

1. Is there a need for a Bill to amend the arrangements for licensing and make provision for the management and operation of regulated mobile home sites in Wales?

Carmarthenshire does not have a great amount of mobile home sites and most are relatively well maintained and managed with the exception of a few. Although, the majority of sites are of a satisfactory standard the current legislation and standards are somewhat outdated and need to be looked at which this Bill achieves. The Caravan Sites and Control of Development Act does allow for the regulation of standards on sites and council officers do have the discretion to implement additional conditions on the site **licence or vary them accordingly. What's more important is the** way in which sites are managed which councils under the current pieces of legislation find it difficult to regulate particularly when it comes to contractual arrangements between resident and site owner. It is refreshing to see that this has been included in the Bill. From our experience, such sites are occupied by vulnerable or elderly groups of **residents and are somewhat exposed to 'underhand' tactics by the site** owner. They are also exposed to unnecessary conditions in their contractual agreements that causes a huge amount of stress and anguish. Individual agreements need to be fair and the site residents need be fully informed of their contractual rights and how to seek assistance. The new Bill takes steps to addressing this and ensuring fairness. There is a good opportunity here to tie up several pieces of legislation relating to Mobile Homes in one Bill. Initial thoughts on the Bill suggests that it will allow local authorities will be able to regulate the sites in their districts more effectively and allow for collaborative working between local authority departments i.e. public health, licensing, trading standards and planning. Currently the different pieces of legislation means that departments work in isolation and that there is little sharing of information. In turn, this will allow for a more consistent approach in dealing with Mobile Home Sites. In addition to the above there is also an opportunity here to revisit the penalties or fines upon prosecution for not complying with the conditions. As it currently stands the maximum fines imposed for breaches under the Caravan Sites and Control of Development Act are minimal and therefore do not act as a significant deterrent for site owners. Under the current legislation should a site manager be convicted of an offence on three separate occasions then the licence may be revoked, but the reality is that they will set up under a different company. **The 'fit and proper person test' should take care** of this. On the whole, we are happy to support the principles of the Bill and the content and see it as a good opportunity to bring what is fairly old legislation up to date. Also, when considering the research undertaken by Consumer Focus Wales and the identification of 92 Mobile Home Sites in Wales, the **licensing regime shouldn't come at any additional burden to local** authorities and really should complement the enforcement work that is already done.

2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum?

As stated in the policy context the preferred choice of occupation for over 3400 households in Wales is to live in Mobile Homes. The majority of those households are people of a vulnerable age, on low incomes and could possibly be taken advantage of by unscrupulous site owners. For far too long owners of the sites have imposed harsh conditions on their residents particularly around contractual agreements. This Bill takes huge steps in trying to control that by introducing some clearly defined legislation around the purchasing and selling arrangements between owner and resident. Sale blocking is often a problem that officers encounter but find it extremely difficult to enforce against. Standards on Mobile Home Sites have never really been an issue, especially here in Carmarthenshire. Setting up licence conditions for standards and ensuring that they are maintained is a fairly straight forward process. The stumbling point has always been the management of the site and the low fines imposed for breaches of the licence conditions. Site owners regularly flaunt their responsibilities knowing full well that authorities are reluctant to prosecute against them because of the costs involved and the relatively low fines. This Bill takes into account this fact and the introduction of higher fines and fixed penalty notices will act as a **significant deterrent for site owners. Likewise, the introduction of the 'fit and proper person test' is very useful tool to use against** site owners when discussing the possibility of prosecution, revoking of licences and possibly taking over the management of sites for not being a fit and proper person.

3. In your view, will the licensing and enforcement regime established by the Bill be suitable?

The argument made by Grant Shaps following the Communities and Local **Government Select Committee in 2011 that comparisons shouldn't be** made between HMO licensing and Mobile Home Licensing are completely unjustified. We would agree that many things in Part 2 of the Housing Act 2004 could be laid out better but the principles of the both the Act and the Bill remain the same, that is, better regulation of sites through licensing, the introduction of fit and proper person test, ability of enforcing **authorities to impose additional conditions that don't only** include physical standards and significant penalties for breaches. The licensing regime has proven to be quite successful in improving standards of management, however, there is very little evidence available to suggest that HMO licensing has contributed to a significant reduction in anti social behaviour. Quite honestly, because of the types of occupants on the site it is unlikely that ASB is going to be a big problem other than a couple of isolated incidents.

4. **Are the Bill's proposals in relation to a fit and proper person test for site owners and operators appropriate, and what will the implications be?**

This question has been answered elsewhere in the response, however, the general view is that all site owners need to prove that they are fit, proper **and competent to manage a Mobile Home Site. The 'fit and proper person test' will be a fundamental part of the new Bill and will prove to be very** useful to local authorities in the way in which they regulate site. As part of the application process the authorities need to ensure that they request details of all senior officers if sites are owned and managed by a limited company. Where prosecutions are taken local authorities need to prosecute against directors, company secretaries or equivalent to avoid that person setting up another company under a different name and continue to run sites in the same unscrupulous ways.

