

**TO: LICENSING AND SAFETY COMMITTEE
10 JANUARY 2013**

**THE MOBILE HOMES BILL
Chief Officer: Environment and Public Protection**

1 INTRODUCTION

- 1.1 The Mobile Homes Bill is a private members' bill that was introduced to address the growing concerns around what were perceived as rogue practices by caravan park owners. The opportunity was also taken to update the Caravan Sites and Control of Development Act 1960 under which the licensing of sites is required and controlled.
- 1.2 The Bill has now reached the House of Lords and it is widely expected to have cross party support and receive Royal Assent in the New Year.

2 SUPPORTING INFORMATION

- 2.1 The Mobile Homes Bill proposes amendments to the Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968 and the Mobile Homes Act 1983. These pieces of legislation have formed the basis of control and protection for a form of housing which is becoming increasingly popular with the over 50's, those in retirement and younger families that cannot get into the traditional housing market. There have been calls for a number of years for additional protection for residents who sometimes invest large sums in such properties, often at a time in their lives when some will require greater support and protection.
- 2.2 The Council is responsible for the licensing of caravan sites and Bracknell Forest has 16 such sites with 984 homes on those sites. The Council applies conditions to the licence on those sites to protect and maintain the safety, privacy and way of life of those residents. Officers will in addition, on a risk based assessment, audit sites to check compliance with those conditions. Where non compliance is found we will work with the site owner to remove it. This can be a long and arduous process dependent upon the co-operation shown by a site owner.
- 2.3 The Caravan Sites and Control of Development Act 1960 will be amended in the following ways:
 - 1. For the first time, a local authority will be able to determine a charge for the issue, variation and transfer of licences. In addition, an annual licence fee will be chargeable to meet the costs of the Council in enforcing the Act. The Council should not make a profit from these fees. The council will have to develop, agree and publish a fees policy when setting or revising fees, and it is expected that this will most likely come before this Committee for comment and approval.
 - 2. The Act will be amended to bring in a new process to deal with breach of licence conditions. This process which is delivered through Compliance Notices is successfully used in other legislation and provides the Council with a range of options should actions required of the site owner not be completed within set timeframes. These options include prosecution, recovery of expenses, and power for the local authority to undertake work, recover costs and to undertake emergency action to correct non compliance if there is an imminent risk of serious harm.

Unrestricted

3. The method of appeal by a site owner against the actions of a local authority has traditionally been through the Magistrates Court. To help reduce cost and speed up this process, in many cases an appeal will be taken to the Residential Property Tribunal.
 4. There is a new requirement for the Manager of a site to pass a fit and proper person test and is introduced alongside a register of fit and proper persons.
 5. The local authority will become the holder and publisher of the “site rules” set by the site owner for residents.
 6. The protection presently offered to residents against eviction and harassment has been extended to include protection against the provision of false information. This includes a new offence of providing information, or the making of a representation which is ‘false or misleading’. Staff within Regulatory Services will be charged with investigating such offences.
- 2.4 Much of the detail is dependent upon the regulations which will set the framework within which controls will operate. At present draft regulations have not been issued for consultation but are likely to follow once the Bill has cleared the House of Lords process. It is anticipated that the vast majority of provisions are unlikely to come into effect until either October 2013 or April 2014 if the Government follows the normal implementation process.

Contact for further information

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