

National Assembly for Wales

Consultation on the Proposed Mobile Homes (Wales) Bill

May 2012

Peter Black AM



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

www.assemblywales.org

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Mobile Homes (Wales) Bill

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Foreword

In November 2011 I won a legislation ballot in the National Assembly for Wales and chose to bring forward a Bill relating to park homes. This consultation seeks the views of all interested parties to help inform the content of my draft Bill.

‘Park home’ is the common name for a residential mobile home, sometimes called a static caravan, that is a permanent residence and situated on a site licensed by the local authority for that purpose. ‘Park home’ is not a legal term, so I will instead refer to ‘mobile homes’ throughout this consultation document.¹

Research commissioned by Consumer Focus Wales has identified that there are 92 residential mobile home sites across Wales, providing pitches for over 3,400 homes. The highest concentration of sites can be found in mid-Wales and in coastal areas. Some sites are of mixed use, with both residential and holiday homes. Many modern mobile homes look more like bungalows and are unlikely to ever be moved. However, they should be capable of being moved.

Through constituency casework, consultations with stakeholders and the research of Consumer Focus Wales, it has come to my attention that a minority of site operators have made it difficult for mobile home residents to exercise their legal rights. In particular, two issues have been brought to my attention. Firstly, the role of the site operator in having to consent to the sale of a mobile home has been exploited by a minority of site operators. Secondly, the licensing regime within which sites are regulated by local authorities is seen as not fit-for-purpose. My Bill will primarily seek to address these two issues.

This consultation seeks the views of stakeholders and other interested parties on the detail of the Bill. The consultation does not seek views on Gypsy Traveller sites, nor on holiday caravan sites as the Bill will not change the law in these areas.

The Department for Communities and Local Government (DCLG) published a consultation document on reform of the law relating to mobile homes in England on 16 April 2012. This consultation covers many of the same issues, and incorporates some of the same consultation points. I would welcome any comments on the DCLG consultation that may be relevant to this Bill. I am also aware that the House of Commons Communities and Local Government Select

¹ ‘Mobile home’ has the same meaning as ‘caravan’ as defined in Part I of the Caravan Sites and Control of Development Act 1960.

Committee has been conducting its own inquiry into mobile homes, and would welcome any comments on issues raised during that inquiry.

In developing these proposals I have worked closely with Consumer Focus Wales who are currently undertaking a major research project on mobile homes throughout the whole of Great Britain. The detailed findings of their research are due to be published later in 2012.

I look forward to hearing your views

Peter Black AM

May 2012

How the consultation process works

I am launching this consultation after being selected in a ballot, and having been given leave to proceed by the National Assembly for Wales, under standing orders 26.85 - 26.94. Copies of my proposal and the Assembly's Standing Orders can be found on the Assembly's [website](#).

At this stage there is no draft Bill, only my proposal for the legislation. Following this consultation, which will last for 8 weeks, responses will be analysed and a Bill will be drafted. This consultation will close on **20 July 2012**.

The role of this consultation in the development of my Bill is to provide a range of views on the subject matter of the Bill. This may include highlighting areas of concern, commenting on my intentions, raising financial implications and, in general, to assist in ensuring that the resulting legislation is fit for purpose.

I intend to introduce this Bill in the Assembly by 30 October 2012.

Details on how to respond to this consultation are provided at the end of the document.

Additional copies of this paper can be requested by contacting:

Adam Vaughan - 029 2089 8065

legislationoffice@wales.gov.uk

The electronic version of the consultation can be found at this link:

Proposed Mobile Homes (Wales) Bill

The Residential Property Tribunal

I **propose** that this Bill will allow the Residential Property Tribunal (RPT) for Wales to adjudicate on a range of disputes relating to this Bill. Only criminal prosecutions would be dealt with by the courts.

Consultation question:

1. 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.

