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23 Gorffennaf 2013

Annwyl Gyfaill

Bil Meysydd Carafannau Gwyliau (Cymru)

Yn dilyn balot a gynhaliwyd gan y Llywydd, mae Cynulliad Cenedlaethol Cymru wedi cytuno y gallaf gyflwyno cynigion ar gyfer cyfraith newydd yng Nghymru, sef y Bil Meysydd Carafannau Gwyliau (Cymru).

Rwyf yn awr yn ymgynghori mor eang â phosibl ynghylch yr hyn a ddylai fod yn y Bil hwn, a byddwn yn ddiolchgar iawn pe gallech roi o'ch amser i gyfrannu at yr ymgynghoriad hwn.

Bydd y Bil yn mynd i'r afael â phryderon ynghylch rheoli a rheoleiddio meysydd carafannau gwyliau yng Nghymru, gan gynnwys:

- byw mewn carafannau yn anghyfreithlon;
- y pwerau sydd ar gael i awdurdodau lleol fynd i'r afael â phobl sy'n byw mewn carafannau yn anghyfreithlon;
- yr adnoddau sydd ar gael i orfodi amodau gweithredu ar drwyddedau meysydd carafannau gwyliau;
- priodoldeb gweithredwyr/perchnogion meysydd carafannau gwyliau;
- camdriniaeth rhai perchnogion meysydd carafannau gwyliau o berchnogion carafannau gwyliau ar eu safleoedd; a'r
- cost o ddarparu gwasanaethau cyhoeddus i'r rhai sy'n defnyddio carafannau gwyliau fel eu prif gartref.

Rhaid cyflwyno'r Bil cyn mis Mawrth 2014, pan fydd y Cynulliad Cenedlaethol yn gwneud gwaith craffu manwl arno, cyn y bydd penderfyniad terfynol yn cael ei wneud ynghylch a ddylai'r Bil ddod yn gyfraith.

Cyn y byddaf yn cyflwyno'r Bil, rwyf am i bawb y gallai'r Bil effeithio arnynt, ac sydd ganddynt farn am y mater neu arbenigedd yn ei gylch, gyfrannu tuag ato, er mwyn iddynt gael y cyfle i ddylanwadu ar ei gynnwys. Unwaith y byddaf wedi ystyried eich ymatebion, rwy'n bwriadu rhoi cyfle arall i gyflwyno sylwadau drwy ymgynghori ar y Bil drafft.

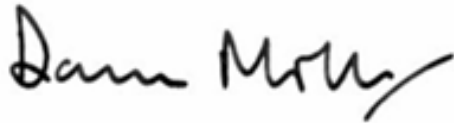


Mae'r ddogfen sydd wedi ei hatodi yn rhoi rhagor o wybodaeth gefndirol am fy nghynigion ac yn codi nifer o gwestiynau ynghylch sut y dylai'r Bil ymdrin â'r materion rwy'n credu y dylid mynd i'r afael â nhw.

Felly, byddwn yn ddiolchgar iawn pe gallech roi o'ch amser i gyfrannu at yr ymgynghoriad hwn a rhoi gwybod i mi beth yw eich barn chi neu eich sefydliad am y Bil a'r hyn y mae'n ceisio ei gyflawni. Rwy'n edrych ymlaen at gael unrhyw sylwadau yr hoffech eu gwneud erbyn dydd Gwener 13 Medi 2013.

Diolch am eich amser.

Yn gywir sincerely



Darren Millar

Aelod Cynulliad Gorllewin Clwyd



National Assembly for Wales

Holiday Caravan Park (Wales) Bill

Introduction

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

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

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

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

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

Proposals for reform

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

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

As you may be aware, Peter Black AM is already developing his own legislation to modernise the residential park home industry in Wales. Park home sites are currently governed by much of the same legislation as holiday sites. There may be an opportunity to replicate some of the reforms Mr Black has proposed and apply these to the holiday sector. I want to give local authorities effective enforcement powers and more resources



to enable them to enforce site licence conditions and ensure that high standards are maintained on sites.

Modernising the law

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

- In most circumstances, local authorities are required to grant a licence (they have no discretion) if the planning permission is in place;
- Operating a site without a licence only carries a £2,500 fine;
- Licences are not subject to regular renewal or review;
- There is no requirement that site licence conditions must restrict occupancy to holiday use only;
- There is no requirement for site licence conditions to specify what type of caravan can be sited on a holiday park;
- There aren't any duties on local authorities to take enforcement action or carry out regular inspections;
- The enforcement powers for local authorities are significantly different from those proposed for mobile park home sites in Wales, even though both park homes sites and holiday caravan sites face similar issues;
- Unlike other licensing functions carried out by local authorities, they can't charge a fee for caravan site licences.

Questions

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



Living in holiday caravans

I know from constituency casework, research by local authorities in north Wales and others, that some people occupy holiday caravans permanently, or for most of the year, as their main home. While we don't know the full scale of the problem in Wales, we know from other research elsewhere in the United Kingdom that it is likely that there is a significant hidden population living on Welsh caravan sites.

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

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

Questions

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

Unintended consequences

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

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

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



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

Question

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

Protection for caravan owners

The majority of caravan site owners are responsible and go about their business in a professional manner but there is currently no 'fit and proper person' test for caravan site owners or managers. Many will be members of trade associations, use standard industry approved licence agreements for their pitches and abide by voluntary codes of practice. These licence agreements set out the terms and conditions of occupation as well as other matters like what happens if the caravan is sold and whether the site owner is entitled to any commission on that sale. They also specify that the holiday caravan cannot be used as their main or permanent residence.

However, not all holiday park owners provide a written licence agreement for their pitches, and I am considering making this a legal requirement so that site owners and caravan owners are clear about their legal rights and obligations from the outset. I welcome views on this proposal.

Questions

- 08.** Should site owners or managers be subject to a fit and proper person test and, if so, what matters should this test take into account?
- 09.** Do owners of holiday caravans have sufficient legal protection and are they able to exercise their existing legal rights? If not, what needs to be changed?
- 10.** Should there be a legal requirement for site owners to provide caravan owners with a written licence agreement, and should this be in a standard format?
- 11.**



Costs

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

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

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

Question

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

13.

Other issues

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

Question

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



Consultation questions

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

Responses

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

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