

**National Assembly for Wales**  
Communities, Equality and  
Local Government Committee

## Regulated Mobile Home Sites (Wales) Bill

### Stage 1 Committee Report

February 2013



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

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## **Communities, Equality and Local Government Committee**

The Committee was established on 22 June 2011 with a remit to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing: Wales's culture; languages; communities and heritage, including sport and the arts; local government in Wales, including all housing matters; and equality of opportunity for all.

### **Current Committee membership**



**Ann Jones (Chair)**  
Welsh Labour  
Vale of Clwyd



**Peter Black\***  
Welsh Liberal Democrats  
South Wales West



**Janet Finch-Saunders**  
Welsh Conservatives  
Aberconwy



**Mike Hedges**  
Welsh Labour  
Swansea East



**Mark Isherwood**  
Welsh Conservatives  
North Wales



**Lindsay Whittle**  
Plaid Cymru  
South Wales East



**Gwyn R Price**  
Welsh Labour  
Islwyn



**Ken Skates**  
Welsh Labour  
Clwyd South



**Rhodri Glyn Thomas**  
Plaid Cymru  
Carmarthen East and Dinefwr



**Joyce Watson**  
Welsh Labour  
Mid and West Wales

\*The Bill was proposed by Peter Black AM, and he therefore absented himself from meetings at which the Bill was discussed.

In accordance with Standing Order 17.48, Kirsty Williams AM substituted for Peter Black AM for the duration of the Committee's Stage 1 consideration of the Bill.



**Kirsty Williams**  
Welsh Liberal Democrats  
Brecon and Radnorshire

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## Chair's foreword

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Communities, Equality and Local Government Committee members are well aware of the difficulties and concerns faced by residents on some mobile home sites in Wales. While there are, undoubtedly, mobile home sites which are well run, well managed, and on which mobile home owners and site owners enjoy good working relationships, unfortunately there are also sites on which residents suffer harassment, intimidation and financial mismanagement, making their lives miserable.

As a Committee we were pleased to have the opportunity to scrutinise Peter Black AM's *Regulated Mobile Home Sites (Wales) Bill*, which seeks to modernise the mobile home licensing regime, and improve the standards on mobile home sites, in order to improve the quality of life for the owners of mobile homes.

I would like to take this opportunity to thank all those who have provided evidence to inform the Committee's Stage 1 scrutiny, and to thank the members of the Communities, Equality and Local Government Committee for their diligence in the scrutiny of this legislation.

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

Ann Jones AM  
Chair

## **The Committee's recommendations**

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The Committee's recommendations are listed below in the order that they appear in this report:

**Recommendation 1.** The Committee supports the general principles and policy intentions of the Bill as drafted, and agrees that legislation is required to update the mobile home licensing regime and address the issues experienced by residents of mobile home sites in Wales.

(Page 15)

**Recommendation 2.** The Committee notes that an alternative legislative approach has been suggested by the Minister, and recommends that he provides more information about his proposed amendments before Stage 2.

(Page 16)

**Recommendation 3.** The Committee shares witnesses' concerns about the volume of subordinate legislation required by the Bill as drafted, and recommends that the Member in Charge considers including more detail on the face of the Bill.

(Page 18)

**Recommendation 4.** Mobile home site owners should be required to consult with their residents before applying to change the use of their sites.

(Page 19)

**Recommendation 5.** If implemented, the dual licensing regime in the Bill as drafted should be kept under review to ensure that it is effective. The licensing regime should include a fit and proper person test which is transferable between sites in a local authority area, and should require local authorities to consider whether an individual has previously failed an equivalent test. Consideration should be given to whether additional bureaucracy could be avoided by issuing enduring licences which could be revoked following breaches of site licence conditions or an individual ceasing to be a fit and proper person.

(Page 28)

**Recommendation 6.** The Member in Charge should consider whether mains utility bills should be displayed on mobile home sites in order to improve transparency.

(Page 32)

**Recommendation 7.** In order to provide sufficient protections for mobile home site residents, the fit and proper person test should be

applied to site owners, including officers of corporate bodies and members of partnerships where relevant, and to site managers.

(Page 37)

**Recommendation 8.** The Bill should provide for offences committed by corporate bodies.

(Page 43)

**Recommendation 9.** Local authorities should have powers to inspect mobile home sites unannounced.

(Page 43)

**Recommendation 10.** The Residential Property Tribunal, when making repayment orders, should not be limited as to the time period for which such orders may be made.

(Page 46)

**Recommendation 11.** To avoid unintended consequences stemming from the removal of site owners' right to approve sales of mobile homes, the Bill should include suitable protections for site owners, mobile home buyers, and the existing community of residents of mobile home sites.

(Page 50)

**Recommendation 12.** To avoid duplication between management regulations under Section 29, and a code of practice under Section 28, Section 28 should be removed.

(Page 55)

**Recommendation 13.** The qualification of residents' associations should be on the basis of the proportion of homes on a site, not the proportion of occupiers of those homes, but it should be a matter for each household to decide which member of the household exercises the household's vote.

(Page 56)

# 1. Introduction

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1. Peter Black AM was successful in the Members' legislative ballot held on 29 November 2011<sup>1</sup> under Standing Order 26.87, and was given leave to proceed with his Bill on 1 February 2012.<sup>2</sup> The *Regulated Mobile Home Sites (Wales) Bill*<sup>3</sup> ("the Bill") was introduced on 24 October 2012, and Peter Black made a statement in Plenary<sup>4</sup> on 7 November 2012.<sup>5</sup>

2. In accordance with Standing Order 26.9, the National Assembly's Business Committee agreed on 23 October 2012 to refer the Bill to the Communities, Equality and Local Government Committee ("the Committee") for consideration of the general principles (Stage 1), with a reporting deadline of 22 February 2013.<sup>6</sup>

## Terms of reference

3. The Committee agreed the following framework for its scrutiny of the general principles of the Bill:

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

- i. 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;
- ii. whether the Bill, as currently drafted, achieves its stated purposes;
- iii. the key provisions set out in the Bill, and whether they are appropriate to deliver the Bill's purposes;

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<sup>1</sup> Details of the Ballot are available at: [http://www.assemblywales.org/bus-home/bus-legislation/bill\\_ballots/ballot\\_29-11-11.htm](http://www.assemblywales.org/bus-home/bus-legislation/bill_ballots/ballot_29-11-11.htm)

<sup>2</sup> Record of Plenary Proceedings, 1 February 2012

<sup>3</sup> *Regulated Mobile Home Sites (Wales) Bill*, available at: <http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=4729>

<sup>4</sup> A full meeting of the National Assembly for Wales.

<sup>5</sup> Record of Plenary Proceedings, 7 November 2012

<sup>6</sup> Minutes of the Business Committee, 23 October 2012

- iv. 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;
- v. whether there are any unintended consequences arising from the Bill as currently drafted;
- vi. 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
- vii. 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.

### **Approach**

4. The Committee issued a general call for evidence and a targeted written consultation of key stakeholders. It also took evidence from a range of organisations and individuals. Full lists of those from whom evidence was received can be found on pages 64 to 67.

5. This report sets out the conclusions reached by the Committee on the basis of the evidence received during the course of its work, and makes 13 recommendations.

6. The Committee is grateful to those who have contributed to its work.

## 2. Background

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### Legislative competence

7. The Assembly has the legislative competence to make the provisions in the *Regulated Mobile Home Sites (Wales) Bill* by virtue of schedule 7, subjects 11 (Housing), 12 (Local Government) and 18 (Town and Country Planning) of the *Government of Wales Act 2006*.

### Explanatory Memorandum

#### *Intentions*

8. The Explanatory Memorandum accompanying the Bill states that the Bill intends to:

“Introduce a new licensing inspection and enforcement regime for residential mobile home sites in Wales. [...] As with HMO [Houses in Multiple Occupation] licensing, there will be a requirement for site operators (both owners and managers) to pass a fit and proper person test”.<sup>7</sup>

9. According to the Explanatory Memorandum, 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 [and] seeks to modernise a number of aspects of the contractual relationship between mobile home owners and site operators”.<sup>8</sup>

#### *Benefits*

10. The Explanatory Memorandum states that the Bill would result in a range of benefits, including: simplification of the current legal system; strengthened local authority enforcement powers and increased enforcement funding; reduction of the opportunities for exploitation of current legislation by a minority criminal element; and a reduction in the requirement to rehouse vulnerable people as a result of a reduction in the incidence of elderly residents being coerced out of their accommodation.<sup>9</sup>

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<sup>7</sup> Peter Black AM, *Explanatory Memorandum to the Regulated Mobile Home Sites (Wales) Bill*

<sup>8</sup> Ibid

<sup>9</sup> Ibid

### **3. General principles and the need for legislation**

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#### **Policy background**

11. Mobile homes are used by their owners all year round as permanent homes on residential caravan sites. Recent research suggests that there are currently around 3,500 mobile homes on 92 sites around Wales, housing an estimated 5,000 residents.<sup>10</sup> The Explanatory Memorandum predicts that as a result of the ageing population, demand for mobile home accommodation will increase.<sup>11</sup>

12. Mobile home owners own their own mobile homes and pay ground rent to site operators who own the land on which the homes stand. Site operators are responsible for providing electricity, gas and water supplies, and for park maintenance and improvements. Mobile home owners' rights and protections are provided by:

- *Caravan Sites and Control of Development Act 1960* ("the 1960 Act")  
Requires site owners to obtain a licence before using land as a caravan site. Enables imposition of site licence conditions, such as number of caravans, spacing between caravans, and provision of amenities, and enforcement of breaches;
- *Caravan Sites Act 1968* ("the 1968 Act")  
Gives basic protection to mobile home occupiers living on protected sites, and prevents site owners from evicting occupiers with residential contracts other than by court order;
- *Mobile Homes Act 1983* ("the 1983 Act")  
Gives security of tenure to mobile home owners, obliges site owners to maintain sites and entitles them to claim commission on the sale of homes stationed on their sites.

13. In recent years, a number of issues relating to mobile home sites and ownership have received publicity, including dissatisfaction with arrangements for buying and selling mobile homes, the appearance of

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<sup>10</sup> Consumer Focus Wales, *Park life: residential mobile home living in Wales*, October 2012

<sup>11</sup> Peter Black AM, *Explanatory Memorandum to the Regulated Mobile Home Sites (Wales) Bill*. Research published by the Office of the Deputy Prime Minister and the Welsh Assembly Government in 2002 found that 68 per cent of mobile home site residents were aged over 60 compared with 33 per cent of the wider population. 64 per cent of households on mobile home sites had monthly incomes less than £800 compared with 30 per cent of the wider population.

sites, contractual arrangements with site operators, and pitch fees. The Explanatory Memorandum states:

“Many problems associated with the management of sites have been allowed to develop because of a licensing regime that is more suited to the 1960s than the modern world. Local authorities [...] have neither the powers nor the resources to regulate mobile home sites effectively”.<sup>12</sup>

### ***Approach in England***

14. Peter Aldous MP introduced legislation to the UK Parliament to regulate the mobile home industry in England. The *Mobile Homes Bill*, which is currently under consideration by the House of Lords, aims to bring the mobile home licensing regime in England into line with other similar licensing regimes.<sup>13</sup>

15. The *Mobile Homes Bill* takes a different approach from the *Regulated Mobile Home Sites (Wales) Bill*, as it does not establish a new, separate regime; instead it makes England-specific amendments to the existing licensing regime under the 1960 Act. These amendments include giving discretion to local authorities in England on granting licences, the ability to charge licence application and annual fees, strengthened enforcement through the introduction of compliance notices and works in default (for which local authorities may recover their costs), and a reserve power for the Secretary of State to introduce a fit and proper person test through subordinate legislation. It also amends the 1983 Act in respect of arrangements for site rules and procedures for the sale or gifting of mobile homes, and the 1960 and 1968 Acts with regards to offences and penalties.

### **Summary of provisions in the *Regulated Mobile Home Sites (Wales) Bill***

16. According to the Explanatory Memorandum, the *Regulated Mobile Home Sites (Wales) Bill* has three intentions,<sup>14</sup> to:

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<sup>12</sup> Peter Black AM, *Explanatory Memorandum to the Regulated Mobile Home Sites (Wales) Bill*

<sup>13</sup> Department of Communities and Local Government, *Explanatory Notes to the Mobile Homes Bill*

<sup>14</sup> Peter Black AM, *Explanatory Memorandum to the Regulated Mobile Home Sites (Wales) Bill*

- introduce a new mobile home site licensing regime with adequate enforcement powers for local authorities;
- give the Welsh Ministers powers to approve a code of practice with regard to the management of mobile home sites and powers to make management regulations; and
- modernise a number of aspects of the contractual relationship between mobile home owners and site operators.

