individual subject to the fit and proper person assessment — either the site owner or an appointed site manager
Relevant protected site	A licensed site that is not solely for holiday purposes or otherwise incapable of being used all year round
Regulations	The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034), as amended
Site licence	A licence granted under section 3 of the Caravan Sites and Control of Development Act 1960, required for land to be used as a caravan site
Site owner / Occupier	The person who holds, or has applied for, a site licence for the relevant protected site

East Cambridgeshire District Council

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