



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Park homes site licensing reform:

The way forward and next steps Executive Summary



Executive summary

This paper¹ sets out the Government's position following from its consultation, *Park Home Site licensing – Improving the Management of Park Home Sites*, issued jointly by Communities and Local Government and the Welsh Assembly Government in May 2009. The paper sets out the Government's views about the proposals in light of the responses received by consultees and also sets out our conclusions on how to take the proposals forward. Part four contains a summary of the responses to the individual questions in the consultation paper.

The Government wants to secure a thriving and well run park homes sector that provides sites where people want to live and invest. We believe a licensing system that raises and maintains the standards on sites and ensures sites are safe, well planned and well managed with appropriate facilities and services, will help achieve these objectives. Such a scheme must operate fairly, be proportionate, cost effective and enforceable. An effective scheme must deliver improvements in the management of park home sites, where improvements are necessary, whilst continuing to secure a vibrant, healthy sector.

Consultation proposals

The consultation paper sought to elicit views on a revised licensing scheme from that contained in the Caravan Sites and Control of Development Act 1960. The proposals build upon that regime by giving licensing authorities wider discretion on the grant of licences and powers to revoke them, whilst ensuring the interests of owners and residents continue to be protected when a licence is not granted (or is revoked).

We proposed that certain standards would need to be met in order to hold a licence and it would include conditions, such as in regard to the management of the site. We proposed that licensing authorities would be given powers to charge a fee to persons applying for licences and the authorities would be expected to use the revenue generated to monitor and enforce licence conditions.

Responses to consultation

The proposals in the consultation were generally welcomed by local authorities, park home residents and the trade. The need to reform the site licensing system was recognised as necessary and the overall approach, particularly the introduction of the "fit and proper" requirement was supported by a majority of consultees.

Government's intentions

The Government is committed to a comprehensive licensing regime, which ensures that only "fit and proper" persons are engaged in the management of park home sites, and which is backed by effective enforcement tools. This section summarises how the Government intends to take forward the licensing proposals in the consultation paper, which are explained in more detail in parts two and three.

¹ It has been prepared jointly by Communities and Local Government (CLG) and the Welsh Assembly Government. Accordingly the reference to "Government" means CLG and Welsh Ministers.

- We propose to set up a **task force** of representatives of Government and key stakeholders from trade bodies, national residents' groups, local authority representative organisations and local authority practitioners. The task force's terms of reference will be to consider further, in light of the consultation responses and the Government's comments, key aspects of licensing reform and to report back with recommendations on how these might best be achieved to help inform the Government how to proceed. An overarching role of the task force will be to ensure the licensing proposals are effective and practical and do not create undue burdens.
- The task force will consider and recommend whether to adopt a **single or two-tier licence structure** and shall advise the Government how the recommended option might be best implemented.
- The Government has decided to introduce a **"fit and proper" person** requirement as part of the new licensing requirements. The task force will consider, in light of the licensing structure options, how best to ensure that licence holders and those engaged in the management of park home sites are "fit and proper" persons and whether, and if so to what extent, measures need to be in place to ensure management arrangements are satisfactory and to advise the Government on these issues with recommendations.
- The Government has decided to give the relevant authority the **power to refuse applications for licences** and the **power to revoke existing licences**, where appropriate. The Government has also decided to introduce **management order** provisions to ensure that suitable management arrangements are in place when an application for a licence is refused or an existing licence is revoked. The task force will consider, having regard to the licensing structure options, the nature and scheme of alternative management arrangements to be put in place where a site is unlicensed and to advise the Government on these issues with recommendations.
- The Government intends that park home sites will be licensed for a specified number of homes, and local authorities will be given enforcement tools, such as **removal orders**, to ensure this is complied with. We will ask the task force to review the proposed scheme so as to ensure it operates effectively and fairly.
- The Government has decided to give local authorities powers to serve **enforcement notices** on licence holders to require them to carry out repairs and maintenance to sites and ensure they are properly managed and to recover their expenses in doing so and to do works in default, the cost of which is to be paid by the licence holder.
- The Government intends to give local authorities powers to enter sites and carry out **Emergency Remedial Action** in emergencies, where it is not possible to serve an Enforcement Notice, and to recover their expenses and costs in doing so from the licence holder.
- The Government has decided that all **appeals** on licensing decisions will be to the Residential Property Tribunal.

- The Government intends to introduce a range of new **offences** relating to licensing which on conviction will attract robust financial penalties to deter those in the management of sites from non compliance. We will ask the task force to consider, in light of the options for the licence structure, to advise how offences are to be reported, and which licensing body in relation to which offence should be the prosecuting authority.
- The Government has decided to introduce **licence fees**. The task force will consider, in light of the licensing structure options, what (if any) guidance is required to be given to licensing authorities in connection with licence fees and to advise the Government on this and on connected matters with recommendations.
- The Government intends to introduce a **transitional scheme** to bring within the scope of the new legislation existing sites and their owners and managers. We will ask the task force to assist in the development of a practical cost-effective scheme to do so.

Next steps

We shall now be inviting trade representative organisations, national resident groups and local authority bodies and practitioners to join a task force to consider the issues we have identified in this paper to help the Government in exploring the options and deciding on which ones to take forward.

We shall publish our findings once the task force has concluded its programme of work.

Changes to the current site licensing regime will require primary legislation. We will be working up a comprehensive scheme of reform for sites in England and Wales to present to Parliament and the Welsh Assembly at the earliest possible opportunity.