17. The Bill **only applies** to exclusively residential sites, and to mixed use sites<sup>15</sup> in respect of those parts of the site used for residential purposes. It does not apply to local authority Gypsy Traveller sites, or to sites used exclusively as holiday or touring caravan sites.

### General principles

18. The majority of witnesses agreed that the existing licensing regime was outdated and inadequate, and that there was a need for new legislation. Consumer Focus Wales (“CFW”) had carried out research in Wales which had shown that reform of the licensing, management and operation of mobile home sites was needed, particularly as mobile home owners were often elderly or vulnerable.<sup>16</sup>

19. There was support for the Bill among some site owners, who told the Committee that they recognised the negative effect that rogue operators had on their industry. One site owner said that:

“There is clearly a need to ensure that Parks are operated and managed in a professional way and unscrupulous operators discouraged from continuing in this business”.<sup>17</sup>

20. Local authorities welcomed the opportunity for the licensing regime to be updated, and were supportive of the general principles of the Bill.<sup>18</sup> One local authority noted the parallels with the HMO licensing regime, saying that it was appropriate for a similar regime to be established for mobile home sites.<sup>19</sup>

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<sup>15</sup> Mixed sites are those which are used for a combination of residential and holiday purposes.

<sup>16</sup> Written evidence RMHS04

<sup>17</sup> Written evidence RMHS18

<sup>18</sup> Written evidence RMHS19, RMHS23, RMHS25, RHMS31; RoP, paragraph 12, 6 December 2012

<sup>19</sup> RoP, paragraph 12, 6 December 2012

21. The Country Land and Business Association (“CLA”) did not agree that new legislation was required, saying:

“[The CLA] would not condone unscrupulous activity [but] we think that the proposed legislation is a bit heavy-handed. It is possibly a hammer to crack a nut in order to drive out those smaller operators that no industry wants to have”.<sup>20</sup>

#### *Evidence from the Minister*

22. The Minister for Housing, Regeneration and Heritage (“the Minister”) told the Committee that he supported the Bill’s intentions, and that he would have considered updating the mobile home licensing regime in the Welsh Government’s *Housing Bill* had this Bill not been introduced.<sup>21</sup> In evidence to the Constitutional and Legislative Affairs Committee, the Minister said he thought that a different legislative approach, which established a single unified licensing regime by amendments to the 1960 Act, might be more effective.<sup>22</sup> In a letter to the Chair, he emphasised that he was “fully supportive of the key features of the Bill”, and said that any amendments he brought forward at later legislative stages would be “aimed at making the new regime simpler and more effective in operation”, and that he anticipated the “vast majority of the existing Bill” being accommodated in his proposed amendments.<sup>23</sup>

#### *Evidence from the Member in Charge*

23. The Member in Charge said that he had chosen to introduce a Bill in respect of mobile homes because of the volume of complaints he received in respect of mobile home sites.<sup>24</sup> He said that:

“We have had issues of sales being blocked without adequate reason and site operators, effectively, profiteering at the expense of mobile home owners in a minority of cases, not to mention the inadequate enforcement of licence conditions by

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<sup>20</sup> RoP, paragraphs 15-17, 28 November 2012

<sup>21</sup> Written evidence RMHS12

<sup>22</sup> RoP of the Constitutional and Legislative Affairs Committee, paragraphs 160 and 164, 14 January 2013

<sup>23</sup> Letter from Huw Lewis AM, Minister for Housing, Regeneration and Heritage, 23 January 2013

<sup>24</sup> RoP, paragraph 13, 14 November 2012

local authorities due to poor resourcing and the fact that the licensing regime itself is very unclear”.<sup>25</sup>

24. He explained that the Bill sought to modernise the industry and amend the contractual relationship between mobile home site owners and mobile home owners, as well as to give local authorities the duty and resources to implement, monitor and enforce the new regime.<sup>26</sup>

25. In response to the Minister’s evidence to the Constitutional and Legislative Affairs Committee, the Member in Charge said in a letter to the Chair that he did not object in principle to the revised legislative approach, provided that “key features of [his] Bill remained”.<sup>27</sup>

### *The Committee’s view*

26. The consensus of the evidence heard by the Committee throughout the course of its Stage 1 scrutiny was that while witnesses had different views on the details of the Bill’s provisions, the majority thought that the existing licensing regime for mobile home sites in Wales was outdated, and required modernisation through legislation. While the Committee heard differing views on the details of the Bill, there was widespread support for the underlying principles of a modernised regime, based on a fit and proper person test, with suitable amendments made to the contractual relationship between mobile home owners and site owners, and to the management standards required on mobile home sites. The Committee agreed that legislation was required to modernise the mobile home industry and supported the general principles of the Bill as drafted.

### **Recommendation**

**The Committee supports the general principles and policy intentions of the Bill as drafted, and agrees that legislation is required to update the mobile home licensing regime and address the issues experienced by residents of mobile home sites in Wales.**

The Committee’s role at Stage 1 is to consider the Bill as currently drafted, and its recommendations are made on that basis. The Committee noted that the Minister has provided evidence to the Constitutional and Legislative Affairs Committee that he was minded

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<sup>25</sup> RoP, paragraph 11, 14 November 2012

<sup>26</sup> Ibid, paragraphs 10-11

<sup>27</sup> Letter from Peter Black AM, Member in Charge of the Bill, 17 January 2013

to bring forward amendments at Stage 2 with a view to amending the existing regime rather than establishing a new regime. It agreed that it would welcome the opportunity to scrutinise all amendments at Stage 2.

## **Recommendation**

**The Committee notes that an alternative legislative approach has been suggested by the Minister, and recommends that he provides more information about his proposed amendments before Stage 2.**

## **Subordinate legislation**

### *Evidence received*

27. Witnesses told the Committee that the Bill contained a substantial number of subordinate legislation making powers, but differed on whether or not this was a concern. Mobile home industry representatives said that, provided there was full consultation, sufficient lead in time, and advance guidance,<sup>28</sup> the detail of the regime was suited to subordinate legislation which would allow for sufficient flexibility to respond to experience during implementation.<sup>29</sup> Conversely, the Federation of Small Businesses (Wales) (“FSBW”) said that putting more detail on the face of the Bill would improve clarity.<sup>30</sup>

28. Bridgend County Borough Council<sup>31</sup> and Cardiff Council<sup>32</sup> said that it did not matter whether transitional arrangements were on the face of the Bill or in subordinate legislation, provided that they were clear and had sufficient lead in time.<sup>33</sup> Rhondda Cynon Taff County Borough Council said that it had been helpful for the details of the HMO licensing transitional arrangements to be in subordinate legislation.<sup>34</sup> Swansea City Council said that it would welcome detailed subordinate legislation to address licence applications, codes of practice and management regulations.<sup>35</sup>

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<sup>28</sup> RoP, paragraphs 21 and 27, 28 November 2012

<sup>29</sup> Ibid, paragraph 21

<sup>30</sup> Written evidence RMHS28

<sup>31</sup> RoP, paragraph 22, 6 December 2012

<sup>32</sup> Written evidence RMHS31

<sup>33</sup> Written evidence RMHS31; RoP, paragraph 22, 6 December 2012

<sup>34</sup> RoP, paragraphs 24-25, 6 December 2012

<sup>35</sup> Written evidence RMHS23

29. CFW was concerned about the capacity of Welsh Ministers to deliver a significant volume of subordinate legislation in a reasonable timescale, particularly while also taking the *Housing Bill* through the Assembly.<sup>36</sup> Its preference would be two sets of comprehensive guidance: one for local authorities and one for site owners.<sup>37</sup> It told the Committee that every site in Wales should have a licence under the Bill within a year, although site owners and local authorities would need to work together in the medium and longer terms to bring sites up to required standards.<sup>38</sup>

30. Mobile home owners and site owners agreed that the main priorities for any transitional arrangements should be to tackle rogues within the industry through the application of a fit and proper person test, and to address the issue of sale blocking.<sup>39</sup>

#### *Evidence from the Minister*

31. The Minister said that he would prefer to see more detail on the face of the Bill, including transitional arrangements to ensure that the new regime applied to all sites.<sup>40</sup> He confirmed on 6 December 2012 that he and his officials had met with the Member in Charge to discuss amendments which might reduce the subordinate legislation.<sup>41</sup>

#### *Evidence from the Member in Charge*

32. The Member in Charge confirmed that transitional arrangements would be required to ensure that all existing mobile home sites in Wales required new licences under the Bill, and said that he was working with the Minister and his officials on this issue.<sup>42</sup>

#### *The Committee's view*

33. The Committee noted that concerns had been raised about the volume of subordinate legislation, and about whether the Welsh Government would have sufficient capacity to produce the subordinate legislation required under the Bill at the same time as taking the *Housing Bill* through the Assembly. The Committee agreed that if the Bill was to achieve its objectives to improve conditions on mobile

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<sup>36</sup> RoP, paragraphs 9 and 18, 22 November 2012

<sup>37</sup> Ibid, paragraphs 30-31

<sup>38</sup> RoP, paragraph 41, 22 November 2012

<sup>39</sup> RoP, paragraphs 29-30, 173 and 182, 28 November 2012

<sup>40</sup> Written evidence RMHS12

<sup>41</sup> RoP, paragraph 120, 6 December 2012

<sup>42</sup> RoP, paragraph 176, 9 January 2013

home sites, the required subordinate legislation must be put in place promptly.

### **Recommendation**

**The Committee shares witnesses' concerns about the volume of subordinate legislation required by the Bill as drafted, and recommends that the Member in Charge considers including more detail on the face of the Bill.**

## 4. Part 1: Introductory

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### Interpretation and application (Section 1)

34. Section 1 defines the sites to which the provisions under the Bill will apply as those on which one or more mobile homes to which an agreement under the 1983 Act applies are stationed.

### *Change of use of sites*

35. The Minister was concerned that some site owners might apply to change the use of their sites from residential to holiday accommodation in order to avoid the new licensing regime, which could have a detrimental impact on site quality or risk the displacement of permanent residents who would no longer be able to occupy their home for twelve months of the year.<sup>43</sup> The Member in Charge said that change of use applications would be subject to usual planning controls, but that he would consider including a requirement for consultation with site residents before such applications were approved.<sup>44</sup>

### *The Committee's view*

36. The Committee considered the Minister's concerns in respect of applications for change of use of sites, and agreed that it would be appropriate for site owners to be required to consult with their residents before making change of use applications.

### Recommendation

**Mobile home site owners should be required to consult with their residents before applying to change the use of their sites.**

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<sup>43</sup> RoP, paragraph 128, 6 December 2012

<sup>44</sup> RoP, paragraph 184, 9 January 2013

## 5. Part 2: Licensing of regulated sites

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### Summary of provisions

37. Part 2 of the Bill sets out the details of the new licensing regime, in respect of the administration and enforcement of licences.

### Local authorities (Sections 3 and 4)

38. Sections 3 and 4 of the Bill make provisions in respect of the role of local authorities as licensing authorities, and the way in which they will work together to deliver their duties.

### *Summary of provisions*

39. Section 3 defines county and county borough councils as site licensing authorities, and gives them a duty to administer and enforce the licensing regime. Section 4 requires site licensing authorities to have regard to working collaboratively.

