

BROMSGROVE DISTRICT COUNCIL
CABINET

DATE 3RD SEPTEMBER 2008

IMPLEMENTATION OF MODEL STANDARDS FOR MOBILE HOME SITE LICENSING

Responsible Portfolio Holder	Cllr Peter Whittaker
Responsible Head of Service	David Hammond
Key Decision	

1. SUMMARY

- 1.1 The report updates and asks members to approve the adoption of the new revision to the model standards for Mobile home sites that have been recommended by the government.
- 1.2 The report asks for members support for officers to take appropriate enforcement action against site owners where non conformity against existing standards exists and to provide awareness raising to owners regarding the new standards and a reasonable period of notice to conform with newly introduced changes to the model standards.

2. RECOMMENDATION

- 2.1 That Members approve the adoption of the newly revised Model Standards for Permanent Residential Homes Sites as summarised at Sect 4 of the report and detailed at Appendix 1 to the report.
- 2.2 That Members approve officers taking action in accordance with the Council's Enforcement Policy against site owners who continue to be in breach of existing model standards upon expiry of the originally set 5 year period of notice subject to an additional 6 months period of grace.
- 2.3 That members approve officers phasing in new model conditions (following consultation) where the current site license conditions are inadequate in serving its purpose and where legislation has been superseded.
- 2.4 That site owners be given a period of 12 months to conform to the newly introduced elements of the Model Standards before appropriate enforcement action is implemented.

3.0 BACKGROUND

- 3.1 In 2003, the then Head of Environmental Health Services reported to the Executive Cabinet, recommending the development of a strategy

for the licensing of permanent residential mobile home sites.

- 3.2 The Executive Cabinet resolved to adopt a set of local standard conditions based upon Model Standards for all permanent residential home sites in the District. The Executive Cabinet also approved the adoption of a 'hard line' approach to ensuring compliance that gave owners a five year period to conform to the standards at the end of which a full inspection would be carried out, remaining breaches identified and further enforcement action considered.
- 3.3 The five year period of grace for site owners to conform to the original standards expires this year. However in April this year the Government published newly revised Model Standards.
- 3.4 All 13 permanent residential mobile homes sites in the district have recently been inspected to assess the level of conformity against both the original model standards and the more recently updated standards.
- 3.5 This report summarises the level of conformity of the sites against both the existing standards (2003) and the newly introduced standards (2008) and makes recommendations regarding appropriate enforcement action being taken where non conformity exists against existing standards now that the 5 year period of grace has expired. The recommendations propose that for the newly introduced standards that came in this year, site owners should be given 12 months to conform before appropriate enforcement action is commenced.

4.0 SUMMARY OF EXISTING AND NEWLY INTRODUCED MODEL STANDARDS FOR MOBILE HOME SITES.

- 4.1 The existing 1989 Mobile Home Site Model Standards (adopted in 2003) detail a maximum of 48 conditions relating to a variety of mobile home sites standards e.g. boundaries of the site, spacing between units, hard-standings and fire safety measures. All 48 conditions were attached to Licenses for sites with more than one unit. Single unit sites had a reduced number of 13 conditions to comply with.
- 4.2 The Mobile Home Site Model Standards 2008 update those issued in 1989, and reflect the changes in legislation, most notably in relation to fire safety. Under the Regulatory Reform (Fire Safety) Order 2005, mobile home site license holders are required to undertake a Fire Risk Assessment in relation to their site. This legislation excludes single unit mobile home sites and those entailing entirely of family groups. Other significant changes include the deletion of the standard relating to telephones, the condition of the unit and the introduction of a flooding standards. The model standards are more prescriptive, transparent thus leaving less opportunity for inconsistency between officers, Local Authorities and Sites. A comparison of the existing and new model standards can be found in Appendix 1.
- 4.3 The new model standards have provided a greater enforcement tool

which increases the fine from £150.00 to £2,500 per offence.

5.0 OVERVIEW OF THE LEVEL OF CONFORMITY OF RECENTLY INSPECTED SITES AGAINST EXISTING AND NEWLY INTRODUCED MODEL STANDARDS FOR MOBILE HOMES SITES.

- 5.1 All sites within the District have recently been inspected against the existing and new model conditions.
- 5.2 With the larger sites containing more than one unit, the average compliance level with the existing model standards is 70%. Comparing the same sites against the new model standards indicates that once the new Model Standards are implemented there will be an average compliance level of 74.25%. The reason for the increased compliance level is that many of the outdated conditions have been removed; the introduction of the Fire Risk Assessments also places the responsibility of complying with the original fire safety measures upon the License holder. The main areas of non-compliance with both the new and existing model standards is mainly concerned with the provision of Notices on-site and therefore should not present major problems to site owners in achieving conformity nor present issues that would put residents occupancy at risk.
- 5.3 'All of the small, one unit sites are in compliance with all 12 conditions ' attached to their original Licences. These sites will still be subject to the Fire Safety Measures as these sites are excluded from undertaking a Fire Risk Assessment under the Regulatory Reform (Fire Safety) Order 2005.
- 5.4 One site that has been inspected is currently undergoing a complete refurbishment. The site is therefore not identified within the comparison tables as the site license holders are working towards the new model standards.

6.0 PROPOSED ACTION TO BE COMMENCED FOR NON CONFORMITY AGAINST EXISTING AND NEWLY INTRODUCED MODEL STANDARDS FOR MOBILE HOMES SITES.

