

## Joint Committee

26<sup>th</sup> November 2015.

### **WORCESTERSHIRE REGULATORY SERVICES Mobile Homes Act 2013**

#### **Recommendation**

1. That the Joint Committee endorses the development of a compliance/enforcement structure and fee policy as required by the Mobile Homes Act 2013; with a view to providing this service to its current partners if required and other Local Authorities.

#### **Background**

The principal legislation concerning the licensing of caravan sites and mobile home sites is the "Caravan Sites and Control of Development Act 1960 (CSA 1960). This requires local authorities to issue without charge Caravan Site Licences for certain types of caravan sites. For the purposes of this report caravan site and mobile home sites are synonymous.

The 1960 Act has now been amended by the Mobile Homes Act 2013 (MHA 2013) which was introduced to provide greater protection to permanent occupiers of mobile home sites. The changes introduced by the 2013 Act came into force on 1<sup>st</sup> April 2014. These powers include the ability for local authorities to charge fees now for their licensing functions in respect of relevant protected sites (sites that are wholly or partly residential).

Under the 2013 Act there is an expectation that Councils will inspect sites annually and use the additional powers to ensure compliance with relevant site licence conditions.

Councils can charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. In order to charge fees the Council must publish its Fees Policy and incorporate an annual review of those fees.

Worcestershire Regulatory Services currently administers Caravan site licensing under the Caravan Sites and Control of Development Act 1960 (CSA 1960) on behalf of 2 of its 6 District partners, namely Wychavon District Council and Worcester City Council.

#### **Current Position**

**Bromsgrove District Council** – Are in the process of introducing a fees and charges policy; currently this work is undertaken by their Private Sector Housing Team.

**Malvern Hills District Council** – Have introduced a fees and charges Policy. It is understood this work is currently carried out by the Housing Department.

**Redditch Borough Council** – currently has no Mobile Home sites but could benefit from introducing the fees and charges policy and compliance regime for a consistent approach. This work is currently undertaken by their Private Sector Housing Team.

**Worcester City Council** – WRS administers caravan licensing under the previous legislation. See recommendation 1 above.

**Wychavon District Council** – WRS administers caravan licensing under the previous legislation. See recommendation 1 above.

**Wyre Forest District Council** – according to their website have not yet introduced a fees and charges policy or inspection regime under the Mobile Homes Act 2013.

The Mobile Homes Act 2013 amended the legislation to provide effective enforcement powers to require works to be carried out to remedy poor conditions on what are often referred to as “park home sites”, where people have permanent residence as opposed to simply being holiday lets. Where there is non-compliance, the local authority can take effective enforcement action, obviously governed by its enforcement policy. Where necessary this action can include court action.

The majority of park home sites are owned and managed by fair and professional individuals or businesses. It is unlikely that such well-run sites will be significantly affected by the new regime, although they may benefit from more site visits by the local authority to assist them in achieving compliance with the law.

Where park owners do not run their parks well and allow conditions to deteriorate, affecting the amenity of the park and the health and safety of residents, local authorities can now ensure standards are met through the licensing regime and take non performing park owners to task.

#### **Who is affected?**

In addition to planning permission, all caravan and residential parks need a site licence to operate, issued by the Local Authority, which may include specific conditions. This relates to holiday parks as well as residential parks.



The changes brought in by the above Act in respect of licensing and enforcement only relate to “relevant protected sites” which by definition are privately owned parks that are occupied wholly, or in part, for permanent residential use. This includes “mixed use” sites where there is both holiday and residential occupation of pitches.

The old legislation only allowed a local authority to prosecute for non-compliance with a licence condition. The new legislation introduces a provision for serving a statutory notice which simplifies the enforcement procedure and gives the park owner an opportunity to put things right before facing any prosecution. It also allows local authorities to enter sites in an emergency to resolve problems, in effect by undertaking works in default for which costs may be recovered.

### **Contact Points**

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### **Background Papers**

The Mobile Homes Act 2013  
A Guide for Local Authorities on setting site licensing fees.

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