

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **CABINET**

**DATE:**               **TUESDAY, 21 APRIL 2015**

**REPORT BY:**       **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

**SUBJECT:**           **MOBILE HOMES (WALES) ACT 2013**

**1.00   PURPOSE OF REPORT**

1.01   To provide details of the new legislation and to seek approval for the delegation of powers and the setting of fees.

**2.00   BACKGROUND**

2.01   The Mobile Homes (Wales) Act came in to 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 as their primary residence.

2.02   The Act makes provision for how these sites should be managed and maintained in Wales and gives residents improved rights.

2.03   The Act requires all residential mobile home parks to be relicensed by the Local Authority. It also introduces changes to the procedures for applying for a site licence, including a ‘fit and proper person’ test for owners and managers, a range of enforcement provisions for the Local Authority and a longer – five year licence.

2.04   The Act places a responsibility on the Local Authority to issue Site Licenses (where appropriate) within 2 months of an application being made, to have regard to the Model Standards for Caravan Sites in Wales 2008 and to keep a register of site licenses issues within its area.

**3.00   CONSIDERATIONS**

3.01   As the new arrangements for Caravan Site Licensing include the introduction of a “fit and proper person” test, it is felt that a Sub Committee of the Licensing Committee would be ideally placed to consider applications where such issues need to be considered.

3.02   The Act offers a range of powers to the Local Authority. This report proposes that day to day enforcement powers be delegated to appropriate officers, namely Environmental Health Officers and Licensing Officers.

- 3.03 The Act allows the Authority to recover costs incurred in the licensing of Caravan Sites. Fees may also be charged to vary licenses. This report proposes that the Chief Officer (Planning & Environment) in consultation with the Cabinet Member for Waste Strategy, Public Protection and Leisure be delegated the powers to set and review the fees under this legislation.

#### **4.00 RECOMMENDATIONS**

- 4.01 That any application for a site licence where the fitness and propriety of the applicant is questioned is referred to and determined by a Licensing Sub Committee.
- 4.02 That enforcement powers are delegated to Environmental Health Team Leaders and Environmental Health Officers, and to the Licensing Team Leader and Licensing Officers.
- 4.03 That Members delegate the decision of the adoption of a fee level to the Chief Officer (Planning & Environment) in consultation with the Cabinet Member for Waste Strategy, Public Protection and Leisure.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 It is anticipated that fees will be higher than under the current regime, however these costs will reflect the additional time spent on the administration of the licenses and the additional compliance checks. The fees will not exceed the cost of operating the new regime. The fees will be reviewed after the initial five year period.

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None.

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 None.

#### **8.00 EQUALITIES IMPACT**

- 8.01 None.

#### **9.00 PERSONNEL IMPLICATIONS**

- 9.01 None.

#### **10.00 CONSULTATION REQUIRED**

- 10.01 Public Consultation.

**11.00 CONSULTATION UNDERTAKEN**

11.01 Public consultation has been carried out by the Welsh Government.

**12.00 APPENDICES**

12.01 None.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

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