

**Communities, Equality and Local Government Committee
Regulated Mobile Homes Sites (Wales) Bill
RMHS 25b Carmarthenshire County Council**

**Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
Communities, Equality and Local Government Committee**

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales



To: Local Authorities

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

10 December 2012

Dear Colleague

Thank you for providing written evidence to the Communities, Equality and Local Government Committee's Stage 1 scrutiny of the Regulated Mobile Home Sites (Wales) Bill. During the course of our scrutiny, we have heard evidence about the potential impact of the Bill on local authorities, who will have duties under the Bill to administer, monitor and enforce the new licensing regime.

We would be grateful if you could let us know whether there is anything that you would like to add to your previous written consultation response in respect of the following questions:

1. What financial impact would the Bill, if it were to become law, have on local authorities?

It is not anticipated that this will have any negative financial implications for local authorities, in fact it is likely to be quite the opposite. Carmarthenshire County Council currently runs a proactive inspection program for all Caravan and Mobile Home Sites throughout the county which incurs costs and a proportion of our resources each year is allocated to this area of work. The introduction of charging for licences within the Bill will ensure that some of the costs incurred by local authorities will be recuperated and resources can be adequately placed to deal with proposals of the Bill. The regulation of caravan sites tend to sit under the

Housing Enforcement Sections of the authority and the vast changes in Housing Legislation and increasing housing demand over the past couple of years has seen this element of work pushed to one side. Through introducing a charging structure for Mobile Home Licensing will enable local authorities to prioritise the work for their regulation better and ensure that each and everyone meets minimum standards and are managed well.

2. The Committee has heard evidence that the provisions relating to local authority collaboration in the Bill as drafted do not go far enough, and that local authorities should be required to collaborate. Do you have any views on this?

Collaboration on a regional level we do not think is appropriate due to the relatively small numbers of Mobile Home Sites involved. In terms of collaborative work within the local authorities themselves, there needs to be a lot more communication between departments i.e. Housing Enforcement Team, Planning Services, Trading Standards, Housing Benefit, Council Tax etc. At the moment it seems that departments and officers work within their own individual areas and do not share information.

Several Site owners own and manage sites in different local authorities therefore it is important to share information especially when determining whether or not a person is 'fit and proper'. Landlord Accreditation Wales have a specific section for local authorities where they can update details about a person/ landlord i.e. prosecutions etc.

3. The Committee has heard evidence about who the fit and proper person test should be applied to. In your view, what would be the preferred option, and what might the unintended consequences be of applying the test to:
 - site owners;
 - site managers; or
 - both?

The fit and proper person test should be applied to all persons involved in managing the site. The consequences of not applying it in this way could mean that sites are managed by persons who not appropriate to do so. The unintended consequences for site operators could be that they do not pass the fit and proper and that they wouldn't be able to manage the site themselves which they have done for years. However, just because they have managed sites for years doesn't make them good managers.

As stated in the previous consultation, the 'fit and proper person test' must include an element whereby the owner/ manager demonstrates their competency and a

duty to maintain their knowledge of management through continual professional development.

4. Are local authorities adequately equipped, in terms of resources, capacity and expertise, to monitor and enforce the new licensing regime in accordance with the duties they will have under the Bill?

As stated above authorities should already regulating these site by way of a proactive program and the additional revenue that will be generated through charging for licences every 5 years will enable enforcement teams to claw back some of the cost.

5. What are your views on the power under the Bill to issue fixed penalty notices, and is £100 an appropriate level?

The fines under the current legislation for breach of conditions is so minimal that it acts as no deterrent for site owners. Being able to issue fixed penalty fines will allow officers to deal with breaches quickly, recover costs and build up a stronger case for prosecutions for persistent no compliances.

6. In your view, is there a need under Part 4 of the Bill for Welsh Ministers to introduce a management code of practice (section 28) **and** management regulations (section 29)?

Yes- clear guidance is required to ensure that all local authorities operate such scheme consistently and that standards and management are kept at a minimum acceptable level.

7. Is there a risk that some site operators might apply to change the use of their sites as a result of the Bill, and if so, when site operators apply for change of use from home park to holiday park, should they be asked to provide reasonable evidence that the home owners on the site have primary homes elsewhere?

Difficult to say. However, in saying that, running a mobile home site is extremely lucrative and asking owners to licence site for a nominal fee is not likely to influence their decision whether or not to continue operating as it is, sell or change use to a holiday site. The likelihood is, that site owners will feel a bit disgruntled at the start but overall we do not anticipate that site owners will withdraw from the business.

From experience, this happens far too often in the private rented sector, whereby the officers serve landlords with enforcement notices to undertake works and then that landlord, instead of doing works, serves his tenants with a notice to end the

tenancy in retaliation for reporting it to the authority. It is therefore, vitally important that if the owner decides to change the use of the site or end it that he/she provides valid justification for doing so and that it should be determined in County Court. For an owner to decide on this course they must be fully aware that they are likely to be in breach of their contract with the resident and ultimately it will be for a court to decide whether they can or cant do it and how will the residents be compensated. This could also place a huge burden on local authorities in terms of re-housing vulnerable, possibly disabled occupants, in suitable, appropriately adapted properties. This is something which we would be keen to avoid

8. What, in your view, are the priorities for transitional arrangements, and should such arrangements be reflected on the face of the Bill, or contained in subordinate legislation?

The release of any codes of practice for local authorities to implement and manage the scheme needs either coincide with the date that the new legislation is released or before. This will then allow for the scheme to be implemented as quickly as possible without the need for a lead in period. Any lead in period to allow site owners to licence their sites should be included on the face of the Bill and ideally no longer than 6 months from its introduction.

If possible, it would be helpful to receive your response by close of business on Monday 17 December.

Yours sincerely

A handwritten signature in black ink that reads "Ann Jones". The signature is written in a cursive, flowing style.

Ann Jones AC / AM
Cadeirydd / Chair