

2014 No. 442

MOBILE HOMES, ENGLAND

The Mobile Homes (Site Licensing) (England) Regulations 2014

Made - - - - 27th February 2014

Laid before Parliament 5th March 2014

Coming into force - - 1st April 2014

The Secretary of State, in exercise of the powers conferred by section 3(5A) to 3(5D) and section 10(1B) to 10(1F) of the Caravan Sites and Control of Development Act 1960(a), and paragraphs 7B(7), 7C(1), 8B(7) and 8C(1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983(b), makes the following Regulations:

Application, citation and commencement

1. These Regulations, which apply in relation to England only, may be cited as the Mobile Homes (Site Licensing) (England) Regulations 2014 and come into force on 1st April 2014.

Interpretation

2. In these Regulations—

“the Act” means the Caravan Sites and Control of Development Act 1960;

“applicant” means—

- (a) a person making an application for the issue of a site licence in respect of a relevant protected site; or
- (b) a holder of a relevant protected site licence making an application for consent to the transfer of the site licence to another person;

“existing licence holder” means a person currently holding a site licence in respect of a relevant protected site;

“proposed licence holder” means—

- (a) a person making an application for the issue of a site licence in respect of a relevant protected site under section 3(1) of the Act; or
- (b) a person to whom it is proposed to transfer a site licence in respect of a relevant protected site under section 10(1) of the Act;

“site licence” means a licence required by section 1 of the Act.

(a) 1960 c. 62. Section 3(5A) to 3(5D) and section 10(1B) to 10(1F) were inserted by section 2 of the Mobile Homes Act 2013 (c. 14).

(b) 1983 c.34. Paragraphs 7B(7), 7C(1), 8B(7) and 8C(1) of Chapter 2 of Part 1 of Schedule 1 were inserted into the 1983 Act by section 10 of the Mobile Homes Act 2013.

Matters prescribed for the purposes of subsection (5A) of section 3 and the purposes of subsection (1C) of section 10 of the Act

3.—(1) Paragraphs (2) to (4) set out the prescribed matters to which a local authority must have regard when deciding whether to issue a site licence or consent to the transfer of a site licence in respect of a relevant protected site.

- (2) In relation to the management of the site and the proposed licence holder—
- (a) the proposed licence holder's interest or estate in the land forming the site, including, where relevant, the duration of the lease and any restrictions contained in the lease;
 - (b) the proposed licence holder's ability to comply with any conditions of the site licence and to provide for the site's long-term maintenance;
 - (c) the funding arrangements in place for managing the site and complying with any conditions of the site licence;
 - (d) the management structure that will apply to the site, including the competence of the proposed licence holder and any other person nominated to manage the site; and
 - (e) whether the proposed licensing arrangements would reduce the amenity of, access to or quality of services on the site, or reduce the local authority's ability to ensure that the site as a whole is adequately managed and maintained.
- (3) In relation to any existing licence holder for the site in question, whether—
- (a) the existing licence holder—
 - (i) has been convicted of an offence under section 9B of the Act, due to failure to comply with a compliance notice served under section 9A of the Act;
 - (ii) is in the process of being investigated by the local authority in relation to an alleged offence under section 9B of the Act; or
 - (iii) is involved in proceedings in relation to an alleged offence under section 9B of the Act, and a determination is pending;
 - (b) the local authority has—
 - (i) applied to a court or tribunal for an order revoking the site licence and a determination is pending; or
 - (ii) notified the existing licence holder, in the six month period prior to receipt of an application for the issue, or consent to the transfer of, a site licence, of its intention to apply for an order revoking the site licence;
 - (c) any demands for expenses served on the existing licence holder in connection with enforcement action carried out under section 9A, 9D or 9E of the Act have been paid;
 - (d) any costs awarded to the local authority by a court or tribunal, against the existing licence holder, as a result of any proceedings in relation to the site, have been paid;
 - (e) any annual licence fees charged to the existing licence holder under section 5A of the Act have been paid; and
 - (f) the existing licence holder owes any money to the local authority in respect of costs it has incurred to protect the health, safety or welfare of site residents.
- (4) Where relevant, whether the proposed licence holder or any existing licence holder, or both, have provided a written undertaking to the local authority, in relation to one or more of the following matters—
- (a) the carrying out of such works as the local authority may consider necessary in order to ensure a suitable standard of maintenance on the site and remedy any breach of a condition of the site licence;
 - (b) the payment of any money owed to the local authority in relation to the site;
 - (c) the taking of any action that the local authority may consider necessary to improve the standard of management on the site; or
 - (d) the substitution of parties in relation to—

- (i) any notices served under the Act; or
- (ii) any court or tribunal proceedings in relation to the site, which have been commenced but not yet disposed of.

