

MOBILE HOMES ACT 2013

EXPLANATORY NOTES

COMMENTARY

Licensing

Section 2: Local authority discretion on application to issue or transfer licence

14. **Section 2** amends sections 3 (issue of site licences by local authorities) and 10 (transfer of site licences, and transmission on death, etc) of the CSCDA 1960. The effect of the amendments to subsections (4) and (5) of section 3 made by subsection (1) of section 2 is to confer discretion on a local authority when deciding whether to issue a site licence to the occupier of land who has made an application for a site licence authorising the use of that land as a relevant protected site under section 3(1). Currently, as long as the applicant can show that the necessary planning permission for use of the land as a caravan site has been granted and has provided the required information, the local authority has no option but to issue the licence. New subsections (5A) to (5F) of section 3, inserted by subsection (2) of this clause, confer a power on the Secretary of State to make regulations (subject to the negative resolution procedure) that:
- require a local authority, where they have the new discretion not to issue a licence, to have regard to the matters prescribed in the regulations when deciding whether to issue one;
 - require a local authority, where it decides not to issue a licence, to notify the applicant of the reasons for that decision;
 - confer on an applicant a right of appeal to a residential property tribunal against a decision of a local authority not to issue a site licence;
 - provide that no compensation may be claimed by the applicant for loss suffered in consequence of the decision pending the outcome of an appeal.
15. Subsection (3) of section 2 inserts new subsections (1B) to (1F) into section 10 of the CSCDA 1960 – section 10 makes provision about the transfer of site licences with the consent of the relevant local authority where a licence holder ceases to occupy the land. New subsection (1B) confers a power on the Secretary of State to make provision in regulations requiring the person applying for the transfer of a licence for a relevant protected site to provide the local authority with such information as it may require. Under new subsections (1C) to (1F) the regulations may also make provision equivalent to that which may be made in relation to the issue of site licences under new subsections (5A) to (5F) of section 3 as set out above. Subsection (4) of section 2 of the Act amends subsection (3) of section 10 of the CSCDA 1960 so that that subsection will no longer apply where the application concerned relates to a relevant protected site. This is consequential on the amendments to section 3 of the CSCDA 1960 made by section 2 of the Act.