### *Capacity, capability and collaboration*

#### *Evidence received*

40. CFW said that its research had shown that many residents felt that they received ineffective responses when they raised concerns with their local authorities because:

“Either the local authority was unwilling to take action, they lacked the time or resources to deal with the problem, or [...] was simply not interested”.<sup>45</sup>

41. The evidence received suggested that the inclusion in the Bill of a statutory duty for local authorities to implement and enforce the licensing regime would be effective,<sup>46</sup> although witnesses said that local authorities would have to ensure that they had the right mix of skills, specialist knowledge and expertise,<sup>47</sup> and there were some concerns that this would not be the case.<sup>48</sup>

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<sup>45</sup> Written evidence RMHS04

<sup>46</sup> Written evidence RMHS06, RHMS08, RMHS10a; RoP, paragraph 63, 28 November 2012

<sup>47</sup> RoP, paragraph 229, 28 November 2012

<sup>48</sup> Written evidence RMHS11

42. Local authorities told the Committee that the duty under the Bill would be effective,<sup>49</sup> and that local authorities were adequately equipped to monitor and enforce licences.<sup>50</sup> However, Powys County Council, which has more mobile home sites than any other local authority in Wales, expressed concern about the potential for the Bill to raise expectations and result in significant volumes of complaints.<sup>51</sup>

43. The Committee heard that those local authorities with experience of managing HMO licensing regimes were likely to find their duties under the Bill more straightforward.<sup>52</sup> However, CFW did not believe that HMO licensing skills were directly transferable to mobile home licensing, partly due to the complexity and breadth of skills required to inspect site infrastructure, and partly due to the variation across local authorities of the departments with responsibility for mobile homes.<sup>53</sup> It said:

“Even with the best will in the world, and even with a duty on them and new resources, local authorities are still going to find this difficult [...] The majority of local authorities have five sites or fewer, [and] they simply will not have the capacity or the expertise to implement an even more complicated Bill”.<sup>54</sup>

44. Mobile home industry representatives told the Committee that local authorities would have to work together to build the requisite expertise,<sup>55</sup> saying that collaboration was “a requirement for the successful implementation of the Bill’s proposals”,<sup>56</sup> and that a failure to collaborate could result in a lack of experience among officials or unnecessary duplication.<sup>57</sup> CFW shared this concern, and recommended that the Bill should require collaboration, particularly given the relatively low number of mobile home sites in Wales.<sup>58</sup>

45. The evidence received highlighted a number of potential benefits from collaboration, including streamlining processes, information sharing, consistency across Wales, and avoiding unnecessary

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<sup>49</sup> Written evidence RMHS23

<sup>50</sup> RoP, paragraph 84, 6 December 2012

<sup>51</sup> Written evidence RMHS19

<sup>52</sup> Written evidence RMHS23

<sup>53</sup> RoP, paragraph 15, 22 November 2012

<sup>54</sup> *Ibid*, paragraph 13

<sup>55</sup> RoP, paragraph 75, 28 November 2012

<sup>56</sup> Written evidence RMHS07

<sup>57</sup> *Ibid*

<sup>58</sup> Written evidence RMHS04

duplication.<sup>59</sup> However, CFW and local authorities considered that collaboration should focus on licensing administration, rather than inspection and enforcement, with one local authority saying that mandatory national conditions for enforcement could hinder local authorities and prevent them from setting “local conditions that addressed particular issues within their communities”.<sup>60</sup>

#### *Evidence from the Minister*

46. The Minister said that he was not convinced that all local authorities had adequate knowledge and expertise to fulfil the duties ascribed to them by the Bill. He said that while some were equipped to implement the regime, those local authorities with very many or very few sites in their areas would experience difficulties.<sup>61</sup> In his view it was difficult to see any disadvantages in a collaborative approach, which could result in economies of scale and the building of expertise among a dedicated team of specialists, and reduce the chance of a site owner who failed a fit and proper person test in one part of Wales from “getting away with things” in another part of the country.<sup>62</sup>

47. He said that he could envisage a lead authority, or authorities, taking the work forward in Wales, which could increase cost efficiency,<sup>63</sup> and that:

“What really matters is that there is a proper system for local authorities working together to ensure consistency”.<sup>64</sup>

#### *Evidence from the Member in Charge*

48. The Member in Charge told the Committee that:

“If they are given the resources that they need and if they have clear rules to enforce, I have no reason to doubt that local authorities will be able to do this job. The Bill seeks to do both: to give them resources and to provide them with clear rules that they are there to enforce”.<sup>65</sup>

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<sup>59</sup> Written evidence RMHS04, RMHS07, RMHS10a, RMHS25a/b, RMHS28; RoP, paragraph 15, 22 November 2012, RoP, paragraph 58, 28 November 2012

<sup>60</sup> RoP, paragraph 68, 6 December 2012

<sup>61</sup> Ibid, paragraph 200

<sup>62</sup> Ibid, paragraph 175

<sup>63</sup> Ibid, paragraph 139

<sup>64</sup> Ibid, paragraph 249

<sup>65</sup> RoP, paragraph 128, 14 November 2012

49. He said that the licensing regime in the Bill was based on the HMO licensing regime, partly because of the comprehensiveness of that regime, and also because the local authority officials responsible for HMO licensing tended to be those responsible for mobile home site licences, so they already had a good understanding of how the regime would operate.<sup>66</sup> He said that even where local authority officials did not have transferable HMO experience, as professionals they would “be able to pick up the job quite quickly”,<sup>67</sup> and that the provisions for collaboration in the Bill would contribute to developing experience and sharing learning.<sup>68</sup>

50. Peter Black AM envisaged that the duty to collaborate would support information sharing between local authorities in Wales. He said he hoped that information would be shared with local authorities in England, although that could not be included in the Bill.<sup>69</sup>

#### *The Committee’s view*

51. The Committee noted the broad support for a duty to be placed on local authorities to implement and enforce the revised mobile home licensing regime, but recognised that there were mixed views on whether all local authorities would have sufficient skills, knowledge and expertise to undertake their duties under the Bill. The Committee agreed that a collaborative approach would contribute to the successful delivery of the Bill’s aims and intentions, and welcomed the inclusion of a requirement for local authorities to have regard to working collaboratively.

#### **Licensing administration (Sections 5 to 8, 10 to 13 and 15)**

52. Sections 5 to 8, 10 to 13 and 15 make provision for the implementation and operation of a new licensing regime.

#### ***Summary of provisions***

53. Section 5 states that every regulated site must have a licence, unless a temporary exemption has been granted. Under the Bill as drafted, mobile home sites would be required to hold two licences, one under the 1960 Act and one under the Bill. Section 6 sets out the requirements for applications, including provision for a licensing

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<sup>66</sup> RoP, paragraph 57, 14 November 2012

<sup>67</sup> RoP, paragraph, 201, 9 January 2013

<sup>68</sup> Ibid, paragraphs 241 and 243

<sup>69</sup> RoP, paragraph 87, 14 November 2012

authority to charge a fee. Section 7 provides for licensing authorities to grant or refuse licences. Section 8 introduces tests as to the suitability for the stationing of mobile homes. Sections 10 and 11 impose specific licence conditions, including a five year maximum duration. Section 12 enables licensing authorities to vary licences. Section 13 enables licensing authorities to revoke licences. Under current legislation, local authorities can only revoke licences through the courts if the licence holder has been convicted for failing to comply with a licence condition on at least three separate occasions. Section 15 requires Welsh Ministers to make regulations to provide for procedures in respect of licence administration.

### *Evidence received*

#### *Dual licensing*

54. The general consensus among mobile home industry representatives,<sup>70</sup> CFW,<sup>71</sup> mobile home owners<sup>72</sup> and site owners<sup>73</sup> was that if two licences were required, there should be a separation between the enduring licence under the 1960 Act, which would cover park standards and infrastructure, and the licence under the Bill, which would be a personal, transferable licence including a fit and proper person test.

55. The FSBW, CFW and site owners told the Committee that there were some areas of duplication between the proposed licence conditions under the Bill and the conditions of the 1960 site licence or the 2008 Model Standards, for example in relation to the number of homes which may be stationed on a site.<sup>74</sup> Mobile home industry representatives suggested that to avoid confusion or conflict, the:

“Regulated site licence should focus on the fit and proper management standards of the park (which would automatically require adherence to the conditions of the Site Licence under the 1960 Act). Therefore any breach of the 1960 Site Licence

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<sup>70</sup> Written evidence RMHS07

<sup>71</sup> RoP, paragraph 54, 22 November 2012

<sup>72</sup> Written evidence RMHS10a, RMHS16

<sup>73</sup> Written evidence RMHS18, RMHS27

<sup>74</sup> Written evidence RMHS04, RMHS07, RMHS18, RMHS27, RMHS28

would be a matter for consideration as to the fit and properness of the park management”.<sup>75</sup>

56. Local authorities were also concerned that there was not sufficient clarity about the Bill’s interaction with existing legislation. Powys County Council said licence conditions under the Bill should be “restricted to those pertaining to amenity and public safety avoiding any duplication with any other legislation”,<sup>76</sup> but that:

“Ideally some form of consolidation would be preferred to ensure that the proposals integrate with the current licensing regime instead of imposing a second licensing requirement”.<sup>77</sup>

#### *Transferability of licences*

57. Under the Bill as drafted, site operators with involvement with multiple sites in Wales would have to apply for separate licences for each site. Site owners queried this requirement, citing additional expense for site owners and local authorities; the potential for more streamlined application and vetting processes; and the application of consistent fit and proper management standards, and any subsequent sanctions, across multiple sites.<sup>78</sup>

#### *Duration of licences*

58. There was general consensus that fit and proper person licences under the Bill should be granted for a maximum of five years. One consultation respondent drew an analogy with publicans, who are required to renew their personal licences periodically.<sup>79</sup> However, the FSBW was concerned that this would entail significant compliance costs for site owners,<sup>80</sup> and site owners were concerned that it would create unnecessary uncertainty about the future of a site, which might put off potential buyers or impact on site owners’ ability to borrow to finance their businesses.<sup>81</sup> The British Bankers’ Association told the Committee that it was:

“Concerned that placing a 5 year restriction [...] could negatively impact the ability of the industry to provide finance

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<sup>75</sup> Written evidence RMHS07

<sup>76</sup> Written evidence RMHS19a

<sup>77</sup> Ibid

<sup>78</sup> Written evidence RMHS07

<sup>79</sup> Written evidence RMHS20

<sup>80</sup> Written evidence RMHS28

<sup>81</sup> Written evidence RMHS26

to the sector. [...] Furthermore, we do not believe that the impact is likely to be mitigated by a dual licensing regime under which an indefinite licence was granted to a site, and a time limited personal licence was granted to the owner and/or operator”.<sup>82</sup>

### *Security of tenure*

59. Mobile home owners, site owners and CFW were concerned that revocation or refusal to grant a site licence would impact on the security of tenure of the site’s residents.<sup>83</sup> This concern was shared by the mobile home industry, which said that the Bill did not include provisions for interim arrangements should there not be a valid site licence.<sup>84</sup> CFW welcomed the Bill’s provisions to make it easier for local authorities to revoke a licence,<sup>85</sup> but there was general agreement that site licences should only be revoked as a last resort, for example if site owners were refusing reasonable compliance requests or undertaking activities which caused significant harm to residents.<sup>86</sup>

### *Evidence from the Minister*

60. The Minister told the Committee that licences under the Bill should be transferable between sites owned by an individual, even if the sites were located in multiple local authority areas, as:

“Essentially this is a licenced person that we are talking about. [...] A person with a licence in their hand that says that they are a fit and proper person to do this work”.<sup>87</sup>

61. The Minister told the Committee that while he would prefer to see a more “streamlined” regime, he did not see dual licensing as:

“Any kind of insurmountable obstacle. Providing that we draft legislation carefully and that local government does its job well, it is not an unworkable regime”.<sup>88</sup>

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<sup>82</sup> Written evidence RMHS30

<sup>83</sup> Written evidence RMHS10a, RMHS11; RoP, paragraph 54, 22 November 2012, RoP, paragraph 11, 28 November 2012

<sup>84</sup> Written evidence RMHS07

<sup>85</sup> Written evidence RMHS04

<sup>86</sup> Written evidence RMHS09, RMHS10a, RMHS26, RMHS28

<sup>87</sup> RoP, paragraphs 177 and 179, 6 December 2012

<sup>88</sup> Ibid, paragraph 126

62. In a letter to the Chair, he said that he intended to bring forward amendments at Stage 2 to unify the licensing regimes, because on further consideration of the operation of the Bill in practice, he had:

“Concluded that, as currently drafted, the Bill would introduce an extra tier of licensing. This could make the licensing arrangements more complicated, overly bureaucratic and possibly confusing”.<sup>89</sup>

*Evidence from the Member in Charge*

63. Peter Black AM confirmed that while he would consider bringing forward amendments to unify the regimes,<sup>90</sup> under the Bill as drafted, all existing mobile home sites in Wales would require a new,<sup>91</sup> non-transferable<sup>92</sup> licence. He said that:

“The 1960 Act is primarily a rubber-stamping exercise concerned with whether the appropriate planning permission is in place. The new regime, as proposed by the Bill, is primarily concerned with the suitability of the applicant”.<sup>93</sup>

64. In respect of concerns raised by some witnesses about potential risks to residents’ security of tenure under a time-limited licensing regime, he said that:

“Provided the homeowner’s contract has not been terminated by the courts or the site is a protected site under the Mobile Homes Act 1983, then the homeowner’s security of tenure would not be affected by this Bill”.<sup>94</sup>

65. In response to the British Bankers’ Association’s evidence, the Member in Charge said that other businesses which operated on a time limited licence model, such as HMOs and alcohol licenced premises, did not have difficulty in accessing finance. Further, he said that his intention that the fit and proper person test should apply only

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<sup>89</sup> Letter from Huw Lewis AM, Minister for Housing, Regeneration and Heritage, 23 January 2013

<sup>90</sup> RoP, paragraph 182, 9 January 2013

<sup>91</sup> RoP, paragraph 24, 14 November 2012

<sup>92</sup> Ibid, paragraph 67

<sup>93</sup> Ibid, paragraph 24

<sup>94</sup> RoP, paragraph 178, 9 January 2013

to site managers, and not site owners as under the Bill as currently drafted, would provide greater certainty to banks.<sup>95</sup>

### *The Committee's view*

66. The Committee reviewed the evidence it had heard about the appropriate form for a new or revised licensing regime, including the Minister's evidence to the Constitutional and Legislative Affairs Committee.

