

Darren Millar AM

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Dear Colleague

Holiday Caravan Park (Wales) Bill

Following a ballot conducted by the Presiding Officer, the National Assembly for Wales has agreed that I can introduce proposals for a new law in Wales, the Holiday Caravan Parks (Wales) Bill.

I am now consulting as widely as possible about what should be in this Bill and I would be very grateful if you could find the time to contribute to this consultation.

The Bill will address concerns regarding the management and regulation of holiday caravan parks in Wales including:

- unlawful occupation of caravans;
- the powers available to local authorities to address unlawful occupation of caravans;
- the resources available to enforce operating conditions on holiday caravan park licences;
- the fitness of persons operating or owning holiday caravan parks;
- abuses by some holiday caravan park owners of holiday caravan owners on their sites; and
- the cost of providing public services to those who use holiday caravans as their main home

The Bill must be introduced by March 2014, when it will be scrutinised in detail by the National Assembly, before a final decision is taken on whether it should become law.



Before I introduce the Bill, I want everyone who could be affected by it, who has views on it or has expertise to contribute, to have the chance to influence what it contains. Once I have considered your responses I intend to provide a further opportunity to comment through consulting on a draft Bill.

The attached document gives further background on my proposals and asks a number of questions about how the Bill should deal with the issues that I think need to be addressed.

I would, therefore, be very grateful if you could find the time to contribute to this consultation and let me have you or your organisation's views on the Bill and what it is seeking to achieve. I look forward to receiving any comments you wish to make by Friday, September 13, 2013.

Thank you for your time.

Yours sincerely



Darren Millar

Assembly Member for Clwyd West



National Assembly for Wales

Holiday Caravan Park (Wales) Bill

Introduction

This consultation document outlines some of the key issues that my Bill will seek to address. Throughout the document there are a number of consultation questions posed to all interested parties. For clarity, all of the questions are also listed at the end of this document.

The holiday caravan industry is a great Welsh success story. The industry brings thousands of tourists to many parts of Wales particularly the north Wales coast, Gwynedd, Ceredigion and Pembrokeshire each summer and in doing so makes a significant contribution to the economy providing much needed employment and supporting businesses throughout Wales.

However, the industry is not without its problems. From discussions I have had with constituents, fellow Assembly Members, holiday park owners and others with an interest in the industry, I am aware that a minority of site operators and residents do not stick to either the spirit or the letter of the law. I see this as a risk to the future of the industry as a whole.

I have particular concerns that people are using holiday caravans on holiday park sites as their main home. My Bill will seek to tackle this problem and other issues that I believe need to be addressed within the industry.

In developing my Bill I intend to fully engage with the industry, caravan owners, tourists and other stakeholders. This consultation is one part of that process and I hope you can take the time to respond to all or some of the questions I have posed.

Proposals for reform

When I entered my proposals for reform into the Members' ballot I outlined some of the key areas that I want this Bill to address, which are:

- the use of holiday caravans by some households as their sole or main residence;
- the powers and resources of local authorities to address this problem;
- the cost of providing public services to those who use holiday caravans as their main home;
- the resources available to enforce licence conditions on holiday caravan parks;
- the fitness of persons operating/owning holiday caravan parks;
- abuses by some holiday caravan park owners of holiday caravan owners on their sites

As you may be aware, Peter Black AM is already developing his own legislation to modernise the residential park home industry. Park home sites are currently governed



by much of the same legislation as holiday sites. There may be an opportunity to replicate some of the reforms Mr Black has proposed and apply these to the holiday sector. I want to give local authorities effective enforcement powers and more resources to enable them to enforce site licence conditions and ensure that high standards are maintained on sites.

Modernising the law

The current licensing arrangements for holiday caravan parks are contained in the *Caravan and Control of Development Act 1960*. Much of this legislation is now over 50 years old and needs to be updated to make it fit for today's world. In many respects, rather than helping local authorities control sites, it hinders them. The 1960 Act has a number of shortcomings:

- In most circumstances, local authorities are required to grant a licence (they have no discretion) if the planning permission is in place;
- Operating a site without a licence only carries a £2,500 fine;
- Licences are not subject to regular renewal or review;
- The proposed enforcement powers for local authorities in relation to mobile home parks will be much more thorough than the current enforcement powers for local authorities in relation to holiday caravan parks, although both types of park face similar enforcement issues;
- There is no requirement that site licence conditions must restrict occupancy to holiday use only;
- There isn't any duty on the local authority to take enforcement action or carry out regular inspections;
- Unlike other licensing functions carried out by local authorities, they can't charge a fee for caravan site licences.

Questions

- 01.** What are your views on the current licensing system for holiday caravan sites? How can the current law be modernised?
- 02.** Do local authorities have sufficient powers and resources to enforce site licence conditions? If not, what powers and resources do they need?
- 03.** Should local authorities be able to charge for site licences and should licences last for a fixed period of time?

Living in holiday caravans

I know from constituency casework, research by local authorities in north Wales and others, that some people occupy holiday caravans on holiday park sites permanently, or for most of the year, as their main home. While we don't know the full scale of the



problem in Wales, we know from other research elsewhere in the United Kingdom that it is likely that there is a significant hidden population living on Welsh caravan sites.

