



<u>Committee and Date</u>
Strategic Licensing Committee
25 th September 2013

<u>Item</u>
7
Public

Mobile Homes Act 2013

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1. Summary

- 1.1 The purpose of this report is to provide members with initial information relating to the recently implemented Mobile Homes Act 2013 (the Act). Some of the provisions, which are applicable to the Council, come into force on 1st April 2014.
- 1.2 The implications of the legislation will be given further consideration and a further report will be made to Members regarding the Mobile Homes Act 2013 and the potential impact upon caravan site licensing within the Council area at a future meeting.

2. Recommendation

- 2.1 The Strategic Licensing Committee note the position as set out in the report.

REPORT

3. Risk Assessment and Human Rights Act Appraisal

- 3.1 The recommendations are not at variance with the Human Rights Act 1998 and are unlikely to result in any adverse Human Rights Act implications. The recommendations are in line with current legal procedures laid down in relevant licensing legislation.

4. Financial Implications

- 4.1 Following introduction of the Mobile Homes Act 2013 Local Authorities may charge the applicant a fee for a site licence for 'relevant protected sites' (Fees applied will come into force from 1 April 2014).

5. Background

- 5.1 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.
- 5.2 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 round use.
- 5.3 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.
- 5.4 **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”.
- 5.5 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.
- 5.6 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.
- 5.7 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.

- 5.8 Any charges which are not paid within the required period can be registered as a local land charge.
- 5.9 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.

6. Conclusions

- 6.1 Overall, the Act brings the licensing regime applicable to residential ‘relevant protected sites’ more closely in line with other local authority Licensing regimes.
- 6.2 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 Shropshire Council for the granting of a site licence or cost recovery for enforcement action.
- 6.3 The Act enables Local Authorities to deal with breaches of site licence conditions by issuing “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.
- 6.4 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.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
<ul style="list-style-type: none">• Mobile Homes Act 2013.
Cabinet Member: Cllr Steve Charmley
Local Member: Not applicable
Appendices: None