67. The Committee agreed that a unified licensing regime would be simpler to operate for local authorities and site owners. However, it was concerned that it would not provide an equivalent level of protection for mobile home owners as a dual licensing regime. It agreed that should a dual licensing regime be put in place, as set out in the Bill as drafted, it should be kept under review to ensure that it was effective.

68. The Committee considered the issue of transferability of licences, and agreed that while site licences should be linked to sites, the fit and proper person element of the licence should be linked to an individual, and should therefore be transferable between sites within a local authority area. Where an individual was involved with sites across multiple local authority areas, the Committee recognised that the specific criteria for fit and proper person tests might vary, and agreed that separate fit and proper person tests should be applied. The Committee agreed however that the Member in Charge should consider including, as a criteria of the fit and proper person test, whether an individual had failed a fit and proper person test previously, whether in that local authority area or another local authority area.

69. The Committee considered the issue of licence duration, and agreed that the Member in Charge should consider the suggestion by the FSBW that licences should endure unless local authorities had reason to revoke them on grounds of breach of site licence conditions or an individual no longer being a fit and proper person.

### **Recommendation**

**If implemented, the dual licensing regime in the Bill as drafted should be kept under review to ensure that it is effective. The**

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<sup>95</sup> RoP, paragraph 180, 9 January 2013

**licensing regime should include a fit and proper person test which is transferable between sites in a local authority area, and should require local authorities to consider whether an individual has previously failed an equivalent test. Consideration should be given to whether additional bureaucracy could be avoided by issuing enduring licences which could be revoked following breaches of site licence conditions or an individual ceasing to be a fit and proper person.**

### ***Licence fees***

#### *Evidence received*

70. CFW,<sup>96</sup> local authorities,<sup>97</sup> mobile home owners,<sup>98</sup> and the House of Commons Communities and Local Government Select Committee<sup>99</sup> welcomed the ability for local authorities to charge licence fees. CFW favoured a nationally agreed fee structure based on the number of pitches,<sup>100</sup> and said that:

“There is no other licensing regime that does not have fees attached to it. Site licensing is the last regime that we can think of that does not contribute towards the costs of its own inspection and enforcement systems”.<sup>101</sup>

71. The National Association of Park Home Residents (“NAPHR”) agreed that local authorities should be able to recover their costs through a self-financing licensing regime.<sup>102</sup> Local authorities took the view that they should be able to recover their costs through a licence fee,<sup>103</sup> although both Swansea City Council and Powys County Council were doubtful that the licensing regime could become fully self-financing.<sup>104</sup> Rhondda Cynon Taff County Borough Council and Cardiff Council referred to the HMO licence fee toolkit produced by the Welsh Local Government Association (“WLGA”), and said that it had helped

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<sup>96</sup> Written evidence RMHS04

<sup>97</sup> Written evidence RMHS19, RMHS23, RHMS25

<sup>98</sup> Written evidence RMHS10a, RMHS20

<sup>99</sup> Written evidence RMHS13

<sup>100</sup> Written evidence RMHS04

<sup>101</sup> RoP, paragraph 48, 22 November 2012

<sup>102</sup> Written evidence RMHS10a

<sup>103</sup> Written evidence RMHS23, RMHS25a; RoP, paragraph 45, 6 December 2012

<sup>104</sup> Written evidence RMHS19

them to take account of the burden on individual local authorities whilst ensuring consistency and transparency.<sup>105</sup>

72. However, site owners had mixed views. One was concerned that local authorities would use the fee to make money from site owners.<sup>106</sup> Another accepted that a small fee was reasonable, but said that there was no basis for linking the fee rate to the number of pitches as:

“The same checks on the fit and proper person tests will apply however many plots there are. The same inspections will be necessary on whichever site”.<sup>107</sup>

#### *Evidence from the Minister*

73. In respect of fees, the Minister said that the uneven distribution of mobile home sites across Wales meant that work needed to be done with local authorities to identify a fee structure that would make the licensing regime self-financing,<sup>108</sup> although he believed that there was a case for local authorities to set the actual fees on a local or regional basis as long as they published fees policies.<sup>109</sup>

#### *Evidence from the Member in Charge*

74. The Member in Charge told the Committee that the Bill:

“Tried to give local authorities as much discretion as possible over which fees are being charged, in the same way as happened with the legislation on houses in multiple occupation”.<sup>110</sup>

#### *The Committee’s view*

75. The Committee was content that local authorities should be able to charge licence fees in order to resource the administration of the licensing regime. It agreed that there should be a degree of consistency across Wales, but that local authorities should be able to take account of local circumstances as appropriate.

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<sup>105</sup> Written evidence RMHS31; RoP, paragraph 43, 6 December 2012

<sup>106</sup> Written evidence RMHS26

<sup>107</sup> Written evidence RMHS27

<sup>108</sup> RoP, paragraph 185, 6 December 2012

<sup>109</sup> Written evidence RMHS12

<sup>110</sup> RoP, paragraph 38, 14 November 2012

## *Display of licences*

### *Evidence received*

76. CFW welcomed the requirement in Section 10(1)(c) that copies of the licence, written statement and site rules should be displayed on a site, and recommended that to address the issue of alleged unfair charging for utilities by improving transparency and the quality of information available, site owners should also be obliged to display copies of mains electricity, gas and water bills.<sup>111</sup>

77. However one site owner was concerned that the number of pages to which the documentation was likely to amount would make it practically difficult to display. As an alternative, the site owner suggested that the requirement should be to display a notice indicating where all of the documentation could be viewed.<sup>112</sup> A local authority recommended that site owners should be obliged to provide copies to residents on their request.<sup>113</sup>

### *Evidence from the Member in Charge*

78. Peter Black AM told the Committee that arrangements for utility bills vary across sites in Wales, but that Ofgem and Ofwat set maximum resale prices by which site owners, as resellers of utilities, must abide. The 1983 Act requires site owners to provide copies of mains utility bills and explanations of charges on request. The Bill does not change these arrangements. Under the Bill, site owners would be required to comply with the terms of any agreement to which section 1 of the 1983 Act applies. Therefore failure to comply with the requirements in respect of utility prices and provision of bills would constitute a breach of the regulated site licence conditions, and local authorities would be able to take enforcement action.<sup>114</sup>

### *The Committee's view*

79. The Committee noted that CFW had discovered from its research that concerns about utilities and utility bills were among the most common issues cited by mobile home owners, and agreed with CFW that greater transparency about suppliers, charges and the breakdown of bills would go some way to resolving these concerns.

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<sup>111</sup> Written evidence RMHS04

<sup>112</sup> Written evidence RMHS27

<sup>113</sup> Written evidence RMHS23

<sup>114</sup> Written evidence RHMS15

## Recommendation

**The Member in Charge should consider whether mains utility bills should be displayed on mobile home sites in order to improve transparency.**

## Tests for fitness etc. and satisfactory management arrangements (Section 9)

80. Section 9 establishes tests for suitability and fitness of applicants, and satisfactory management arrangements for sites.

### *Evidence received*

### *Principles*

81. The Committee heard from the Chair of the House of Commons Communities and Local Government Select Committee, Clive Betts MP, that the English *Mobile Homes Bill* includes a reserve power for a fit and proper person test to be established should the Secretary of State consider it necessary.<sup>115</sup> There was, however, widespread support among all witnesses for the inclusion of a fit and proper person test on the face of the Bill in Wales,<sup>116</sup> provided that there was clear guidance to support its application.<sup>117</sup>

82. Mobile home industry representatives queried whether the test was more complex than it needed to be, and suggested:

“If you could concentrate on licensing under the 1960 Act in order to address infrastructure, while directing resources toward personal licensing in order to look at the people about whom we are talking and the harassment that we are seeing, you might have a more streamlined and more effective deterrent against these people”.<sup>118</sup>

83. The Committee received several comments about the principles underpinning the application of a fit and proper person test, with the FSBW saying that the onus should be on local authorities to prove that

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<sup>115</sup> Written evidence RMHS13

<sup>116</sup> Written evidence RMHS04, RMHS06, RMHS10a, RMHS16, RMHS25, RMHS28, RMHS26, RMHS29; RoP, paragraph 52, 6 December 2012

<sup>117</sup> Written evidence RMHS07, RMHS19; RoP, paragraph 126, 28 November 2012

<sup>118</sup> RoP, paragraph 49, 28 November 2012

there was reasonable doubt of an owner's fit and proper status.<sup>119</sup> The Residential Property Tribunal ("RPT") thought that transparent criteria should be applied consistently across Wales.<sup>120</sup>

84. CFW said that the test should be applied proactively, as reliance on self-declaration could allow rogue operators to "slip through the net".<sup>121</sup> This was echoed by Swansea City Council, which said that:

"Many of the housing related offences referred to in the Bill, whilst criminal, are not centrally recorded and so authorities would be dependent on an applicant's self-declaration or local knowledge within the authority".<sup>122</sup>

### *Criteria*

85. Witnesses were broadly content with the criteria for the fit and proper person test set out in the Bill as drafted, although CFW thought that failure to agree with previous rulings of the RPT should be included,<sup>123</sup> the Park Home Residents' Action Alliance ("PHRAA") and Powys County Council suggested the inclusion of the enhanced CRB check,<sup>124</sup> and Powys County Council said that local authorities should take into account "any pending charges, cautions or enforcement action taken by other licensing authorities".<sup>125</sup>

### *Application*

86. There were different opinions amongst witnesses and respondents to the consultation about to whom the test should be applied: site owners, site managers, or both.

87. Mobile home industry representatives said that they thought that the test should be applied only to site owners, as they said that it was site owners who set the "tone" of a park, whereas site managers were responsible only for basic site operations.<sup>126</sup>

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<sup>119</sup> Written evidence RMHS28

<sup>120</sup> Written evidence RMHS05

<sup>121</sup> Written evidence RMHS04

<sup>122</sup> Written evidence RMHS23

<sup>123</sup> Written evidence RMHS04

<sup>124</sup> Written evidence RMHS06, RMHS19

<sup>125</sup> Written evidence RMHS19

<sup>126</sup> RoP, paragraph 52, 28 November 2012

88. Clive Betts MP<sup>127</sup> and Swansea City Council<sup>128</sup> supported the application of the fit and proper person test to site managers only. The reasons they gave included the high level of contact site managers had with mobile home owners;<sup>129</sup> avoidance of the complications which could arise from the application of the test to site owners in respect of complicated corporate structures;<sup>130</sup> disruption to mobile home owners if there was disruption to the ownership of the site;<sup>131</sup> and the difficulty of removing a site from an individual's ownership should they be found not fit and proper to own a site.<sup>132</sup>

89. Witnesses supporting the application of the test to both site owners and site managers cited the responsibility that site managers have for the day to day running of sites;<sup>133</sup> and the parallels with the HMO regime in the *Housing Act 2004*.<sup>134</sup> These witnesses included: CFW,<sup>135</sup> mobile home owners,<sup>136</sup> Powys County Council<sup>137</sup> and the RPT.<sup>138</sup>

90. Rhondda Cynon Taff County Borough Council told the Committee that local authorities had experience of identifying the "person who has control of the site", to whom the fit and proper person test should be applied.<sup>139</sup> Swansea City Council suggested that should an owner fail the fit and proper person test, they should be able to nominate another suitable person to be the licence holder, and provide them with appropriate financial resources, analogous to the position for HMOs.<sup>140</sup>

#### *Evidence from the Minister*

91. The Minister's official told the Committee that a fit and proper person test would be a useful strand of the new licensing regime, although in order to ensure effective management of sites it would need to operate alongside effective monitoring and enforcement.<sup>141</sup>

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<sup>127</sup> RoP, paragraph 282, 6 December 2012

<sup>128</sup> Written evidence RMHS23

<sup>129</sup> RoP, paragraph 282, 6 December 2012

<sup>130</sup> RoP, paragraph 62, 22 November 2012

<sup>131</sup> Ibid

<sup>132</sup> Written evidence RMHS19, RMHS23

<sup>133</sup> RoP, paragraph 62, 22 November 2012

<sup>134</sup> Written evidence RMHS05

<sup>135</sup> RoP, paragraph 62, 22 November 2012

<sup>136</sup> RoP, paragraphs 185 and 212, 28 November 2012

<sup>137</sup> Written evidence RMHS19b

<sup>138</sup> Written evidence RMHS05

<sup>139</sup> RoP, paragraphs 54 and 57, 6 December 2012

<sup>140</sup> Written evidence RMHS23

<sup>141</sup> RoP, paragraph 170, 6 December 2012

The Minister said that he supported the Member in Charge's intention to bring forward an amendment at Stage 2 to the effect that only site managers would need to pass the fit and proper person test, citing the difficulties of "legally barring someone from owning something because of a criminal record".<sup>142</sup>

