



My Ref: CM23565

Date: 17th December 2012

Ann Jones AM  
Welsh Assembly Government  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Ann

### **Regulated Mobile Home Sites (Wales) Bill**

Thank you for the opportunity to contribute to the scrutiny of the above Bill. As you have correctly indicated in your letter of the 10<sup>th</sup> of December Cardiff does not have a Mobile Homes site within its boundary. However I have replied to the questions you have posed, drawing mainly from our experience of other licensing regimes operated by the Council.

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

The financial impact will depend on how many sites a local authority has within its boundary. However, as with any new scheme additional resource will be required to establish the new arrangements, systems, procedures, train staff, publicise the requirements etc up front. A different level of resource will be required to implement and manage the scheme on an ongoing basis. It is possible that after the initial set up costs, the scheme could be self financing using the Licence fees. There are models available for costing this type of work such as the WLGA toolkit produced in advance of the implementation of the House in Multiple Occupation (HMO) Licensing scheme.

**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?**

Additional staff will inevitably be required in certain areas. The question is whether this work is better delivered by staff based very locally with a range of responsibilities or potentially more remotely but with a higher level of expertise.

**PLEASE REPLY TO:** Cabinet Support Office, Room 529, County Hall,  
Atlantic Wharf, Cardiff CF10 4UW  
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One of the models being discussed for the Welsh National Landlord Licensing Scheme involves central administration of the applications (using an on line application process) and delivery of site inspections through the 6 region model. This potentially allows additional resources to be made available on a 6 region basis.

Certainly collaboration in some form would bring benefits as it would allow a sharing of expertise across Wales and bring benefits in terms of economies of scale, consistency of approach 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?**

Again the HMO Licensing scheme provides a good model. This makes clear that the owner is likely to be the most appropriate person to hold the licence. In Cardiff we rigidly apply this. Only if we have concerns about the fitness and propriety of the owner or other factors do we consider alternative applications. In considering applications from anyone other than the owner we need to be satisfied of their independence and professionalism. This system works well in this context.

- 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?**

Our reply is the same as for No. 1 above.

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

The sum of £100 may not be a sufficient deterrent for some site owners, it could be useful for dealing with less serious offences.

Enforcement notice / works in default and prosecution are the methods currently being used by local authorities to deal with poor housing conditions and may be more appropriate, given the scale and nature of the work that would be required in some cases.

- 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)?**

Either a management code or management regulations should be sufficient, as long as it is comprehensive. To have the 2 documents would lead to confusion and would inevitably cover similar matters.

7. **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?**

Transitional arrangements are essential to allow existing sites the opportunity to plan and implement changes which could be costly. Clearly it would also be important to work with local authorities with a significant number of sites to draw up appropriate arrangements. There are examples of effective transitional arrangements in the Housing Act 2004, which were clear and fair, these may be relevant. Whether the arrangements are in the Bill or subordinate legislation is of no significance, as long as they are sufficiently detailed to provide the required clarity.

If you require any further information please contact Mrs Bethan Jones, Operational Manager, Public Protection, on 02920 871127.

Yours sincerely

A handwritten signature in black ink that reads "Lynda Thorne". The signature is written in a cursive style with a large initial 'L'.

**Councillor Lynda Thorne**  
**Cabinet Member (Communities, Housing & Social Justice)**