I have particular concerns that people living on holiday caravan sites make use of local public services without public bodies being resourced to provide those services to them but that is not my only concern. Holiday caravans are not necessarily manufactured to the same standard as residential park homes, for example insulation standards, so long-term occupation could present a very real health and safety risk to the occupiers. There are other issues such as having inappropriate insurance cover, voiding the manufacturer's warranty and, of course, breaching the licence agreement between the caravan owner and the site owner.

I welcome views and comments on the issues I have raised, and any others you feel may be relevant.

Questions

- o4. How can the issue of people occupying holiday caravans on holiday parks as their sole or main residence best be dealt with? What is the scale of this problem and what impact will it have on the holiday caravan industry in the longer term?
- o5. What impact do people occupying holiday caravans as their sole or main residence have on holiday caravan sites and local communities?
- o6. What risks are associated with people occupying holiday caravans as their sole or main residence?

Unintended consequences

As with all legislation, I will carry out an impact assessment of my proposals as I develop the Bill to make sure that it does not adversely affect the industry, specific groups, organisations or areas disproportionately.

I recognise that one consequence of my proposals may be that people who do currently live on holiday caravan sites will have to find somewhere else to live. Some of the burden of dealing with this issue could fall upon local authorities and social landlords.

I also recognise that any change in regulation could result in additional costs on businesses. I do not want to increase the regulatory burden on business unnecessarily, but changes to the regulatory framework for the sector are needed to tackle some of the problems which exist. I want to keep any regulations to a minimum and would welcome views on how this can be achieved through sensible, well-crafted legislation.

I welcome comments on these issues and any others that you wish to bring to my attention.

Question



07. What unintended consequences could arise as a result of this legislation? What steps could be taken to deal with these consequences?

Protection for caravan owners

The majority of caravan site owners are responsible and go about their business in a professional manner but there is currently no 'fit and proper person' test for caravan site owners or managers. Many will be members of trade associations, use standard industry approved licence agreements for their pitches and abide by voluntary codes of practice. These licence agreements will set out the terms and conditions of occupation as well as other matters like what happens if the caravan is sold and whether the site owner is entitled to any commission on that sale.

Not all site owners will provide a written licence agreement, and I am considering making this a legal requirement so both parties are clear about their legal rights and obligations from the outset. I welcome views on this proposal.

Questions

08. Should site owners or managers be subject to a fit and proper person test and, if so, what matters should this test take into account?
09. Do owners of holiday caravans have sufficient legal protection and are they able to exercise their existing legal rights? If not, what needs to be changed?
10. Should there be a legal requirement for site owners to provide caravan owners with a written licence agreement, and should this be in a standard format?

Costs

Most legislation will bring with it costs of some kind. In the case of my Bill I anticipate that costs are likely to fall on local authorities, caravan site owners and those who use holiday caravans as their sole or main residence. It is also possible that some costs will be passed onto owners of holiday caravans.

I intend that certain costs for local authorities will be off-set by income from licence fees paid by site owners and income from the recovery of enforcement costs. Clearly, there will be a cost to site owners, but this should be weighed against the benefit to the industry of improved regulation and its ability to safeguard the industry for the future.

I welcome views from the holiday caravan industry on the impact of additional costs on their business.



Question

11. What would be the impact on the holiday caravan industry should there be any additional regulation or costs as a result of this legislation? How can any impact be mitigated and what other groups could incur costs?

Other issues

This consultation is the beginning of a process of engagement with stakeholders as I develop my Bill. I welcome comments on any issues that I have not raised here that may be relevant.

Question

12. Do you have any other comments you wish to make on my proposals?



Consultation questions

01. What are your views on the current licensing system for holiday caravan sites? How can the current law be modernised?
02. Do local authorities have sufficient powers and resources to enforce site licence conditions? If not, what powers and resources do they need?
03. Should local authorities be able to charge for site licences and should licences last for a fixed period of time?
04. How can the issue of people occupying holiday caravans on holiday parks as their sole or main residence best be dealt with? What is the scale of this problem and what impact will it have on the holiday caravan industry in the longer term?
05. What impact do people occupying holiday caravans as their sole or main residence have on holiday caravan sites and local communities?
06. What risks are associated with people occupying holiday caravans as their sole or main residence?
07. What unintended consequences could arise as a result of this legislation? What steps could be taken to deal with these consequences?
08. Should site owners or managers be subject to a fit and proper person test and, if so, what matters should this test take into account?
09. Do owners of holiday caravans have sufficient legal protection and are they able to exercise their existing legal rights? If not, what needs to be changed?
10. Should there be a legal requirement for site owners to provide caravan owners with a written licence agreement, and should this be in a standard format?
11. What would be the impact on the holiday caravan industry should there be any additional regulation or costs as a result of this legislation? How can any impact be mitigated and what other groups could incur costs?
12. Do you have any other comments you wish to make on my proposals?

Responses

Please send your responses by e-mail to legislationoffice@wales.gov.uk or by mail to:

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