
STATUTORY INSTRUMENTS

2014 No. 442

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

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.