

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

**MOBILE HOMES ACT 2013
Chief Officer: Environment and Public Protection**

1 INTRODUCTION

- 1.1 The Mobile Homes Act 2013 (the 2013 Act) received Royal Assent on 26 March 2013. This report sets out the major changes to the existing legislation and how it impacts upon a significant number of residents within the Borough.

2 SUPPORTING INFORMATION

- 2.1 Within the Borough we have nearly 1,000 park homes on 16 licensed sites which provide all year round homes for residents. A significant number of those residents may be considered within vulnerable groups due to factors such as their age or income level.
- 2.2 The 2013 Act makes some significant changes to two long standing pieces of legislation, the Caravan Sites and Control of Development Act 1960 (the 1960 Act) and the Mobile Homes Act 1983 (the 1983 Act). It has been introduced following many recorded incidents of inadequate regulation within this industry resulting in rogue trading and bad practices which have impacted adversely in terms of both the health and finances of vulnerable people who were unable to adequately protect themselves. The 2013 Act is designed to give greater protection to the occupiers of residential mobile (park) homes.
- 2.3 The 1960 Act sets out the provisions for the licensing of caravan sites and certain provisions to be applied to those sites. If these provisions are breached a site owner can be prosecuted when certain conditions are met. This makes the provisions of the Act a local authority's responsibility to inspect and enforce. The 2013 Act brings in a number of provisions which are new:
- For the first time local authorities will be able to charge the site owner a fee for applying for a site licence – whether a fee is payable, and if so how much, will be a decision to be taken by this Committee;
 - Local authorities will also be allowed to charge park owners an annual fee for the site licence – the level of this fee will depend on various factors including the costs of the administration and inspection of sites. Failure to pay the annual fee may lead to the site licence being revoked;
 - Local authorities in England will be given the power to refuse to grant a site licence where it considers that the applicant is unsuitable to hold a licence. There is currently no guidance on what factors a local authority can apply when making this decision, although regulations are expected to be published in the future;
 - The Act gives Parliament the ability to introduce a “fit and proper person” test for park owners and managers – this test will not apply immediately but may be introduced in the future if it is considered appropriate.

Unrestricted

- 2.4 In addition the ability of a local authority to enforce licence conditions has been enhanced through a new power to serve a Compliance Notice. These Notices will:
- set out the breaches which have been identified;
 - tell the park owner what he must do to correct the breaches;
 - tell the park owner when he must correct the breaches; and
 - explain how the park owner may appeal against the Notice.
- 2.5 Failure by a licence holder to comply with a Compliance Notice is a criminal offence which can result in a fine of up to £5,000 and eventually revocation of the licence. Additionally if the licence holder does not comply with a Compliance Notice the local authority can do the work in default and recover the costs. There is an appeal process against a decision of the local authority to the Residential Property Tribunal (RPT).
- 2.6 All the above provisions come into effect from 1 April 2014 and officers will be preparing for these over the coming months. This will include recommendations for the charging of fees for the application for a licence and the annual fee to be applied from 1 April 2014.
- 2.7 The 1983 Act sets out the main provisions that apply to the contracts between a park owner and the resident, for example, site rules, pitch fees, transfer or selling of the homes. These are civil matters between the resident and park owner and have commonly been the subject of many of the disputes between parties. The 2013 Act looks to better define the parameters under which these agreements will operate and where necessary decide if disputes arise. They do provide an increased level of protection for park home residents. The RPT is able to assist residents with queries on these matters.
- 2.8 It is anticipated and hoped that regulations will be published in the future such that a licence holder who consistently breaches the civil provisions can be considered as a person unsuitable to hold a licence, such actions being undertaken by the local authority.
- 2.9 A final significant change, which came into effect together with changes mentioned in Para 2.7 on 26 May 2013, is contained with the Caravan Sites Act 1968 (the 1968 Act) where, under section 3, "protection of occupiers against eviction and harassment" further offence provisions are provided for a site owner who knowingly or recklessly provides information or makes a representation which is false or misleading in a material respect. The Local Authority is responsible for the enforcement of these provisions.

Background Papers

Mobile Homes Act 2013

<https://www.gov.uk/park-mobile-homes>

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