

## CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

<b>Date of Meeting</b>	Wednesday, 8 November 2023
<b>Report Subject</b>	Residential Mobile Home Licensing
<b>Cabinet Member</b>	Cabinet Member for Planning, Public Health and Public Protection
<b>Report Author</b>	Chief Officer: Planning, Environment & Economy

### EXECUTIVE SUMMARY

The purpose of this report is to outline how the resolutions of the Notice of Motion, that was received and supported by Flintshire County Council on 20 June 2023 entitled 'Ensuring Accountability in Flintshire's Residential Mobile Home Licensing', will be implemented.

Guidance is also sought from Members with respect to arrangements around consulting ward Members and residents directly affected by such licence applications.

### RECOMMENDATIONS

1	To recommend to Council that all applications made with respect to the Mobile Homes (Wales) Act 2013 will be determined by Licensing Committee.
2	For Members to support a consultation period of 21 days for Ward Members and the residents of those sites that are subject to the licencing decisions.
3	To note that Residential Mobile Home training will be available for all Members to access.

## REPORT DETAILS

1.00	IMPLICATIONS FOLLOWING THE NOTICE OF MOTION
1.01	<p>On 20 June 2023 Flintshire County Council endorsed the Notice of Motion introduced by Councillor Sam Swash entitled 'Ensuring Accountability in Flintshire's Residential Mobile Home Licensing'.</p> <p>Consequently, Flintshire County Council has committed to the following:</p> <ol style="list-style-type: none"><li data-bbox="347 539 1378 680">i. That the decision to issue, renew, extend, vary or not issue site licences for residential mobile home sites should rest with the Licencing Committee, taking into account the advice of relevant officers;</li><li data-bbox="347 719 1331 757">ii. That the schedule of officer delegation be amended accordingly;</li><li data-bbox="347 795 1378 943">iii. That advance notice be given to elected members when a residential mobile home site in their ward will be subject to a decision on the issuing, renewal, extension or variation of a licence, to enable them to make representations;</li><li data-bbox="347 981 1362 1128">iv. That the Constitution and Democratic Services Committee shall be tasked with agreeing a policy on minimum standards of resident consultation in respect of residential mobile home licencing ahead of decisions, and,</li><li data-bbox="347 1167 1378 1384">v. That, pending the completion and adoption of this policy, the Council will welcome and acknowledge any written correspondence received from residents of sites subject to licencing decisions and recommends that requests to make representations to the licencing committee in person in respect of these decisions be handled in the same way as planning applications.</li></ol>
1.02	<p>The implications of the above resolutions will place greater demands upon Licensing Committee. At present these decisions are undertaken by officers through delegated authority. However, at its meeting of 4 October 2023 Licensing Committee resolved that all applications should now be determined by the <i>full</i> Licensing Committee, not a Sub Committee or officer determination.</p>
1.03	<p>Training has been arranged for Licensing Committee Members on 4 December 2023, this will enable them to determine these applications. Although this training will be mandatory for Licensing Committee Members, it will also be available for all Members to access which will make it easier should substitutions at Committee be required, and will increase the awareness of Members who have such sites in their wards.</p>

<b>2.00</b>	<b>REQUIREMENTS OF THE MOBILE HOMES (WALES) ACT 2013</b>
2.01	The Mobile Homes (Wales) Act 2013 came into force on 1 <sup>st</sup> October 2014. The key aim of the Act is to better protect the rights of people living in residential mobile homes all year round as their primary residence. They are commonly referred to as “park homes”. The Act amends and updates a range of existing provisions relating to mobile homes and introduces a number of new provisions.
2.02	The key provisions of the Act include: <ul style="list-style-type: none"> <li>• An offence to operate a regulated site without a site licence;</li> <li>• Sets a limit of up to 5 years for the duration of a site licence;</li> <li>• A "fit and proper person test" for site managers;</li> <li>• The local authority can attach site conditions to the site licence;</li> <li>• A range of enforcement provisions for the local authority if a site owner fails to comply with licence conditions;</li> <li>• Offence for site owners to block the sale of a mobile home;</li> <li>• No restrictions on sale of the mobile home;</li> <li>• Pitch fee increases restricted to Consumer Prices Index.</li> </ul>
2.03	The Act places a responsibility on the Council to: <ul style="list-style-type: none"> <li>• Issue a site licence if it considers appropriate within 2 months of an application being made providing the site has the benefit of planning permission;</li> <li>• Have regard to Model Standards in specifying conditions that may accompany a site licence. These are the Model Standards for Caravan Sites in Wales 2008;</li> <li>• Keep a register of site licences issued in its area open to inspection for the public at all reasonable times;</li> </ul>
<b>3.00</b>	<b>THE PROCESS OF DETERMINATION</b>
3.01	Flintshire County Council’s Constitution already allows Licensing Committee to determine Residential Mobile Home licence applications. Following the recommendation of Licensing Committee at its meeting on 4 October 2023, all applications will now be determined by the full Licencing Committee, rather than officers. The number of applications requiring determination can vary from year to year, it is not envisaged there will be more than four per annum.
3.02	Once a licence application is validated by officers, a determination will be required within a two-month window unless a longer timeframe is agreed with the applicant. On that basis additional dates for Licensing Committee will need to be arranged. It should be noted that licensing conditions cannot be applied unless a valid site is licence is in place.
3.03	As required by the Notice of Motion, a policy outlining minimum consultation standards will have to be produced. The Monitoring Officer has advised that the finalised policy will need to be approved by Full Council. However, for the policy to be developed it is requested that Members of this Committee support a consultation period of 21 days for

	Ward Members and residents who reside on the site to submit representations in writing. The representations can only be for matters pertaining to the application.
--	--

<b>4.00</b>	<b>RESOURCE IMPLICATIONS</b>
4.01	Increased attendance of Licensing Committee Members to determine residential mobile home licensing. More meetings will need to be diarised from January 2024 onwards to ensure that application deadlines are met. Subject to the agreement of the Chair of Licensing Committee, it is likely that meetings will need to be scheduled at least every two months.
4.02	Additional demands will be placed on officers within the Community and Business Protection Service, Legal Services and Democratic Services. No additional budget has been earmarked for the implementation of the Notice of Motion. It should be noted that the officers who licence residential mobile homes also undertake a number of other statutory duties on behalf of Flintshire County Council, including health and safety enforcement (which includes event safety); work around private water supplies and other public health duties. There is no dedicated officer to support this work, the duties are shared between a small number of existing officers.
4.03	It is anticipated that the services of a specialist Counsel will be required to advise Licensing Committee during such hearings, as there is no in-house capacity to provide this advice. This will have financial implications for the Authority.

<b>5.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
5.01	As outlined in paragraph 3.01.

<b>6.00</b>	<b>RISK MANAGEMENT</b>
6.01	Increased risk to the Authority of legal challenge, although this risk will be mitigated through the provision of legal advice and the training of Licensing Committee Members and Ward Members.

<b>7.00</b>	<b>APPENDICES</b>
7.01	Notice of Motion – ‘Ensuring Accountability in Flintshire’s Residential Mobile Home Licensing’.

<b>8.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
8.01	<b>Contact Officer:</b> Sian Jones

	<b>Telephone:</b> Community and Business Protection Manager 01352 702132 <b>E-mail:</b> <a href="mailto:sian-jones@flintshire.gov.uk">sian-jones@flintshire.gov.uk</a>
--	--

<b>9.00</b>	<b>GLOSSARY OF TERMS</b>
9.01	None required for this report.