

REGULATORY AND LICENSING COMMITTEE

Date: 18th February 2014

Agenda Item: 8

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REPORT OF PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

THE MOBILE HOMES ACT 2013

1. Purpose of Report

- 1.1 The purpose of this report is to inform the Committee of the changes in legislation governing mobile home sites following the passing of The Mobile Homes Act 2013 (the 'Act') and to seek delegated authority for officers to be authorised under the Act to use the full range of powers.

2. Background Information

- 2.1 On 26th March 2013 the Mobile Homes Bill received Royal Assent and became the Mobile Homes Act 2013. The aim of the Act is to give greater protection to occupiers of residential mobile (Park) homes. Most of the changes concerning the protection of residents came into force on 26th May 2013.
- 2.2 The Mobile Homes Act 2013 amends the Caravan Sites and Control of Development Act 1960 ("the CSCDA 1960"), the Caravan Sites Act 1968 ("the CSA 1968") and the Mobile Homes Act 1983 ("the MHA 1983"). It brings the licensing regime that applies to mobile home sites in England under the CSCDA 1960 more closely in line with other Local Authority licensing regimes and also includes a power to enable the Secretary of State to introduce by way of secondary legislation a "fit and proper" person requirement for managers of sites.
- 2.3 The policy rationale for the new provisions is that the law relating to mobile homes is ineffective and outdated. Current law is inadequate because it neither deters the unscrupulous park home site owners from exploiting residents nor provides Local Authorities with effective powers to monitor or improve site conditions.
- 2.4 It is intended that the Act will raise standards in the industry so that it delivers a more professional service to home owners and to ensure the opportunity for blocking sales is removed and effective enforcement action can be taken against those operators who fail to comply with their licence obligations.
- 2.5 The Mobile Homes Act 2013, only covers 'relevant protected sites' and does not apply to sites exclusively used for touring and holiday use. This is still the case even if the holiday sites have the benefit of planning consent for all year

- 2.6 A number of changes to the Act deal with matters relating to site licences' issued to park owners by local authorities. These changes come into force on 1 April 2014 and include the following powers:
- Power to charge the site owner a fee on application for a site licence for a relevant protected site' (Defined s3(7) of the Caravan Sites and Control of Development Act 1960).
 - Power to determine how much the fee should be.
 - Power to charge park owners an annual fee for a site licence for a 'relevant protected site'. The level is to be set by the local authority, but will depend on various factors.
 - Failure to pay an annual fee may eventually lead to a site licence being revoked.
- 2.7 Breach of Site Licence Conditions - From 1 April 2014 local authorities will have new powers to enforce site licence conditions against park owners. Where a park owner is in breach of any of the site licence conditions the local authority may serve a "Compliance Notice" on the park owner. The Notice will:
- Set out the breaches which have been identified;
 - Tell the park owner what he must do to correct the breaches;
 - Tell the park owner when he must correct the breaches; and
 - Explain how the park owner may appeal against the "Compliance Notice".
- 2.8 Failure to comply with a "Compliance Notice" is a criminal offence, punishable by a fine of up to £5,000 in the Magistrates Court (level 5). A third or subsequent prosecution could lead to revocation of the site licence.
- 2.9 Where the park owner continually fails to comply with the "Compliance Notice" after being prosecuted the local authority has powers to enter onto the site to carry out the work to comply with the Notice. The local authority will also be able to charge the park owner the cost of such remedial works.
- 2.10 The local authority will also be able to charge the park owner for the cost of preparing the "Compliance Notice", including any expert or legal advice taken by the Local Authority.
- 2.11 Any charges which are not paid within the required period can be registered as a local land charge.
- 2.12 The park owner may appeal to the Residential Property Tribunal ("RPT") within 21 days against a "Compliance Notice" or any demand for payment by the Local Authority.

3. Enforcement, Offences and Fines

- 3.1 The Act enables Local Authorities to deal with breaches of site licence conditions by issuing a "Compliance Notice". Presently, any enforcement action is dealt with at the Magistrates Court, with a maximum fine of £250. The level of fine is outdated and ineffective as it does not act as a deterrent and does not force park owners to comply with the conditions.

- 3.2 A “Compliance Notice” allows the Local Authority not only to charge for cost recovery, but also deal with breaches of site licensing more effectively and expeditiously. Works can be undertaken in default, where a site owner continually fails to act upon a “Compliance Notice”. The maximum fine in the Magistrates Court following the introduction of the Act is £5,000 for each offence.

4. Current Situation

- 4.1 Within the district, there are licensed 11 sites containing a total of 277 mobile homes.

5. Financial Implications

- 5.1 It is expected that with the introduction of the Mobile Homes Act local authorities will be able to recover costs for exercising their licensing functions. Presently, there are no fees payable to the Council for the granting of a site licence or cost recovery for enforcement action.
- 5.2 Fees and charges will be proposed at a separate meeting of this Committee to consider all fees and charges.

6. Recommendations

- 6.1 That the Director of Community, Housing and Health and Environmental Health Manager is granted delegated authority to authorise officers under the Mobile Homes Act 2013 namely: The Environmental Health Manager, Principal Environmental Health Officer, Senior Environmental Protection Officer, Private Sector Housing Officer, Environmental Protection Officer, Technical Officers and trainee Technical Assistants, to be authorised for the purpose of execution and enforcing all of the District Council’s powers and duties in the provisions of the Act.
- 6.2 Note the changes in the regulation of Mobile Home Sites being introduced by the Mobile Homes Act 2013.

Background Documents:

Mobile Homes Act 2013

Report checked and approved:

Strategic/Corporate Director