



HCS30

National Assembly for Wales
Communities, Equality and Local Government Committee
Holiday Caravan Sites (Wales) Bill
Response from: Welsh Language Commissioner

Committee Clerk
Communities, Equality and Local Government Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

20/05/2014

Dear Sir/Madam,

Holiday Caravan Sites (Wales) Bill

The Welsh Language Commissioner welcomes the opportunity to comment on this consultation. The principal aim of the Commissioner is to promote and facilitate the use of the Welsh language. This entails raising awareness of the official status of Welsh in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles underpin the Commissioner's work:

- In Wales, the Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to inspect statutory Welsh language schemes through the powers inherited under the Welsh Language Act 1993.

The role of the Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme, interference with the freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to meet standards.

One of the Commissioner's priorities is to scrutinise policy developments with regard to the Welsh language. The Commissioner's main role is to provide comments in accordance with this remit, acting as an independent advocate on behalf of Welsh speakers in Wales.

Comisiynydd y Gymraeg
Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd CF10 1AT

Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
Cardiff CF10 1AT

0845 6033 221
post@comisiynyddygybraeg.org
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

0845 6033 221
post@welshlanguagecommissioner.org
Correspondence welcomed in Welsh and English



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

This approach is adopted to avoid any potential compromise of the Commissioner's regulatory functions and should the Commissioner wish to formally review the performance of individual bodies or the Welsh Government in accordance with the provisions of the Measure.

One of the aims of the aforementioned Bill is to end the permanent residential use of holiday caravans. The Commissioner is aware of concerns regarding this practice. The Commissioner received correspondence in April 2013 regarding an application to extend the opening period of a holiday caravan site in Gwynedd. The application was a cause for concern due to the possible impact on the Welsh language locally if the site was permitted to stay open throughout the year. The same concern was expressed in May 2014 about four new applications to permit caravan sites in Gwynedd to stay open throughout the year.

The Bill seeks to require caravan owners and long-term occupiers to demonstrate that their main residence is elsewhere, and give local authorities powers to deal with caravan occupiers who fail this test. The Commissioner would like further information regarding the definition of 'main residence'.

The Bill states that occupiers must comply with a residence test by providing evidence that they are not using a holiday caravan as a main residence. A duty is placed on the owner of each holiday caravan site to notify the local authority if he/she believes that an occupier has failed the residence test. If the authority believes that an occupier has failed the test, it must give a residence test failure notice to the occupier and may give a fixed penalty notice as well.

Concerns were raised in Gwynedd, not only regarding opening a caravan site for the entire year, but regarding the local authority's ability to review the situation effectively. In light of the proposed Bill, will it be possible to ensure that individuals are not living in a caravan for most of the year and using another property address for the purpose of the residence test?

This comment is submitted as evidence in order to assist the Welsh Government as it endeavours to amend the law in an area of interest to Welsh-speaking communities.

Thank you for the opportunity to comment on your consultation. I would welcome the opportunity to discuss the matter with you further.

Yours sincerely,

Meri Huws
Welsh Language Commissioner