



5 November 2012

Dear Sir/Madam

### **Consultation on the Regulated Mobile Home Sites (Wales) Bill**

To assist its Stage 1 consideration of the Regulated Mobile Home Sites (Wales) Bill, the Communities, Equality and Local Government Committee would welcome your views on the general principles of the Bill.

#### **What is a Bill?**

A Bill is a draft law. Once a Bill has been considered and passed by the Assembly and given Royal Assent by the Queen, it becomes an 'Act of the Assembly'.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

#### **What does this Bill seek to achieve?**

The Explanatory Memorandum that accompanies the Bill states:

"The Bill has a number of objectives. Firstly, to introduce a new licensing regime for mobile home sites and to give local authorities sufficient powers to enforce that regime. This will include ensuring that site owners and managers pass a fit and proper person test [...]. The Bill will also give the Welsh Ministers powers to approve a code of practice with regard to the management of sites as well as powers to make management regulations. Additionally, the Bill seeks to

modernise a number of aspects of the contractual relationship between mobile home owners and site operators, including changes to the process by which homes are bought and sold.”

“The Bill does not affect the law relating to holiday or touring caravan sites, although it will affect mixed use sites [...] as far as the residential parts are concerned.”

### **What is the Committee’s role?**

The role of the Committee is to consider and report on the general principles of the Bill. In doing so, the Committee has agreed to work within the following framework:

To consider the Committee’s recommendation to the Assembly in relation to whether to approve the general principles of the Bill, taking into account:

1. whether there is a need for a Bill to establish a licensing regime for mobile home sites in Wales, and to make provision in relation to the management and operation of such sites;
2. whether the Bill, as currently drafted, achieves its stated purposes;
3. the key provisions set out in the Bill, and whether they are appropriate to deliver the Bill’s purposes;
4. whether there are any potential barriers to the implementation of the provisions in the Bill, and if so whether the Bill takes sufficient account of them;
5. whether there are any unintended consequences arising from the Bill as currently drafted;
6. whether there is a reasonable balance between the powers on the face of the Bill and the subordinate legislation powers to be conferred on Welsh Ministers; and
7. the views of stakeholders who will be affected by the Bill, including but not limited to mobile home owners, mobile home park owners and operators, local authorities as site licensing authorities and the Residential Property Tribunal.

## **Invitation to contribute to the inquiry**

We appreciate that you may recently have been invited to respond to a consultation exercise undertaken by Peter Black AM, which sought your views on a range of policy proposals in order to inform the drafting of the Bill.

As a Committee, we would like to invite you to submit written evidence to assist us in our scrutiny of the Bill, and are therefore seeking your views on the aims and objectives of the Bill as it has been drafted, and on the impact which the Bill will have. **In particular, we would welcome your views on the questions listed in Annex 1.**

## **How to contribute**

There are a number of ways in which you can submit evidence, but all submissions must arrive by **7 December 2012**. It may not be possible for us to take responses received after this date into account.

### *Email*

If you wish to submit evidence by email, please send an electronic copy of your submission to [CELG.committee@wales.gov.uk](mailto:CELG.committee@wales.gov.uk), using "Consultation – Regulated Mobile Home Sites (Wales) Bill" in the subject line.

### *Online*

If you wish to submit evidence online, the consultation questions are available at <https://www.surveymonkey.com/s/Regulated-Mobile-Home-Sites-Bill>.

### *Letter*

If you wish to write to us, the address is:

Helen Finlayson  
Clerk  
Legislation Office  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee;
- the National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at Committee meetings. If you do not want your response or name published, it is important that you clearly specify this in your submission;
- please indicate whether you are responding on behalf of an organisation, or as an individual; and
- please indicate whether or not you would be prepared to give oral evidence to the Committee.

The Committee welcomes contributions in English and Welsh and we ask organisations with Welsh Language policies/schemes to provide bilingual submissions, in line with their public information policies. The Committee will consider responses to the written consultation and hold oral evidence sessions during the autumn and spring terms.