*Evidence from the Member in Charge*

92. The English *Mobile Homes Bill* includes a reserve power for a fit and proper person test to be introduced through secondary legislation, but Peter Black AM told the Committee that he was:

"Very anxious that [a fit and proper person test] should be there at the very beginning of the licensing regime, and there is a danger that if you said, 'This is a matter for secondary legislation', it might be deferred for several years and the licensing regime would go ahead without it. I did not want that scenario to take place".<sup>143</sup>

93. The Member in Charge said that the Bill gave Welsh Ministers the discretion to issue regulations to establish specific criteria for the test, as specific tests, such as the CRB check, might cease to exist in the future.<sup>144</sup>

94. The Member in Charge said that he intended to bring forward an amendment at Stage 2 to the effect that the fit and proper person test would apply only to site managers, saying that the test should be applied to:

"Those people who are involved in the management of the site [...] the ones who have the day-to-day running and [...] the ones who the residents deal with".<sup>145</sup>

95. He said that the application of the test to site owners would be "very difficult to enforce and quite burdensome".<sup>146</sup> He cited practical concerns, and echoed the concerns of the Minister about the

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<sup>142</sup> RoP, paragraph 148, 6 December 2012

<sup>143</sup> RoP, paragraph 64, 14 November 2012

<sup>144</sup> Ibid, paragraph 59

<sup>145</sup> RoP, paragraph 197, 9 January 2013

<sup>146</sup> RoP, paragraph 61, 14 November 2012

difficulties of disbaring someone from owning property should they fail the test.<sup>147</sup>

96. Peter Black AM told the Committee that he agreed with Rhondda Cynon Taff County Borough Council that local authorities had experience from HMO licensing of determining who had control over a site, and said that this would be a reasonable use of local authorities' powers under the Bill.<sup>148</sup>

97. He said that he was aware that concerns had been raised that should a site owner fail the fit and proper person test, consequently resulting in the site not being licensed, that this would amount to an unlawful interference with the owner's possessions and would contravene Article 1 of the First Protocol of the European Convention on Human Rights.<sup>149</sup> He provided the Committee with advice he had received to the effect that the Bill as currently drafted was compatible with Article 1 because:

- the Bill's overarching aim is to protect residents of mobile home sites in Wales, which is a legitimate aim in the general interest as interpreted in the relevant case law;
- the fit and proper person test is a proportionate way of fulfilling the aim of protecting mobile home site residents in Wales, as evidenced by the application of an equivalent test to HMO licence holders; and
- the new licensing regime will be imposed by a clear and publicly available law - the Bill itself.<sup>150</sup>

#### *The Committee's view*

98. The Committee considered the views it had heard in respect of the application of the fit and proper person test, and the Member in Charge's proposal to bring forward an amendment at Stage 2. It was content with the advice provided by the Member in Charge that the Bill as currently drafted was compatible with Article 1 of Protocol 1 of the European Convention on Human Rights.

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<sup>147</sup> RoP, paragraph 202, 9 January 2013

<sup>148</sup> RoP, paragraphs 199 and 201, 9 January 2013

<sup>149</sup> Ibid, paragraphs 207-209

<sup>150</sup> Legal advice on Convention on Human Rights, Paper to note, Communities, Equality and Local Government Committee meeting, 31 January 2013

99. The Committee agreed that the purpose of the fit and proper person test was to provide protection for the residents of mobile home sites by ensuring that those involved in the mobile home industry were fit and proper. It noted that it had heard conflicting evidence as to whether this could best be achieved by the application of the test to site managers, site owners, or both. In the Committee's view, both site owners and site managers have important roles in running and setting the tone of mobile home sites. The Committee was concerned that limiting the application of the fit and proper person test to site managers would allow the minority of rogue site owners to continue to act unscrupulously.

100. The Committee also considered the evidence it had received that local authorities should identify the relevant parties with "control" of sites, and apply the fit and proper person test to them. However, the Committee was concerned that the evidence it had received about variable capacity and expertise across local authorities would leave gaps through which rogue site operators would be able to slip.

101. The Committee was also concerned that ownership of a site by a corporate body (such as a company) or by a partnership, rather than an individual, could potentially be a vehicle for obscuring the identity of the owner or owners. In such circumstances the Committee considered that the fit and proper person test should be applied to officers of the corporate body and to all members of a partnership.

102. Taking into account the evidence it had received, the Committee agreed that the fit and proper person test should be applied to site owners and site managers and, in the case of a site owned by a corporate body, to all officers of the corporate body and to all members of a partnership where the site was owned by a partnership.

### **Recommendation**

**In order to provide sufficient protections for mobile home site residents, the fit and proper person test should be applied to site owners, including officers of corporate bodies and members of partnerships where relevant, and to site managers.**

### **Register of licences (Section 14)**

103. Section 14 requires each licensing authority to keep a register of licences for the sites in its area.

### *Evidence received*

104. Local authorities agreed that registers of site licences should be maintained, although one local authority warned against the Bill being too prescriptive about the form the registers should take.<sup>151</sup> There was general consensus among witnesses that a centrally-held national database of licences would be beneficial by promoting information sharing and national consistency, reducing duplication and bureaucracy, and providing a mechanism for prospective buyers to get information about mobile home sites.<sup>152</sup>

105. Mobile home industry representatives told the Committee that local authorities were already required to maintain a register of licences under the 1960 Act, and queried whether the Bill required a separate register. They noted that the Explanatory Memorandum states that a register under Section 14 would replace the 1960 Act register, but that the Bill as drafted does not provide for this.<sup>153</sup>

### *Evidence from the Minister*

106. The Minister said that local authorities were best placed to decide whether registers should be held locally or centrally, but:

“Instinctively, I would say that [a central register] would be a good thing, because we would ensure consistency across Wales [...] I would say that a centrally held list would be the simplest and most straightforward approach”.<sup>154</sup>

### *Evidence from the Member in Charge*

107. The Member in Charge told the Committee that the Bill placed a duty on local authorities to have due regard to exercising their power to collaborate, and that it would be a matter for them to decide whether to establish and maintain a central database. He was content that the Bill should require local authorities only to maintain a register of licences within their own areas, and said that this approach had worked well in respect of HMO licensing.<sup>155</sup> He said that any requirement for a national register to be established would need to

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<sup>151</sup> RoP, paragraph 74, 6 December 2012

<sup>152</sup> Written evidence RMHS04, RMHS10a, RMHS07, RMHS19, RMHS27; ROP, paragraphs 68, 73 and 294, 6 December 2012

<sup>153</sup> Written evidence RMHS07

<sup>154</sup> RoP, paragraphs 181 and 183, 6 December 2012

<sup>155</sup> RoP, paragraphs 83 and 85, 14 November 2012

take account of cost, potential mechanisms for collaboration, and issues under the *Freedom of Information Act 2000*.<sup>156</sup>

### *The Committee's view*

108. The Committee considered the evidence, and agreed that a national register of licences could yield benefits, although there could be practical and financial difficulties to overcome. The Committee agreed that once the legislation was in place, the Minister should work with local authorities to encourage information sharing between local authorities in Wales, and with local authorities in England.

### **Appeals and other determinations (Section 16)**

109. Section 16 gives applicants the right to appeal to the RPT against the decisions of licensing authorities.

110. Witnesses agreed that the RPT should deal with disputes under the Bill with the exception of criminal matters and the termination of agreements. The NAPHR said that the benefits would be both monetary and in terms of greater informality which would “relieve pressure and fear to residents”.<sup>157</sup> The Committee heard recommendations from witnesses that in addition to the provisions for appeals set out in the Bill as drafted, there should also be a right of appeal in respect of: the application of fixed penalty notices;<sup>158</sup> the inappropriate undertaking of works in default by local authorities;<sup>159</sup> and the issuing of enforcement notices or management orders;<sup>160</sup> and that the RPT should have jurisdiction in respect of appeals in relation to the 1960 Act.<sup>161</sup>

111. There were, however, concerns raised about levels of knowledge about the RPT among mobile home owners and site owners, the RPT's capacity, and the transparency of its judgements and operation.<sup>162</sup> The RPT itself told the Committee that levels of awareness among mobile home owners about its work were too low. It said that it was developing a website to raise awareness about its role and its judgements, but that other approaches would also be needed. In

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<sup>156</sup> RoP, paragraph 224, 9 January 2013

<sup>157</sup> Written evidence RMHS10a

<sup>158</sup> Written evidence RMHS07

<sup>159</sup> Ibid

<sup>160</sup> Written evidence RMHS05

<sup>161</sup> RoP, paragraph 38, 28 November 2012

<sup>162</sup> Written evidence RMHS04, RMHS19, RMHS20, RMHS27

terms of competence, the RPT said that its members faced a steep learning curve in respect of mobile home issues, but that training had begun and members would be quick to build their expertise.<sup>163</sup>

#### *The Committee's view*

112. The Committee noted the consensus among witnesses welcoming the role of the RPT under the Bill, and the concerns raised about awareness and the transparency of judgements. It recognised that the RPT was undertaking work to improve in these areas, but agreed that more would need to be done to ensure that mobile home owners, site owners and local authorities understood the mechanisms available to them to resolve disputes.

#### **Licensing enforcement (Sections 17 to 26)**

113. Sections 17 to 26 of the Bill make provisions for the enforcement of the licensing regime.

#### ***Summary of provisions***

114. Section 17 requires licensing authorities to put in place such arrangements for the enforcement of licensing conditions as they deem appropriate, whilst having regard to any written guidance given by the Welsh Ministers in respect of this section. Section 18 gives licensing authorities powers to issue enforcement notices and execute works. Section 19 enables licensing authorities to appoint interim managers. Section 20 enables qualified residents' associations to request licensing authorities to consider taking action under provisions in the Bill. Section 21 gives licensing authorities powers of entry to mobile home sites. Section 22 creates new offences under the Bill, and specifies relevant fines for failure to comply with licence conditions. Sections 23 and 24 empower licensing authorities to issue fixed penalties for failure to comply with licence conditions, and specifies a maximum amount of £100 which may be varied by Order of Welsh Ministers. Sections 25 and 26 allow the RPT to make 'repayment orders' which require site operators to repay mobile home owners certain costs if a site is required to be licenced but is not.

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<sup>163</sup> RoP, paragraphs 128 and 132, 28 November 2012

## *Evidence received*

### *Enforcement (Sections 17-18)*

115. The consensus of the evidence received was that the range of enforcement powers in the Bill allowed for a graduated enforcement approach. Site owners, CFW and the FSBW all said that their preference would be for local authorities and site owners to work together to raise standards by building good working relationships, supported when required by robust and proportionate enforcement action to deal with serious breaches of the licence conditions or bad practice by rogue operators.<sup>164</sup>

116. Mobile home industry representatives told the Committee that local authority officials had told them that the power they felt they currently lacked was the ability to issue enforcement notices, and welcomed the Bill's provisions in this respect.<sup>165</sup>

### *Works in default (Section 18)*

117. There was a mixed response to the provisions in the Bill giving local authorities powers to carry out works in default. CFW and local authorities welcomed the powers,<sup>166</sup> but the Committee heard some concerns about the risks associated with cost recovery, particularly if sites were in financial difficulties.<sup>167</sup>

### *Interim managers (Section 19)*

118. The Committee heard a range of concerns about the appointment of interim managers by local authorities. Local authorities, site owners and mobile home owners were concerned that making such appointments could be costly, and that it could be difficult to identify suitable candidates.<sup>168</sup> Swansea City Council was concerned that the Bill only provided for the appointment of an interim manager for the period of a licence, and made no provision for such an appointment should a licence be revoked or expire.<sup>169</sup> The Committee also received evidence of a possible conflict between the interests of the licence

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<sup>164</sup> Written evidence RMHS04, RMHS18, RMHS27, RMHS28

<sup>165</sup> RoP, paragraph 36, 28 November 2012

<sup>166</sup> Written evidence RMHS04; RoP, paragraphs 77 and 86, 6 December 2012

<sup>167</sup> Written evidence RMHS04, RMHS19, RMHS23

<sup>168</sup> Written evidence RMHS10a, RMHS17, RMHS19, RMHS27; RoP, paragraph 86, 6 December 2012

