

Communities, Equality and Local Government Committee

Regulated Mobile Home Sites (Wales) Bill – Stage 1 consideration

To: Communities, Equality and Local Government Committee

From: Legislation Office

Date: 8 November 2012

Purpose

1. To invite members to note its agreed approach to and framework for Stage 1 scrutiny of the Regulated Mobile Home Sites (Wales) Bill ('the Bill').

Background

2. On 23 October 2012, the Business Committee referred the Bill to the Communities, Equality and Local Government Committee ('the Committee'), with a reporting deadline of 22 February 2013. The illustrative timetable as agreed by Business Committee is at [Annex A](#).

3. On 24 October 2012 Peter Black AM introduced the Bill and Explanatory Memorandum.

4. The Committee considered and agreed its approach to Stage 1 scrutiny out of committee.

Role of the Committee

5. The role of the Committee at Stage 1 is to "*consider and report on the general principles of the Bill*" (SO 26.10). There are no specific requirements in Standing Orders governing the way in which the Committee carries out this scrutiny.

6. Once the Committee has reported, there will be a Stage 1 debate in Plenary for the Assembly to agree the general principles of the Bill. If the general principles are agreed, Stage 2 of the process will involve the detailed consideration of the Bill by the Committee, including the disposal of amendments (Stage 2 is currently scheduled to take place during April and May 2013).

Terms of reference

7. In scrutinising the general principles of the Bill at Stage 1, the Committee has agreed to work within the following terms of reference:

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

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

Committee's approach to Stage 1 scrutiny

8. In line with the deadline set by the Business Committee, the Committee will need to complete its scrutiny of the Bill and lay its report no later than 22 February 2013.
9. The reporting deadline allows eleven sitting weeks in which to undertake this work.
10. The Committee has agreed the following approach:
 - **General call for evidence**
Issue a general call for evidence, which would be notified to the Welsh media and published on the Assembly's website. The consultation letter and list of consultation questions are attached at [Annex B](#). The reporting deadline allows for a five week consultation period, from 5 November to 7 December.

- **Invite written submissions**
Invite written submissions from selected organisations and individuals. The list of consultees is attached at [Annex C](#).
- **Oral evidence**
Invite key stakeholders to give oral evidence at future meetings (alongside the consultation exercise). A list of witnesses and outline work programme is attached at [Annex D](#).

Other committees

11. For information, Standing Orders permit both the Finance Committee and the Constitutional and Legislative Affairs Committees to report on the relevant aspects of Bill. The Bill has been drawn to the attention of both committees, and the clerk will ensure that the Committee are kept updated should either committee choose to scrutinise the Bill.

Key themes

12. The Bill as drafted includes a number of key themes, identified as follows:

- General principles;
- Licensing administration;
- Licensing enforcement;
- Management of sites;
- Contractual relationship between site operators and home owners.

13. The Committee has agreed to continue its previous practice of allocating themes to individual Committee members, with a view to enabling specialism in relation to the scrutiny of the Bill.

Action

14. Committee members are invited to note the agreed approach to and framework for Stage 1 scrutiny of the Regulated Mobile Home Sites (Wales) Bill.

**Illustrative timetable
Regulated Mobile Home Sites (Wales) Bill**

Milestone	Dates
1. Bill introduced / laid	25 October 2012 (Thurs)
2. Deadline for Stage 1 Committee consideration	22 February 2013
3. <i>Stage 1 Ends - Plenary debate on general principles</i>	6 March 2013
4. <i>Stage 2 Begins</i>	7 March 2013
5. <i>Earliest possible date for stage 2 consideration</i>	17 April 2013
6. <i>Stage 2 Ends - Deadline for stage 2 Committee</i>	10 May 2013
7. <i>Stage 3 Begins</i>	13 May 2013
8. <i>Stage 3 and Stage 4 in Plenary</i>	12 June 2013
9. <i>Royal Assent</i>	July 2012

Notes

2 Allows 11 sitting weeks for Stage 1 Committee proceedings.
October recess 29 October 2012 – 4 November 2012
Christmas recess 10 December 2012 – 7 January 2013

4 Stage 2 begins on the first working day after Stage 1 is completed.
Easter Recess 25 March 2013 – 12 April 2013

5 At least 15 working days must elapse between the start of Stage 2 and the first Committee meeting.

6 3 possible meetings have been allowed for Stage 2 proceedings.

7 Stage 3 begins on the first working day after Stage 2 is completed.

8 At least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Assembly that considers Stage 3 proceedings.

9 This date is dependent on the 4 week reference and intervention period, and subsequently the availability of Her Majesty for Royal Assent.