For your information, the Committee has invited submissions from those on the attached distribution list (see Annex 2). The Committee would be grateful if you could forward a copy of the letter to any individuals or organisations that are not included on this list, but who might like to contribute to the inquiry. A copy of this letter has been placed on the National Assembly's website with an open invitation to submit views.

### **Disclosure of information**

It is normal practice for the National Assembly to publish evidence provided to a committee. Consequently your response may appear in a report or in supplementary evidence to a report. The National Assembly will not publish information which it considers to be personal data.

In the event of a request for information submitted under UK legislation, it may be necessary to disclose the information that you provide. This may include information which has previously been removed by the National Assembly for publication purposes.

If you are providing any information, other than personal data, which you feel is not suitable for public disclosure, it is up to you to stipulate which parts should not be published and to provide a reasoned argument to support this. The National Assembly will take this into account when publishing information or responding to requests for information.

If you have any queries, please contact the Committee's clerk, Helen Finlayson, on 029 2089 8600 or at [Helen.Finlayson@wales.gov.uk](mailto:Helen.Finlayson@wales.gov.uk).

Yours faithfully

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

**Ann Jones AC / AM**  
**Cadeirydd / Chair**

## Consultation Questions

### General

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? Please explain your answer.
2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.
3. In your view, will the licensing and enforcement regime established by the Bill be suitable? If not, how does the Bill need to change?
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?
5. Are the amendments to the contractual relationship between mobile home owners and site owners which would result from the Bill appropriate? If not, how does the Bill need to change?
6. In your view, how will the Bill change the requirements on site owners/operators, and what impact will such changes have, if any?
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? Please give your reasons.
8. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

### Powers to make subordinate legislation

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.

## **Financial implications**

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.

## **Other comments**

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

### List of consultees

- Residential Property Tribunal Wales
- Huw Lewis AM (Minister for Housing, Regeneration and Heritage)
- Welsh local authorities
- Welsh Local Government Association
- Association of Chief Police Officers
- House of Commons Communities and Local Government Select Committee
- Mark Prisk MP (Minister for Housing)
- Peter Aldous MP (Private Members Bill)
- All Party Group on Mobile Homes (Westminster)
- Cross Party Group on Park Homes (Scottish Parliament)
- Scottish Government
- National Association of Park Home Residents
- Park Home Owners Justice Campaign
- Park Home Residents Action Alliance (PHRAA)
- Residents' associations
- Site owners
- British Holiday & Homes Park Association
- Guild of Residential Landlords
- Wyldecrest Parks
- Country Land and Business Association
- National Caravan Council
- Independent Park Homes Advisory Service
- National Supporting People Network (SPIN)
- Tenant Participation Advisory Service (TPAS) Cymru
- Citizens Advice Bureau
- Consumer Focus Wales
- CBI Wales
- FSB Wales
- Guild of Park Home Services
- Cardiff University, Regeneration Institute
- University of York, Centre for Housing Policy
- Sheffield University, Department of Town and Regional Planning
- Wales Rural Observatory
- Cardiff Met University, Cardiff School of Health Sciences (Housing)
- Wales Governance Centre
- Caer Las Cymru
- Care and Repair Cymru
- Chartered Institute of Housing Cymru
- Community Housing Cymru
- Cymorth Cymru
- Cymuned



- Houses in Multiple Occupation (HMO) Network
- National Association of Estate Agents (NAEA)
- National Federation of Builders
- National Homelessness Network
- National Landlords Association
- Welsh Tenants Federation
- Residential Landlords Association
- Royal Institution of Chartered Surveyors (RICS)
- Shelter Cymru
- Equality and Human Rights Commission
- Joseph Rowntree Foundation
- NACRO
- Stonewall Cymru
- The Presbyterian Church of Wales
- The Wallich
- Older People's Commissioner
- Age Cymru