

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **LICENSING COMMITTEE**

DATE: **WEDNESDAY, 13 MAY 2015**

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

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

1.00 PURPOSE OF REPORT

- 1.01** To Provide details of the new legislation and to inform Members of the arrangements for the approval of licence applications.

2.00 BACKGROUND

- 2.01** The Mobile Homes (Wales) Act came in to force on 1st 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** A report went before Cabinet on 21st April to request delegation arrangements.

- 3.02** The Act offers a range of powers to the Local Authority. It was requested that day to day enforcement powers be delegated to appropriate officers, namely Environmental Health Officers and Licensing Officers, which was agreed by Cabinet.

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

3.04 In order to make their decision, the Sub Committee will be provided with information in relation to the applicant’s criminal record, and any information Environmental Health feel is appropriate to disclose in relation to records or intelligence they may hold.

3.05 Fee setting delegation will fall to the Chief Officer (Planning & Environment in consultation with the Cabinet Member for Waste Strategy, Public Protection and Leisure.

4.00 RECOMMENDATIONS

4.01 None in respect of this report

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 in respect of this report

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 in respect of this report

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

Mobile Homes (Wales) Act 2013

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