<sup>169</sup> Written evidence RMHS23

holder, who would still hold the 1960 site licence, and the interim manager, who would be under the direction of the local authority.<sup>170</sup>

### *Inspections*

119. Witnesses were of the view that site inspections should be carried out on a risk basis at the discretion of local authorities, based on their knowledge of the sites in their areas.<sup>171</sup> There was consensus that local authorities should have powers to inspect sites unannounced.<sup>172</sup> Representatives of the mobile home industry told the Committee that they were not concerned about local authorities having powers to inspect sites unannounced, saying that:

“If you want to meet a park owner and take a look at the underground pipework or something, then it is probably an idea to give him a bell to make sure that he is there and has the keys. However, anyone in this room can drive onto any residential park today to have a look at it. So I am not sure whether the issue of announcement is really an issue”.<sup>173</sup>

### *Evidence from the Minister*

120. The Minister told the Committee that:

“The key to improving the sector involves ensuring that local authorities can recover their licensing and enforcement costs through the new licensing regime. It should not become a revenue raising source for local authorities, but the powers to recover reasonable costs are undeniably needed and will modernise the sector”.<sup>174</sup>

121. The Minister and his officials told the Committee that unannounced inspections could be justified in some circumstances, and that there was good reason for local authorities to have the power to undertake them, but that it was important that unannounced visits were not seen as revenue-raising opportunities.<sup>175</sup>

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<sup>170</sup> Written evidence RMHS07, RMHS23

<sup>171</sup> Written evidence RMHS08, RMHS10a, RMHS18, RMHS26; RoP, paragraph 84, 6 December 2012

<sup>172</sup> RoP, paragraph 94, 22 November 2012, RoP, paragraph 77, 28 November 2012, RoP, paragraph 223, 28 November 2012, RoP, paragraphs 81-82, 6 December 2012

<sup>173</sup> RoP, paragraph 77, 28 November 2012

<sup>174</sup> Written evidence RMHS12

<sup>175</sup> RoP, paragraphs 202 and 239, 6 December 2012

### *Evidence from the Member in Charge*

122. The Member in Charge said in a letter to the Chair that in his view powers for local authorities to serve enforcement notices and undertake work in default when necessary were key priorities for legislation to modernise the mobile home industry.<sup>176</sup>

### *The Committee's view*

123. The Committee recommended above that the fit and proper person test should be applicable to corporate bodies and partnerships, as well as individual owners. For consistency, Section 22 should provide for offences committed by corporate bodies, as well as those committed by individuals.

124. The Committee agreed that effective enforcement of the mobile home licensing regime was crucial to ensuring that the Bill improved standards on mobile home sites. The Committee was broadly content with the enforcement powers for local authorities under the Bill, but agreed that local authorities should be able to inspect mobile home sites unannounced.

### **Recommendations**

**The Bill should provide for offences committed by corporate bodies.**

**Local authorities should have powers to inspect mobile home sites unannounced.**

### *Fines and fixed penalty notices*

#### *Fines*

125. The Committee heard evidence from PHRAA,<sup>177</sup> CFW<sup>178</sup> and local authorities that penalties and fines would need to be made more stringent than under the current licensing regime to support enforcement under the Bill. The unlimited fines provided for in the Bill were welcomed by CFW,<sup>179</sup> local authorities,<sup>180</sup> and Clive Betts MP.<sup>181</sup>

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<sup>176</sup> Letter from Peter Black AM, Member in Charge of the Bill, 17 January 2013

<sup>177</sup> Written evidence RMHS06

<sup>178</sup> RoP, paragraphs 107 and 111, 22 November 2012

<sup>179</sup> Ibid

<sup>180</sup> Written evidence RMHS23, RMHS25

<sup>181</sup> Written evidence RMHS13

126. Site owners had mixed views on the increase in fines, with one saying that they did not object to the proposed increases as long as fines were applied fairly and reflected the severity of a breach,<sup>182</sup> but another said that the potential for large fines could impact on their ability to improve their sites.<sup>183</sup>

### *Fixed penalties*

127. There was a broad welcome from mobile home owners, mobile home industry representatives and CFW for the powers for local authorities to issue fixed penalty notices to deal with minor licence condition breaches as part of a graduated enforcement approach, although there was consensus that a penalty level of £100 would only be suitable for very trivial breaches.<sup>184</sup> Some local authorities were cautious in their support for fixed penalty notices, citing concerns about whether the proposed £100 fine would be a sufficient deterrent,<sup>185</sup> and whether the use of fixed penalties would serve to encourage improvement.<sup>186</sup> Bridgend County Borough Council told the Committee that it was concerned that if fixed penalties were not consistently and robustly enforced, the costs of recovery could be disproportionate, and failure to enforce the fixed penalties would undermine local authorities' enforcement of the licensing regime.<sup>187</sup>

### *Evidence from the Minister*

128. The Minister said that he considered that the more stringent penalties provided for in the Bill could be effective in securing compliance.<sup>188</sup> He could also see a role for fixed penalties in raising standards of sites, but said that there was a danger that some site owners might start to see such penalties as part of their ongoing costs if there was not a "tipping point" at which further action was taken to address an issue.<sup>189</sup> He also expressed concern that repeated fixed penalty notices could result in increased pitch fees for residents.<sup>190</sup>

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<sup>182</sup> Written evidence RMHS26

<sup>183</sup> Written evidence RMHS17

<sup>184</sup> Written evidence RMHS04, RMHS10a; RoP, paragraphs 80 and 82, 28 November 2012

<sup>185</sup> Written evidence RMHS19b; RoP, paragraph 91, 6 December 2012

<sup>186</sup> Written evidence RMHS23

<sup>187</sup> RoP, paragraph 90, 6 December 2012

<sup>188</sup> Written evidence RMHS12

<sup>189</sup> RoP, paragraph 206, 6 December 2012

<sup>190</sup> *Ibid*, paragraph 207

### *Evidence from the Member in Charge*

129. The Member in Charge explained that the £100 level for fixed penalties was based on the £75 specified in the *Local Government Byelaws (Wales) Act 2012*, but that it had been:

“Rounded [...] up to £100 because we were concerned that there were greater administrative costs in imposing that fixed penalty”.<sup>191</sup>

### *The Committee’s view*

130. The Committee agreed that the increased fines in the Bill were appropriate, and that the power to issue fixed penalty notices would be a valuable tool for local authorities, provided that such notices were used as part of a graduated package of enforcement measures.

### ***Repayment orders***

131. The RPT told the Committee that it had experience of rent repayment orders, but that it foresaw problems stemming from the fact that an application for a repayment order could not be made until a conviction had taken place, and the RPT can only go back 12 months from the application date. Therefore, if an offender was not convicted for a longer period, there would be an impact on the size of any repayment order made. The RPT told the Committee that the Bill as drafted included any payment made in connection with the purchase of a mobile home, which could represent a significant sum. It therefore suggested that:

“Some consideration ought to be given to the question of whether, in such cases, tribunals should be given longer to go back, or whether, in cases relating to the price of the mobile home, there should be no time limit”.<sup>192</sup>

### *Evidence from the Member in Charge*

132. The Member in Charge said that repayment orders could be made in respect of unlicensed regulated sites. Following application to the RPT and a ruling that an offence had been committed, an order could be made for the repayment of any commission or pitch fees plus reasonable costs. Peter Black AM said that:

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<sup>191</sup> RoP, paragraph 76, 14 November 2012

<sup>192</sup> RoP, paragraph 148-149, 28 November 2012

“The repayment order contains a number of costs that could be repaid, including any commission paid in relation to the sale of such a home, any pitch fee paid in relation to a mobile home, and any periodical payment paid in respect of the mobile home. There may well be other costs such as legal fees, which a mobile home owner incurred in terms of taking it to the Residential Property Tribunal, but that is a matter for it to consider”.<sup>193</sup>

#### *The Committee’s view*

133. On the basis of the evidence it had received from the RPT, the Committee agreed that it was not reasonable that the RPT should be limited in the time period for which repayment orders could be made, given the potentially large sums of money which could be involved in the purchase of a mobile home. The Committee took the view that the Bill should be amended to exempt matters relating to mobile homes from the limit to a 12 month period before conviction for which repayment orders may be made.

#### **Recommendation**

**The Residential Property Tribunal, when making repayment orders, should not be limited as to the time period for which such orders may be made.**

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<sup>193</sup> RoP, paragraph 81, 14 November 2012

## **6. Part 3: Amendments to the 1983 Act**

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134. Part 3 Section 27 of the Bill introduces Schedule 1, which contains a number of amendments to the 1983 Act in respect of the contractual relationship between mobile home site owners and mobile home owners.

### **Succession of mobile homes (Schedule 1 paragraphs 1 and 2)**

135. Schedule 1 paragraphs 1 and 2 amend section 3 of the 1983 Act in respect of the succession of mobile homes.

136. The evidence received by the Committee in respect of the succession of mobile homes was mixed, with site owners saying that they would want to retain the right to approve residents who acquired mobile homes through wills or intestacy laws and ensure that they complied with site rules,<sup>194</sup> and mobile home owners welcoming the updating of the rules.<sup>195</sup>

#### *The Committee's view*

137. The Committee was content with these provisions as drafted.

### **Sale of mobile homes (Schedule 1 paragraph 4)**

138. Schedule 1 paragraph 4 amends the 1983 Act in respect of the sale of mobile homes.

#### *Evidence received*

139. The Committee heard a range of viewpoints on the provisions in Schedule 1 paragraph 4. CFW recognised that there were risks associated with removing the 'veto', but said the benefits would outweigh the risks, and that if there were problems following a sale, site owners would be able to apply to the courts for the termination of agreements.<sup>196</sup>

140. The RPT told the Committee that the removal of the site owners' 'veto' would be "dangerous",<sup>197</sup> and that its preferred option would be for purchasers to be deemed approved unless site owners made applications to the RPT within a set time limit, and the applications

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<sup>194</sup> Written evidence RMHS26

<sup>195</sup> Written evidence RMHS10a

<sup>196</sup> RoP, paragraph 121, 22 November 2012

<sup>197</sup> RoP, paragraph 153, 28 November 2012

were upheld.<sup>198</sup> Rhondda Cynon Taff County Borough Council held a similar view, citing site owners' responsibility for the whole of their site.<sup>199</sup> The CLA was concerned about the RPT's proposal, saying that site owners would be reluctant to apply to the Tribunal to block a sale in case they lost and incurred costs or damages for a lost sale.<sup>200</sup> It told the Committee that site owners should have a role in approving new entrants to the site to maintain the site community.<sup>201</sup>

141. Site owners were concerned that the removal of the 'veto' in the absence of any additional protections for other mobile home owners, buyers or site owners would impact on the ability of site owners to undertake the practical arrangements for sales, such as meter readings or receiving payment of commission,<sup>202</sup> but could also have more significant consequences, for example, the eviction of buyers who had bought mobile homes without realising they were unable to comply with the site rules.<sup>203</sup> To avoid this, mobile home industry representatives said that they would like to see the Bill provide for protections for site owners and mobile home buyers, such as the provision in the English *Mobile Homes Bill* making it the legal responsibility of sellers to provide the written statement and site rules to purchasers.<sup>204</sup>

142. Mobile home owners welcomed the removal of the 'veto', but the NAPHR said that the Bill should oblige sellers to ensure that purchasers are fully aware of the terms of the agreement, site rules and pitch fees before sales are made. In addition it said that sellers should be responsible for paying commission to the site owner and informing them of sales.<sup>205</sup> One residents' association said that site owners' concerns could be addressed through provision of site licence documentation to buyers, and the involvement of solicitors in mobile home sales.<sup>206</sup>

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<sup>198</sup> Written evidence RMHS05a

<sup>199</sup> RoP, paragraph 103, 6 December 2012

<sup>200</sup> Written evidence RMHS11

<sup>201</sup> RoP, paragraph 90, 28 November 2012

<sup>202</sup> Ibid, paragraph 10

<sup>203</sup> Ibid, paragraph 92

<sup>204</sup> Ibid, paragraphs 99 and 101

<sup>205</sup> Written evidence RMHS10a

<sup>206</sup> Written evidence RMHS20

### *The English Mobile Homes Bill*<sup>207</sup>

143. The *Mobile Homes Bill* in England creates a two tier system. Where new agreements are entered into after the legislation comes into force site owners will have no role in approving the sale of homes, and it will be for new occupiers to notify site owners of sales and to pay commission. Where agreements are already in place, once mobile home owners have found buyers, they must notify site owners of the intended sales. Once notice is received by the site owner, they would have 21 days to notify the mobile home owner and apply to the Tribunal to prevent the sale.