5. Are the amendments to the contractual relationship between mobile home owners and site owners which would result from the Bill appropriate?

The Bill appears to afford occupiers/consumers an effective mechanism for gaining redress when residing at unlicensed sites. However as is the case in any civil action, the occupiers success in pursuing such an action **will ultimately depend upon the site owner's financial viability. This is also** obviously an issue when pursuing an order against a limited company. It may also be prudent to reflect/incorporate aspects of, or at least the ethos behind the Unfair Terms in Consumer Contracts Regulations 1999 in any prospective codes of practice/management regulations. e.g. to cater for the retention of deposits in sales of homes on sites etc.

6. In your view, how will the Bill change the requirements on site owners/operators, and what impact will such changes have, if any?

It is not anticipated that the Bill will place an additional burden on site owners or that they will have to vary the site standards or the way in which it is managed that significantly. The Bill is likely to make their practices far more transparent and for local authorities and site residents this is a good thing but will cause some inconvenience for site owners as they adapt to the changes especially around the contractual issues.

7. Do you agree that the Residential Property Tribunal should have jurisdiction to deal with all disputes relating to this Bill, aside from criminal prosecutions?

The RPT has proven to be a fast effective process when dealing with matters in relation to the Housing Act 2004. This process needs to be replicated in this Bill to ensure that site owners have an easy, low cost way of challenging decisions made by local authorities. Although, local **authorities don't want to be embroiled in tribunal cases this allows** any contentious matters to be discussed at an early stage which can only be beneficial to the owners, enforcing authority and site residents.

8. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

It is difficult to foresee any potential barriers to the implementation of the scheme. Local authorities have a duty to enforce the provision of the Caravan Sites and Control of Development Act and the Mobile Homes Act anyway, therefore, this will complement and bring together all pieces of legislation. There may be some resistance or discontent from site owners because of the fees imposed but realistically the amount of revenue that they receive from operating such sites will far outweigh the cost of the **fee's. The likelihood is that owners will express their disgruntlement when the Bill is first imposed and when local authorities collect their fee's** but will then be soon forgotten. From experience residents and residents associations are unlikely to object to the implementation of the Bill, what they may request is that more regulations are imposed on site owners (what those may be, who knows).

9. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)? In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill.

The Bill as it stands now should satisfy the majority of issues encountered when regulating mobile home site. However, Welsh Ministers need the flexibility to introduce regulations, orders and directions in order to keep the Bill effective and current for as long as possible. Before making such orders or regulations there needs to be a review on the effectiveness and the impact of the Bill and how sites will compare to before it was introduced. As mentioned previously in this response there is a need for consistency. One of the main criticisms of Part 2 of the Housing Act 2004 which deals with the licences of Houses in Multiple Occupation is that it allowed local authorities to develop their own individual schemes to deal with the private rented dwellings in their area. Inevitably schemes varied from one authority to another and landlords with properties in two adjoining local authorities would get confused with all the different variations.

Part 2 of the Act was set up with this in mind because of the different housing markets in each local authority and therefore allowed for that inconsistency. The consistency came with how authorities came to that decision not the fact that all schemes should be the same. **Welsh Government again has an opportunity to set up 'codes of practice' in advance of the new legislation, standardised forms and fee's so that all local authorities use the same methods when licensing sites.** Should Welsh Government have a defined fee structure for all authorities to use as this would make it far more transparent and less justification would be required from us if we set up the fees ourselves. Clear guidance is also **required on how to determine a 'fit and proper person' and how to deal with Ltd companies.** It may also be appropriate to request as part of the licence application that a copy of the contractual agreement between resident and owner is supplied. Under the Housing Act 2004 we cannot interfere with the tenancy agreements submitted but it may be appropriate in this case that we are able to have some leverage over the content of the agreements to ensure the terms and conditions are favorable to both parties.

10. In your view, what are the financial implications of the Bill? Please consider the scale and distribution of the financial implications. In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which includes an estimate of the costs and benefits of implementation of the Bill.

From a local authority perspective the financial implications can only be positive. We have a mandatory function to inspect and enforce conditions on the site, therefore, it is unlikely to come at an additional cost. The recouping of some of the costs involved through the licence fees and **fixed penalty notices can be seen as a positive. The fee's do however,** need to be proportionate to the time and resources invested by the local authority (possibility an incremental fee structure depending on the size of the site). When the Housing Act 2004 was introduced and local authorities particularly in Wales were empowered to adopt additional licensing schemes it was feared that many landlords would turn their backs on the business and remove the property from the private rented sector.

Although we **haven't seen a huge** increase in homelessness in Carmarthenshire due to this many newer landlords have shied away from renting properties out as **HMO's because of the additional licensing scheme imposed. We don't believe that this would be the case for** licensing of Mobile Home sites because they tend to be well established and the annual revenue for site owners would far outweigh the licence **costs. Having a five year licence for a 'nominal fee' will have very little if** any effect financially for site owners.

11. Are there any other comments you wish to make about specific sections of the Bill?

No response