

LICENSING COMMITTEE

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| Date of Meeting | Wednesday, 4 October 2023 |
| Report Subject | Residential Mobile Home Licensing |
| Report Author | Chief Officer: Planning, Environment & Economy |

EXECUTIVE SUMMARY

To outline the requirements placed upon Licensing Committee following 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'.

RECOMMENDATIONS

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| 1 | To note the contents of the report. |
| 2 | For Members to commit to undertake training to enable them to determine licence applications with respect to the Mobile Homes (Wales) Act 2013. |

REPORT DETAILS

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| 1.00 | IMPLICATIONS FOLLOWING THE NOTICE OF MOTION 2013 |
| 1.01 | 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'. Consequently, Flintshire County Council has committed to the following: |
| | <ul style="list-style-type: none"> 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; ii. That the schedule of officer delegation be amended accordingly; iii. That advance notice be given to elected members when a residential mobile home site in their ward will be subject to a |

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| | <p>decision on the issuing, renewal, extension or variation of a licence, to enable them to make representations;</p> <p>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,</p> <p>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.</p> |
| 1.02 | <p>The implications of the above resolutions will place greater demands upon the Licensing Committee. At present these decisions are undertaken by officers through delegated authority. However, once the new policy has been adopted by the Constitution and Democratic Services Committee it will be Members of this Committee who will make the determinations (as outlined in paragraph 1.01 (i)).</p> |
| 1.03 | <p>Clarification is currently being sought on two points:</p> <p>i. Whether Licensing Committee can delegate this function to a licensing sub committee.</p> <p>ii. Whether officers may be permitted to determine 'non-contentious' applications, or applications that have not received representations from the local Member or residents of the site.</p> |
| 1.04 | <p>Training is in the process of being arrangement for Members to enable them to determine licence applications as such decisions can be legally challenged.</p> |
| 2.00 | REQUIREMENTS OF THE MOBILE HOMES (WALES) ACT |
| 2.01 | <p>The Mobile Homes (Wales) Act 2013 came into force on 1st 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.</p> |
| 2.02 | <p>The key provisions of the Act include:</p> <ul style="list-style-type: none"> • An offence to operate a regulated site without a site licence • Sets a limit of up to 5 years for the duration of a site licence. • A "fit and proper person test" for site managers • A range of enforcement provisions for the local authority if a site owner fails to comply with licence conditions. • Site owners will no longer be able to block the sale of a mobile home. |

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| | <ul style="list-style-type: none"> • The mobile home owner will be free to sell their home to who they wish • Pitch fees will only be increased in line with the Consumer Prices Index |
| 2.03 | <p>The Act places a responsibility on the Council to:</p> <ul style="list-style-type: none"> • 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. • 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. • Keep a register of site licences issued in its area open to inspection for the public at all reasonable times |
| 3.00 | NEXT STEPS |
| 3.01 | To put in place the requirements set out by Flintshire County Council in paragraph 1.01 (points i to iv) officers have already commenced the process of writing a policy that will be shared with Members of the Licensing Committee and Members of the Constitution and Democratic Services Committee for their observations in due course. |
| 4.00 | RESOURCE IMPLICATIONS |
| 4.01 | Increased attendance of Licensing Committee Members to determine residential mobile home licensing. |
| 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. |
| 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. This will have financial implications. |
| 5.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
| 5.01 | As outlined in paragraph 3.01. |
| 6.00 | RISK MANAGEMENT |
| 6.01 | Increased risk to Members of legal challenge, although this risk will be mitigated through the provision of legal advice. |

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| 7.00 | APPENDICES |
| 7.01 | Notice of Motion – ‘Ensuring Accountability in Flintshire’s Residential Mobile Home Licensing’. |
| 8.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 8.01 | Contact Officer: Sian Jones Community and Business Protection Manager Telephone: 01352 702132 E-mail: sian-jones@flintshire.gov.uk |
| 9.00 | GLOSSARY OF TERMS |
| 9.01 | None required for this report |