144. In addition, the Bill provides that in respect of all sales, whether under new or existing agreements, the Secretary of State may make regulations to prescribe procedural requirements with which the home owner, site owner and prospective buyer must comply. For all sales, sellers are responsible for providing relevant information to buyers, including the agreement, the site rules, details of pitch fees, a forwarding address, and details of the commission payable.

#### *Evidence from the Minister*

145. The Minister told the Committee that sale blocking needed to be addressed, and that he was pleased to see that it had been covered in the Bill. However, he was concerned that the removal of all site owner involvement from the sale process could result in unintended consequences, and said that consideration should be given to the approach taken by the *Mobile Homes Bill*.<sup>208</sup>

#### *Evidence from the Member in Charge*

146. In a letter to the Chair, the Member in Charge said that one of his key priorities for the legislation was:

“The end to the veto on sales alongside provisions to protect the paying over of the commission and to ensure the purchaser receives information about the agreement and the site rules ahead of completion”.<sup>209</sup>

147. He said that the Bill as drafted made provision so that a sale was not finalised until the commission had been paid to the site owner. He

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<sup>207</sup> *Mobile Homes Bill 2012-13*

<sup>208</sup> RoP, paragraphs 209-212, 6 December 2012

<sup>209</sup> Letter from Peter Black AM, Member in Charge of the Bill, 17 January 2012

said that sellers would be responsible for ensuring that buyers were eligible under the site rules to live on the site, and that trading standards issues would arise if a property was missold.<sup>210</sup>

148. Peter Black AM told the Committee that he had considered a number of different mechanisms in respect of the sale of mobile homes, all of which had the potential for unintended consequences. He noted that the *Mobile Homes Bill* placed a duty on sellers of mobile homes to advise prospective buyers in writing to seek legal advice, and obliged buyers to confirm in writing to the seller and site owner that they had received and read the written statement and site rules, and said that he considered that this mechanism could give assurance and protections to site owners and mobile home buyers.<sup>211</sup>

#### *The Committee's view*

149. The Committee considered the conflicting views it had received on Schedule 1 paragraph 4. It agreed with the Member in Charge that the legislation needed to provide protections for mobile home owners who wished to sell their homes, but was concerned that the Bill as drafted risked unintended consequences for site owners, mobile home buyers, and the existing community of residents on mobile home sites.

150. The Committee agreed that the Member in Charge should consider the approach taken in the *Mobile Homes Bill* which, where an agreement is already in place, introduces a mechanism for site owners to appeal to the RPT if they have legitimate grounds for wishing to prevent a particular sale; removes the requirement for mobile home owners entering into new agreements after the enactment of the legislation to seek permission from the site owner before making a sale; and requires mobile home sellers to provide the site rules and written statement in writing to prospective buyers.

#### **Recommendation**

**To avoid unintended consequences stemming from the removal of site owners' right to approve sales of mobile homes, the Bill should include suitable protections for site owners, mobile home buyers, and the existing community of residents of mobile home sites.**

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<sup>210</sup> RoP, paragraph 93, 14 November 2012

<sup>211</sup> RoP, paragraphs 247-248 and 250, 9 January 2013

### **Resiting mobile homes (Schedule 1 paragraph 5)**

151. Schedule 1 paragraph 5 amends the 1983 Act to make provision in respect of resiting mobile homes.

152. The NAPHR said that all resitings should be referred to the RPT to avoid abuse of the system by site owners who might not return resited homes to their original pitches.<sup>212</sup> However, while the RPT agreed that resiting requests relating to essential repairs should be referred to it, it said that it would be disproportionate for its consent to be required for emergency resitings.<sup>213</sup> Rhondda Cynon Taff County Borough Council queried whether the RPT could be sufficiently responsive to deal effectively with emergency resiting requests.<sup>214</sup>

#### *The Committee's view*

153. The Committee was content with the provision as drafted, but noted that there would need to be a clear definition of emergency requests.

### **Costs of compliance with the Bill (Schedule 1 paragraph 6)**

154. Schedule 1 paragraph 6 provides that site owners may not take account of costs incurred in complying with the Bill when determining pitch fee increases.

155. The Member in Charge told the Committee that his intention was to avoid the:

“Danger that mobile home owners would be penalised by increased pitch fees to pay for the cost of the new regime, and we were fairly anxious that the licence fee in particular should not be passed on to them because a large proportion of them are elderly and are on fixed incomes”.<sup>215</sup>

156. The Minister welcomed the Member in Charge's intentions, but said that he doubted that it would be possible to anticipate and legislate against all potential schemes. He was concerned that expecting site operators to absorb all of the costs of the Bill could have consequences for the number of sites in Wales,<sup>216</sup> and said that in

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<sup>212</sup> Written evidence RMHS10a

<sup>213</sup> Written evidence RMHS05a

<sup>214</sup> RoP, paragraph 40, 6 December 2012

<sup>215</sup> RoP, paragraph 50, 14 November 2012

<sup>216</sup> Written evidence RMHS12

his view good day to day management of the licensing regime by local authorities would be the best protection.<sup>217</sup>

*The Committee's view*

157. The Committee was content with this provision as drafted.

**Consumer Prices Index (Schedule 1 paragraph 7)**

158. Schedule 1 paragraph 7 amends the 1983 Act to determine that pitch fees may be increased or decreased by no more than the Consumer Prices Index ("CPI") rather than the Retail Prices Index ("RPI").

159. Site owners were concerned about the financial implications for their businesses of the provisions in the Bill to link pitch fee increases to CPI,<sup>218</sup> but mobile home owners and CFW told the Committee that many mobile home owners were on fixed incomes from pensions or benefits, which are linked to the CPI, and it was therefore reasonable for pitch fee increases to be linked to the CPI.<sup>219</sup> The Member in Charge told the Committee that the Bill aimed to strike a balance, and that the change was reasonable, as the decrease in income would have less impact on site owners than an increase linked to RPI would have on individual mobile home owners, particularly those on fixed or CPI-linked incomes.<sup>220</sup>

*The Committee's view*

160. Between October 2010 and October 2012 the difference between the CPI and RPI ranged between 0.1 and 1.3 per cent. This means that, assuming a pitch fee of £150 per pitch, calculating pitch fee increases by CPI rather than RPI would have reduced annual site incomes by between £18 and £252 for a site with ten pitches, between £54 and £756 for sites with thirty pitches, and between £360 and £5,040 for sites with 200 pitches. The Committee was content that the impact on site owners as a result of Schedule 1 paragraph 7 was reasonable.

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<sup>217</sup> RoP, paragraph 141, 6 December 2012

<sup>218</sup> Written evidence RMHS27; RoP, paragraph 12, 28 November 2012

<sup>219</sup> Written evidence RMHS04, RMHS10a, RMHS22

<sup>220</sup> RoP, paragraph 102, 14 November 2012

### **Improvements to mobile homes (Schedule 1 paragraph 8)**

161. Schedule 1 paragraph 8 amends the 1983 Act in respect of the rights of mobile home owners to carry out internal and external improvements to their homes provided they do not breach any agreement or enactment. The Member in Charge told the Committee that his intention had been to make it easier for mobile home owners to make improvements to their homes provided that those changes did not change the nature of the home or make it less mobile.<sup>221</sup> The general consensus from witnesses was to welcome the provisions in the Bill, although Rhondda Cynon Taff County Borough Council and site owners said that some safeguards would be required to ensure that changes were not made which would “upset the integrity of the mobile homes”.<sup>222</sup>

#### *The Committee’s view*

162. The Committee was content with this provision as drafted.

### **Qualifying residents’ associations (Schedule 1 paragraph 9)**

163. Schedule 1 paragraph 9 amends the 1983 Act in respect of the constitutions of qualifying residents’ associations. Powys County Council said that it was not clear in the Bill whose responsibility it would be to monitor the constitutions of residents’ associations, but there could be an impact on local authorities’ resources.<sup>223</sup>

#### *The Committee’s view*

164. The Committee was content with this provision as drafted.

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<sup>221</sup> RoP, paragraph 119, 14 November 2012

<sup>222</sup> Written evidence RMHS17, RMHS27; RoP, paragraph 104, 6 December 2012

<sup>223</sup> Written evidence RMHS19

## 7. Part 4: Management of regulated sites

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### Management of sites (Sections 28 and 29)

165. Sections 28 and 29 give Welsh Ministers the power to issue codes of practice regarding management of sites and impose a duty on Welsh Ministers to make regulations on satisfactory management arrangements for sites.

#### *Evidence received*

166. The NAPHR welcomed the provisions in the Bill for a management code of conduct,<sup>224</sup> and Swansea City Council said that “the introduction of a new code of practice by Welsh Ministers would be welcomed along with management regulations”,<sup>225</sup> but the general consensus was that there was confusion in the Bill about the purpose and intention of the code of practice regarding management of sites under Section 28, and the management regulations under Section 29.<sup>226</sup> The Minister shared this concern.<sup>227</sup>

#### *Evidence from the Member in Charge*

167. The Member in Charge told the Committee that one of his key priorities for the Bill was:

“Management regulations that set out how the site should be managed and enables the licensing authority to issue management orders on the running of the site”.<sup>228</sup>

168. He said that on the basis of evidence provided by witnesses about potential confusion or duplication, he had reconsidered Sections 28 and 29, and revisited the intentions of each Section. The code of practice under Section 28 had been included in the Bill because it reflected the HMO licensing regime in the *Housing Act 2004*, but the Member in Charge said that, on further reflection, its inclusion in the Bill was inappropriate and he intended to bring forward an amendment at Stage 2 to remove Section 28.<sup>229</sup>

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<sup>224</sup> RoP, paragraphs 259 and 261, 28 November 2012

<sup>225</sup> Written evidence RMHS23

<sup>226</sup> RoP, paragraph 128, 22 November 2012, RoP, paragraphs 107 and 162, 28 November 2012, RoP, paragraph 18, 6 December 2012

<sup>227</sup> RoP, paragraphs 221-222, 6 December 2012

<sup>228</sup> Letter from Peter Black AM, Member in Charge of the Bill, 17 January 2013

<sup>229</sup> RoP, paragraph 256, 9 January 2013

### *The Committee's view*

169. The Committee agreed with the Member in Charge that the legislation should address the way in which mobile home sites should be managed, but was concerned about possible duplication between the code of practice under Section 28 and management regulations under Section 29. It welcomed the Member in Charge's commitment to bring forward an amendment to remove Section 28.

### **Recommendation**

**To avoid duplication between management regulations under Section 29, and a code of practice under Section 28, Section 28 should be removed.**

### **Qualifying residents' associations (Section 30)**

170. Section 30 amends the 1983 Act to the effect that at least 50 per cent of the occupiers of mobile homes on a site must be members of a residents' association for it to be qualified, rather than occupiers of at least 50 per cent of the mobile homes on the site.

171. The PHRAA welcomed the amendment, saying that:

“One vote per home is undemocratic. The other person living in the home has no say in what is happening on the site with regard to their home”.<sup>230</sup>

172. However, mobile home industry representatives expressed concern, saying that the 1983 Act established the criteria to avoid there being multiple qualifying residents' associations on one site.<sup>231</sup> CFW was content that there should be one vote per household in a residents' association, but recommended that the Bill should be amended to the effect that the vote could be exercised by any member of the household, rather than only by the person named first on the written agreement, which could have the result of disenfranchising women.<sup>232</sup>

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<sup>230</sup> Written evidence RMHS06

<sup>231</sup> RoP, paragraphs 96-97, 28 November 2012

<sup>232</sup> RoP, paragraph 124, 22 November 2012

### *The Committee's view*

173. The Committee noted the concerns raised by the PHRAA that one vote per household in respect of a residents' association was undemocratic, but agreed that residents' associations should continue to be qualified based on the proportion of mobile homes on a site, rather than the number of occupiers of those homes, as this would prevent multiple qualified associations on a site, and disproportionate voting rights for houses with multiple occupants. However, the Committee agreed that it should be a matter for individual households to determine which member of the household exercised the household's vote.

### **Recommendation**

**The qualification of residents' associations should be on the basis of the proportion of homes on a site, not the proportion of occupiers of those homes, but it should be a matter for each household to decide which member of the household exercises the household's vote.**

## 8. Financial implications

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### Site operators

#### *Explanatory Memorandum*

175. The Explanatory Memorandum states that there is likely to be a financial impact on site operators as a result of licence fees, fit and proper person tests, changes from RPI to CPI for pitch fee increases, and various administration costs, and estimates that these costs would be approximately £415,000 over the first five years of the Bill.