- 6.1 The guidance notes to the Model Standards 2008 for Caravan Sites in England explain that the standards described in Appendix 1 are not intended to be the ideal. With each individual section, the guidance notes indicate the different agencies to consult with, prior to enforcement action being taken.
- 6.2 The CLG have stated that '*where a current license condition is adequate in serving its purpose, the authority should not normally apply the new standard*' [Letter dated 4th April 2008 introducing the revised model standards] It is therefore proposed that following appropriate consultation, where legislation has been superseded and current conditions are ineffective these are replaced by the new Model Standards 2008.

- 6.3 It is therefore proposed that where the material of the Mobile Home Standard Conditions have not been altered and there is still non-compliance with the standards that members agree to standard enforcement measures being taken. All of the larger sites are in contravention of at least one of the 33 conditions which have no significant material change to the original 1989 Model Standards. It is therefore recommended that a further 6 months is given to license holders in order to comply with the existing 1989 Model Standards. Where non compliance still persists it is recommended to Members that the Local Authority undertake Enforcement Action in terms of a Notice to ensure compliance.
- 6.4 It is proposed that for the new (2008) Model Standards, the Local Authority provides 12 months grace to site licence holders in order to comply with all conditions. Thereafter the Local Authority proposes to take a hard-line approach and enforce against all mobile home sites to ensure consistency across the district.
- 6.5 It is proposed that a training / consultation event takes place prior to action -being commenced for non conformity against new standards.
- 6.6 It is intended that any enforcement action is undertaken in line with the Berr Compliance Code (Government recommended code) and the Enforcement Concordat once a risk assessment has been undertaken to take into account all possible factors in relation to the prosecution.

4. FINANCIAL IMPLICATIONS

- 4.1 There would be no initial significant financial implications associated with the implementation of the new Mobile Home Site Model Standards 2008.
- 4.2 Financial pressures may be experienced in terms of the provision of a consultation/training event, however this consultation event can be scheduled into an existing consultation event that is due to take place during this period.

5. LEGAL IMPLICATIONS

- 5.1 The following legislation is essential to the implementation and development of the Mobile Home Site Model Standards 2008: -
- The Caravan Sites and Control of Development Act 1960
 - Caravan Sites Act 1968
 - Mobile Home Act 1983
 - Model Standards 1989 for Caravan Sites
 - Regulatory Reform (Fire Safety) Order 2005
 - Electrical Safety Quality and Continuity Regulations 2002

6. COUNCIL OBJECTIVES

- 6.1 The implementation of these Mobile Home Site Model Standards 2008 link directly to the Council's Regeneration objective, key priority number 1, Housing, which links directly into the Housing Strategy 2006-2011.

7. RISK MANAGEMENT

- 7.1 The main risks associated with the details included in this report are:

7.1.1 Increase homelessness figures for the district as increased enforcement action and level of fines may result in site owners closing down sites thus resulting in large displacement issues.

7.1.2 Significant increase in enforcement activity may result in increased demand on workload not only internal to the Strategic Housing Department but also may increase pressure on the Legal & Democratic Services department in terms of taking prosecution.

- 7.2 These risks are being managed by the following risk register as follows:

Risk Register: Planning & Environment

Key Objective Ref No: 4

Key Objective: Provide an effective, efficient and legally compliant Housing Service

8. CUSTOMER IMPLICATIONS

8.1 The recommendations will have an impact upon the Mobile Home Site license holders and also the residents of the sites. The impact may be in terms of enforcement action, removal of items which are in non compliance with the model standards e.g. wooden sheds within the separation zone, as they pose a serious risk of fire spread. The implementation of these standards and follow up of non compliance may also have an impact upon the Legal Department, if prosecutions were to be undertaken. The risk of increased homelessness within the district as detailed within Section 7.1 may have a significant impact upon BDHT resources as they manage the homelessness service and housing register for Bromsgrove District Council.

8.2 Every site has been inspected in line with the existing model standards and new intended model standards, during these site visits each license holder was briefed on the new standards and given a copy of the proposed standards. It is intended that there will be a consultation/training event to be held in September / October in order to communicate with the Mobile Home Site License holders the new Model Standards and the intended enforcement activity.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 The Council's Equalities and Diversity Policies will be applied.

10. VALUE FOR MONEY IMPLICATIONS

10.1 A consistent and uniform approach to regulation and enforcement helps maximise the impact of existing resources.

11. OTHER IMPLICATIONS

Please include the following table and spell out any particular implications in the relevant box. If there are no implications under a particular heading, please state 'None':-

Procurement Issues: -None
Personnel Implications: -None
Governance/Performance Management: -None
Community Safety including Section 17 of Crime and Disorder Act 1998: - Improvement to the safety and wellbeing of mobile home residents.
Policy: - standardised policy for enforcement.
Environmental: - Improving standards.

12. OTHERS CONSULTED ON THE REPORT

Please include the following table and indicate 'Yes' or 'No' as appropriate. Delete the words in italics.

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director - Partnerships and Projects	Yes
Executive Director - Services	Yes
Assistant Chief Executive	Yes
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	Yes
Corporate Procurement Team	No

13. WARDS AFFECTED

All Wards

14. APPENDICES

Appendix 1 Table comparing Model Standards

15. BACKGROUND PAPERS

- Caravan Site Register
- Model Standards 1989 for Caravan Sites
- License Conditions: Residential Caravan Sites
- BERR Regulators Compliance Code
- Model Standards 2008-Caravan Sites in England
- Licensing of Permanent Residential Mobile Home Sites Strategy Statement (1993)
- A New Approach for resolving disputes and to proceedings relating to Park Homes under the Mobile Homes Act 1983 (as amended)

CONTACT OFFICER

Name: A.M. Coel

E Mail: a.coel@bromsgrove.gov.uk

Tel: (01527) 881270