Annex B

**Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol
Communities, Equality and Local Government
Committee**

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Dd mm yyyy

Dear Sir/Madam

Consultation on the Regulated Mobile Home Sites (Wales) Bill

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

What is a Bill?

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

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

What does this Bill seek to achieve?

The Explanatory Memorandum that accompanies the Bill states:

“The Bill has a number of objectives. Firstly, to introduce a new licensing regime for mobile home sites and to give local authorities sufficient powers to enforce that regime. This will include ensuring that site owners and managers pass a fit and proper person test [...].

The Bill will also give the Welsh Ministers powers to approve a code of practice with regard to the management of sites as well as powers to make management regulations. Additionally, the Bill seeks to modernise a number of aspects of the contractual relationship between mobile home owners and site operators, including changes to the process by which homes are bought and sold.”

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

What is the Committee’s role?

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

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

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

park owners and operators, local authorities as site licensing authorities and the Residential Property Tribunal.

Invitation to contribute to the inquiry

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

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

How to contribute

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

Email

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

Online

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

Letter

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

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

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

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

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

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

Disclosure of information

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

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

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

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

Yours faithfully

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

Ann Jones AC / AM
Cadeirydd / Chair

Consultation Questions

General

1. Is there a need for a Bill to amend the arrangements for licensing and make provision for the management and operation of regulated mobile home sites in Wales? Please explain your answer.
2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.
3. In your view, will the licensing and enforcement regime established by the Bill be suitable? If not, how does the Bill need to change?
4. Are the Bill's proposals in relation to a fit and proper person test for site owners and operators appropriate, and what will the implications be?
5. Are the amendments to the contractual relationship between mobile home owners and site owners which would result from the Bill appropriate? If not, how does the Bill need to change?
6. In your view, how will the Bill change the requirements on site owners/operators, and what impact will such changes have, if any?
7. Do you agree that the Residential Property Tribunal should have jurisdiction to deal with all disputes relating to this Bill, aside from criminal prosecutions? Please give your reasons.
8. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

Powers to make subordinate legislation

9. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?

In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill.

Financial implications

10. In your view, what are the financial implications of the Bill? Please consider the scale and distribution of the financial implications.

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which includes an estimate of the costs and benefits of implementation of the Bill.

Other comments

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

List of consultees

Category	Organisation/name
	Residential Property Tribunal Wales
	Huw Lewis AM (Minister for Housing)
Local authorities	All Welsh local authorities
	Welsh Local Government Association (WLGA)
Police	Association of Chief Police Officers
UK Parliament	House of Commons Communities and Local Government Select Committee
	Mark Prisk MP (Minister for Housing)
	Peter Aldous MP (Private Member's Bill)
	All Party Group on Mobile Homes
Scotland	Cross Party Group on Park Homes
	Scottish Government
Mobile home owners	National Association of Park Home Residents
	Park Home Owners Justice Campaign
	Park Home Residents Action Alliance (PHRAA)
Mobile home site owners	Site owners
	British Holiday & Homes Park Association
	Guild of Residential Landlords
	Wyldecrest Parks
	Country Land and Business Association

Category	Organisation/name
	National Caravan Council
Advisory bodies	Independent Park Homes Advisory Service
	National Supporting People Network (SPIN)
	Tenant Participation Advisory Service (TPAS) Cymru
	Citizens Advice Bureau
	Consumer Focus Wales
Business organisations	CBI Wales
	FSB Wales
	Guild of Park Home Services
Academics	Cardiff University, Regeneration Institute
	University of York, Centre for Housing Policy
	Sheffield University, Department of Town and Regional Planning
	Wales Rural Observatory
	Cardiff Met University, Cardiff School of Health Sciences (Housing)
	Wales Governance Centre
Housing organisations	Caer Las Cymru
	Care and Repair Cymru
	Chartered Institute of Housing Cymru
	Community Housing Cymru
	Cymorth Cymru
	Cymuned

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

Outline work programme

Date	Suggested activity
w/c 5 November	Consultation opens
14 November	Peter Black AM Consumer Focus Wales
22 November	Residential Property Tribunal Local authorities
28 November	Representatives of mobile home site owners/operators Representatives of mobile home owners
6 December	Huw Lewis AM, Minister for Housing
7 December	Consultation closes
Christmas recess (10 December to 4 January)	
9 January	Peter Black AM Key issues discussion
17 January	Possible further key issues discussion if required
6 February	Consider draft report
Half term recess (11 to 15 February)	
22 February	Deadline for reporting on Stage 1
6 March	Stage 1 Debate