#### *Evidence received*

176. Mobile home industry representatives were concerned that the costs to site owners had been underestimated, and that, while the precise financial impact was difficult to estimate without knowing the details of the regulations and licence fees, the Bill would result in reduced income and increased costs.<sup>233</sup> Site owners told the Committee that additional financial burdens would arise from: licence fees; increased administrative and wage costs for site managers as a result of the fit and proper person test requirements; the cost of professional advice to inform and support the licence application process; potential penalties, fines and repayment orders; legal expenses and the costs of using the RPT; loss of income year on year as a result of the linking of pitch fee increases to CPI; and contraction of the mobile home industry in Wales as a result of the Bill.<sup>234</sup> Mobile home industry representatives estimated that the financial impact could be mitigated to an extent by the introduction of a single streamlined application process for a fit and proper person test which was transferable between sites across Wales.<sup>235</sup>

177. Mobile home owners recognised that site owners would be subject to additional costs under the Bill, but said that they considered such costs to be reasonable business costs.<sup>236</sup> CFW said that the existing licensing regime was outdated, that no other licensing regime did not have costs associated with it, and that good site owners would

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<sup>233</sup> RoP, paragraph 41, 28 November 2012

<sup>234</sup> Written evidence RMHS07, RMHS18, RMHS21, RMHS26, RMHS27; RoP, paragraphs 12 and 40-41, 28 November 2012

<sup>235</sup> Written evidence RMHS07

<sup>236</sup> Written evidence RMHS10

benefit from an effective and robust regime under the Bill.<sup>237</sup> Rhondda Cynon Taff County Borough Council told the Committee that:

“As long as park owners understand the basis of the fee and it is reasonable and there is an opportunity for them to scrutinise that if necessary, then I think they should be able to plan that and take it as a business cost”.<sup>238</sup>

### **Local authorities**<sup>239</sup>

#### *Explanatory Memorandum*

178. The Member in Charge estimates that the net costs for local authorities of administering the licensing regime, taking into account the site fee income over the first five years of the Bill, would equate to approximately £67,500.<sup>240</sup>

#### *Evidence received*

179. In oral evidence, Bridgend County Borough Council, which has two mobile home sites, and Rhondda Cynon Taff County Borough Council, which has three sites, told the Committee that the financial impact on local authorities would depend on the number of sites within their areas, but that in the longer term, once the new regime was up and running, it would be incorporated into mainstream work.<sup>241</sup> They welcomed the provisions enabling local authorities to recover licensing costs through fees, and enforcement costs through cost recovery, saying that it was “important that local authorities are able to recover their costs [...] it should be cost neutral”.<sup>242</sup> This view was echoed by Swansea City Council, which has four mobile home sites, and said that, while it was reasonable that all parties should incur some level of costs as a consequence of updating the outmoded licensing regime, site licence fees should be:

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<sup>237</sup> RoP, paragraph 48, 22 November 2012

<sup>238</sup> RoP, paragraph 49, 6 December 2012

<sup>239</sup> Data as to the number of mobile home sites in each local authority area is taken from Consumer Focus Wales, *Park life: residential mobile home living in Wales*, October 2012.

<sup>240</sup> £407,500 net of £340,000 illustrative income based on a £100 per pitch fee

<sup>241</sup> RoP, paragraph 42, 6 December 2012

<sup>242</sup> *Ibid*, paragraph 45

“Set at a level which contributes largely to the costs of the regime, although it is doubtful that a new licensing scheme would be self financing”.<sup>243</sup>

180. Powys County Council, which has the largest number of mobile home sites in Wales,<sup>244</sup> said that it was concerned that the proposed licence fee would not cover the additional enforcement activities required under the Bill, which could have “considerable” financial implications<sup>245</sup> and mean that additional resource would be required by its licensing team.<sup>246</sup> In its view the Bill might:

“Open the flood gates for complaints against site owners which in turn may overwhelm the capacity and capability to deal with them”.<sup>247</sup>

181. In contrast, Carmarthenshire County Council, which has 12 mobile home sites, said that provided that the licence fees charged were “proportionate to the time and resource invested by the local authority”, the financial impact on local authorities was likely to be positive.<sup>248</sup>

182. Representatives of the mobile home industry told the Committee that during the transitional stage there would be a resource impact on local authorities, but said that once the new regime was established resources could be targeted to sites which were causing particular concern.<sup>249</sup>

183. The Minister said that the Explanatory Memorandum was not sufficiently clear on the cost implications for local authorities, but that the ability to charge for licences and recover enforcement costs should mitigate against a significant financial impact on local authorities, and that collaborative working arrangements should also help to keep costs at a manageable level.<sup>250</sup>

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<sup>243</sup> Written evidence RMHS23

<sup>244</sup> Research undertaken by Consumer Focus Wales indicated that there were 14 mobile home sites within Powys County Council’s area, although in its consultation response, Powys County Council said there were “20 large park home sites”.

<sup>245</sup> Written evidence RMHS19a

<sup>246</sup> Written evidence RHMS19b

<sup>247</sup> Written evidence RMHS19a

<sup>248</sup> Written evidence RMHS25b

<sup>249</sup> RoP, paragraph 75, 28 November 2012

<sup>250</sup> Written evidence RMHS12

## **Residential Property Tribunal**

### *Explanatory Memorandum*

184. The costs resulting from the first five years of the Bill are estimated in the Explanatory Memorandum as approximately £40,000.

### *Evidence received*

185. The RPT told the Committee that the Bill could result in significant financial implications, but that as there had been no valid applications to it under the existing legislation it was not possible to accurately estimate the costs. It said that it was considering mediation options which would help to reduce the financial impact.<sup>251</sup> In oral evidence the RPT said that, while the financial impact would depend on “how strenuously the local authorities pursue the licensing regime”, increases in the number of sitting days required of its members would impact on its budget.<sup>252</sup>

## **Welsh Government**

### *Explanatory Memorandum*

186. The Explanatory Memorandum states that the cost of the Bill to the Welsh Government would depend on the level of regulations in the Bill and the volume of existing legislation which required amendment or replacement. It said that the Welsh Government had estimated that transitional costs would be at least £270,000.

### *Evidence received*

187. One site owner who responded to the consultation said that the Bill would require increased staff resource for local authorities, but that costs arising from the Bill should be funded from Welsh Government budgets, and not local authority budgets.<sup>253</sup> Conversely, a residents’ association, which estimated the costs of the Bill over the first ten years as approximately £400,000, considered that these costs should be funded from site licence fees, fines, and charges for visits and inspections to avoid the Bill being a burden on taxpayers.<sup>254</sup>

188. The Minister said that the likely costs to the Welsh Government were difficult to quantify, but could be in the region of £270,000 if all

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<sup>251</sup> Written evidence RMHS05

<sup>252</sup> RoP, paragraph 136, 28 November 2012

<sup>253</sup> Written evidence RMHS26

<sup>254</sup> Written evidence RMHS09

of the subordinate legislation provided for in the Bill as drafted was required to be made. He said that this cost would be likely to be lower if more detail was included on the face of the Bill.<sup>255</sup>

189. The Minister told the Committee that a small dedicated team would be needed, and that it would not be possible for the work to be done by existing Welsh Government staff. The funds for the work would need to be found from within the Housing, Regeneration and Heritage Main Expenditure Group, but the Minister said that he:

“[Did] not regard the figures as too scary. This potentially is a good piece of legislation that is worth doing, and the Welsh Government would not like to hold up the potential costs as any kind of red flag in any way”.<sup>256</sup>

#### *Evidence from the Member in Charge*

190. The Member in Charge told the Committee that the financial information he had included in the Explanatory Memorandum had been based on best estimates from the data that had been available. He said that while drafting the Bill he had consulted local government, the Welsh Government and the Scottish Parliament, but had only received figures relating to the HMO licensing regime.<sup>257</sup>

191. He said that the main cost to site owners would be the licence fee, which he considered to be reasonable and fair. While the actual licence fee was a matter under the Bill for local authorities to determine, in Peter Black AM’s view a fee per pitch system would introduce proportionality.<sup>258</sup> He had based his financial models on a fee of £100 per pitch, which was based on comparisons with HMO licensing across Wales.<sup>259</sup>

192. The Member in Charge considered that while site operators would incur additional costs from licence fees and the cost of bringing sites up to the standards required by the new regime, such costs would not be onerous, and should be accommodated within “any well-run business”.<sup>260</sup> In addition, he said that the Bill would also benefit site operators, as it would result in a better regulated industry with an

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<sup>255</sup> RoP, paragraph 136, 6 December 2012

<sup>256</sup> Ibid, paragraph 134

<sup>257</sup> RoP, paragraph 28, 14 November 2012

<sup>258</sup> Ibid, paragraph 131

<sup>259</sup> Ibid, paragraph 52

<sup>260</sup> RoP, paragraph 186, 9 January 2013

improved reputation, and an increase in the number of people wanting to live on mobile home sites.<sup>261</sup>

193. In respect of local authorities, the Member in Charge told the Committee that his main concern had been to ensure that they had adequate resources to undertake their role in policing the licensing system properly. In his view the Bill provided those resources through the introduction of the licence fee.<sup>262</sup> He anticipated that local authorities would benefit from the Bill as it would give them a clearer understanding of their roles.<sup>263</sup>

#### *The Committee's view*

194. The Committee was content with the information it received in respect of the financial implications of the Bill. It recognised that there would be a financial impact for site owners, local authorities and the Welsh Government, but considered that the financial implications were reasonable given that the current regulatory framework required updating.

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<sup>261</sup> RoP, paragraph 41, 14 November 2012

<sup>262</sup> Ibid, paragraph 39

<sup>263</sup> Ibid, paragraph 41

## **9. Constitutional and Legislative Affairs Committee**

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195. The Constitutional and Legislative Affairs Committee took evidence from the Member in Charge of the Bill and from the Minister for Housing, Regeneration and Heritage on 14 January 2013.

196. The Committee is expected to publish its report on 21 February 2013.

## 10. Witnesses

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The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=4729>

### *14 November 2012*

Peter Black AM            Member in Charge

### *22 November 2012*

Lowri Jackson            Policy Manager, Consumer Focus Wales

Liz Withers                Head of Policy, Consumer Focus Wales

### *28 November 2012*

Tony Beard                Tozers Solicitors, Legal Adviser to the  
British Holiday and Homes Park  
Association

Ros Pritchard OBE        Director General, British Holiday and  
Homes Park Association

Charles de Winton        Membership Adviser, Country Land and  
Business Association

Alicia Dunne              Deputy Director General, National Caravan  
Council

Andrew Morris            Residential Property Tribunal

Wendy Threlfall          Chair, National Association of Park Home  
Residents

Geoff Threlfall            Committee member, National Association  
of Park Home Residents

Rachel Jebbett            Mobile home site resident

Tim Jebbett                Park Home Residents Action  
Alliance/National Park Home Congress

*6 December 2012*

Mike Burtonwood	Bridgend County Borough Council
Louise Davies	Rhondda Cynon Taff County Borough Council
Huw Lewis AM	Minister for Housing, Regeneration and Heritage, Welsh Government
Clive Betts MP	Chair, House of Commons Communities and Local Government Select Committee

*9 January 2013*

Peter Black AM	Member in Charge
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## 11. List of written evidence

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The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at <http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=4828>

<i>Organisation/individual</i>	<i>Reference</i>
Anonymous	RHMS01
Anonymous	RHMS02
Anonymous	RHMS03
Consumer Focus Wales	RHMS04
Residential Property Tribunal	RHMS05a and 05b
Park Home Residents Action Alliance	RHMS06
British Holiday and Home Parks Association and National Caravan Council	RHMS07
Anonymous	RHMS08
Residents of Woodland Park	RHMS09
Brian Doick, National Association of Park Home Residents	RHMS10a and 10b
Country Land and Business Association	RHMS11
Huw Lewis AM Minister for Housing, Regeneration and Heritage	RHMS12
Clive Betts MP, Chair of the House of Commons Communities and Local Government Select Committee	RHMS13a and 13b
Jim Winchester National Association of Park Home Residents	RHMS14
Peter Black AM, Member in charge	RHMS15
Rachel Jebbett	RHMS16a and 16b
Anonymous	RHMS17
The Berkeley Leisure Group Limited	RHMS18
Powys County Council	RHMS19a and 19b
Rockbridge Park Residents Association	RHMS20

<i>Organisation/individual</i>	<i>Reference</i>
Barr's Residential & Leisure Ltd	RHMS21
Anonymous	RHMS22
City & County of Swansea	RHMS23
British Holiday and Home Parks Association, Supplementary Evidence	RHMS24
Carmarthenshire County Council	RHMS25a and 25b
Scotchwell Residential Park	RHMS26
Maguire Holdings Ltd	RHMS27
Federation Of Small Businesses	RHMS28
Tim Jebbett	RHMS29
British Bankers' Association	RMHS30
Cardiff Council	RMHS31