Information to be provided to the local authority in support of an application for consent to the transfer of a site licence in respect of a relevant protected site

4. A local authority may specify information or documents it requires in relation to an application for consent to transfer a site licence in respect of a relevant protected site—

- (a) to accompany an application; or
- (b) following receipt of an application, in which case, the authority may specify a date by which the information or documents must be submitted.

Notification of reasons for the refusal to issue or consent to the transfer of a site licence in respect of a relevant protected site

5.—(1) Where a local authority decides not to issue, or consent to the transfer of, a site licence in respect of a relevant protected site, it must serve a notice of its decision on—

- (a) the proposed licence holder; and
- (b) any existing licence holder for the site.

(2) Such a notice must contain the following information—

- (a) an explanation of the reasons for the decision;
- (b) details of the right of appeal against the decision to the tribunal under regulation 6; and
- (c) an explanation of the effect of the decision on the parties, which sets out that any existing licence holder shall remain the licence holder of the site in question until such time as either the local authority's decision is successfully appealed or a new application is made and the local authority decides to issue, or consent to the transfer of, the site licence.

Right of appeal

6.—(1) The applicant may appeal to the tribunal against a local authority's decision not to issue, or consent to the transfer of, a site licence in respect of a relevant protected site within 28 days of receipt of notification of the decision by the local authority.

(2) The appeal shall be a re-hearing of the local authority's decision and shall be determined having regard to—

- (a) any undertaking given to the tribunal in relation to one or more of the matters set out in regulation 3(4); and
- (b) any other matters that the tribunal thinks are relevant (which may include matters of which the local authority was unaware).

(3) On determining an appeal, the tribunal may—

- (a) confirm the local authority's decision; or
- (b) reverse the local authority's decision, by ordering that the local authority issues a site licence, or consents to the transfer of a site licence, as applicable.

Amendment of the Mobile Homes (Selling and Gifting) (England) Regulations 2013

7. In regulation 7 of the Mobile Homes (Selling and Gifting) (England) Regulations 2013(a) for paragraph (3), substitute—

(a) S.I. 2013/981. Regulation 7(3) inserted by the Mobile Homes (Site Rules) (England) Regulations 2014 (S.I. 2014/5).

“(3) In addition to the grounds prescribed in paragraphs (1) and (2), the grounds prescribed for the purposes of paragraphs 7B(7) and 8B(7) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (sale or gift of mobile home: existing agreements) are that, a relevant owner has a policy in place for the allocation of pitches on the site to gypsies and travellers, which a sale or gift to the proposed occupier would contravene.

(4) In paragraph (3) “relevant owner” means a private registered provider of social housing as defined by section 80 of the Housing and Regeneration Act 2008(a).”

Signed by authority of the Secretary of State for Communities and Local Government

Address
27th February 2014

Kris Hopkins
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the detail of how local authorities shall exercise their discretion when deciding whether or not to issue or consent to the transfer of a site licence in respect of a relevant protected site. The owner of land which is used as a caravan site is required by section 1 of the Caravan Sites and Control of Development Act 1960 to hold a site licence. These Regulations apply to relevant protected sites only, which are sites which are at least partly residential (not purely holiday sites).

Regulation 3 prescribes the matters which local authorities must have regard to when deciding whether to issue a site licence or to give their consent to the transfer of a site licence.

Regulation 4 provides that a local authority may require an application for consent to the transfer of a site licence to be accompanied by specified information or documents, or that such information or documents should be submitted subsequently.

Regulation 5 sets out the information that local authorities must provide where they refuse to issue or consent to the transfer of a site licence.

Regulation 6 provides a right of appeal to the tribunal in the case of a local authority’s refusal to issue or transfer a site licence and sets out how the appeal may be determined by the tribunal.

Regulation 7 makes a minor amendment to the Mobile Homes (Selling and Gifting) England Regulations 2013, to clarify the additional prescribed grounds upon which a refusal order may be sought by a private registered provider of social housing, seeking to prevent the occupier of a mobile home from selling or gifting the home to a particular proposed occupier.

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