

CABINET

Date of Meeting	Tuesday, 13 December 2016
Report Subject	To change the delegation for the Mobile Homes (Wales) Act 2013
Cabinet Member	Cabinet Member for Waste Strategy, Public Protection and Leisure
Report Author	Chief Officer (Planning & Environment)
Type of Report	Operational

EXECUTIVE SUMMARY

For Cabinet Members to make necessary changes to delegated decisions in relation to determining licenses under the Mobile Homes Wales Act 2013.

RECOMMENDATIONS

1	That Cabinet Members delegate decisions in relation to the grant of a licence in respect of this legislation to a Public Protection Service Manager
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REPORT DETAILS

1.00	EXPLAINING THE CHANGES TO THE DELEGATION
1.01	The Mobile Homes Wales Act 2013 requires the Authority to be satisfied that any applicant is a fit and proper person before issuing a licence for a residential mobile home site. Procedures have been put in place to undertake these checks, including a basic criminal records disclosure.
1.02	The guidance document which was released for the Act was unclear, and it was decided that due to the Licensing Sub Committee already undertaking decisions on fit and proper persons in relation to Private Hire and Taxi Drivers, this would be the most appropriate forum for the decision to be made.
1.03	On 21 st April 2015, a report was brought before Cabinet, which included the recommendation 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. Cabinet Members agreed to this.
1.04	It has since come to our attention that as the Mobile Homes Wales Act 2013 was an executive function, delegation should not have been passed to Licensing Sub Committee as this is a committee of the Council. Cabinet should only have been asked to delegate to either a Sub-Committee of the Cabinet, a Cabinet Member or an individual officer.
1.05	Cabinet Members are therefore asked to delegate decisions in relation to the fitness and propriety of any applicant for a licence under the Mobile Homes Wales Act 2013 to a Public Protection Service Manager in consultation with the Cabinet Member.
1.06	The Licensing Team are no longer involved with licensing Residential Mobile Home Sites. This is now solely an Environmental Health function.

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	None. No decisions have been made in relation to 'fit and proper person' under this legislation so far, therefore no decisions have been compromised.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Gemma Potter – Community Protection Team Leader – Licensing Telephone: 01352 703371 E-mail: gemma.m.potter@hotmail.co.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Residential Mobile Home Site: A site housing mobile homes which are populated all year round as a permanent dwelling.</p> <p>Fit and Proper Person test: Checks the Authority undertake to ensure that an applicant is an appropriate person to hold a licence.</p> <p>Basic Criminal Records Disclosure: An official check showing any unspent convictions.</p>