Buying and selling mobile homes

The Mobile Homes Act 1983 gives mobile home owners the right to transfer their home to a family member or to sell it, and to assign their written agreement (i.e. the agreement that allows their home to be situated on a particular pitch) to the new owner. However, the site operator must approve the proposed new owner. The law states that this consent must not be unreasonably withheld. When the mobile home is sold, the site operator is entitled to commission of up to 10 per cent of the sale price.²

There have been allegations, highlighted by the work of Consumer Focus Wales in this area, that some site operators unjustifiably obstruct sales of mobile homes by various means, such as delaying providing consent to the sale and even engaging in behaviour that could be considered intimidation and harassment. The presumed aim of this behaviour is to put off prospective purchasers. I have also been made aware of these allegations in meetings I have had with mobile home residents. There is some evidence that a minority of site operators have used such tactics so they can buy mobile homes from residents at greatly reduced prices, and then subsequently re-sell them at full market value.

I have identified a number of options for reform in this area:

- Remove the right to veto a prospective purchaser;
- The purchaser would be deemed to be approved unless, on application of the site operator, the Residential Property Tribunal declares him unsuitable;
- The approval requirement remains in place, but the home owner could refer their case to the Residential Property Tribunal in the event of a refusal or where there is evidence of abuse.

My preferred option for reform is that the right of site operators to veto a prospective purchaser is removed entirely. It would instead be replaced by clauses incorporated into the written agreement between the site operator and the home owner which outline conditions of ownership. A condition of ownership would be adherence to the site rules, and these would specify any restrictions on who may occupy the home. There would also be a requirement for a meeting between all parties (i.e. the seller, the prospective purchaser and the site operator) prior to the purchase being agreed. This meeting would be limited to discussions about the site rules and the written agreement. Any disputes relating to the conditions of ownership would be dealt with by the Residential Property Tribunal.

² Mobile Homes Act 1983 (Amendment of Schedule 1) (Wales) Order 2007

Consultation questions:

2. Do you have any experience of a sale being prevented, or if you are a site operator have you ever objected to a sale and why?
3. Should the law be reformed to prevent sale blocking or is it necessary for site operators to have this power? If the law should be changed, which of the suggested alternatives outlined above do you prefer? Please give your reasons.
4. Do you agree that there should be a meeting involving all parties prior to the sale/purchase? Please give your reasons.

Licensing

This Bill will introduce a new licensing system for mobile home sites in Wales and I am proposing that it is based upon the licensing regime for Houses in Multiple Occupation introduced by the Housing Act 2004.

Local authorities currently issue licences for mobile home sites using powers contained in the Caravan Sites and Control of Development Act 1960. Under the current arrangements once a site is licensed it is very difficult for the local authority to revoke that licence. Moreover, local authorities can generally not make site licences time limited, so sites never need to be re-licensed. Although breaching a licence condition is a criminal offence, prosecutions are rare and the maximum fine limited to £2,500.

My Bill will introduce a modern licensing regime that is both fit for purpose and consistently applied across the whole of Wales.

I am **proposing** that local authorities will continue to be responsible for issuing licences and carrying out inspections on sites. This mirrors the current licensing system. However, this Bill will provide authorities with greatly enhanced regulatory powers to ensure that the new licensing regime is effective, proportionate and transparent.

Licences will be issued for a fixed period, and will contain conditions on ownership and management of the site.

Local authorities will have the power to refuse to issue a site licence in the first place, as well as being able to revoke a site licence and appoint an alternative manager of the site where there are serious breaches of licence conditions. There will also be a duty on local authorities to carry out periodic inspections to ensure licence conditions are being complied with, and they will have powers to serve a legal notice on the site operator requiring specific works to be carried out within a specified timeframe. This, combined with increased financial penalties for breaches of site licences or operating a site without a licence at all, will form a central part of a modern regulatory framework that will raise standards across the sector. I believe that this will benefit not only home owners, but also law abiding site operators.

At present, Welsh Ministers issue Model Standards for mobile home sites in Wales. These standards are for local authorities to use when determining site licence conditions. The standards outline what should normally be expected as good practice on sites. They make provision for the layout, provision of facilities, and equipment for sites. This Bill will make it a condition of each site licence that all applicable Model Standards are adhered to.

I anticipate that local authorities may decide to work together to share resources, expertise and some of the administrative work associated with this new licensing regime.

Consultation questions:

5. What are your views on the current licensing system for mobile home sites?
What could be improved?
6. How often should local authorities inspect sites, and how should these inspections be financed?
7. Should the Welsh Government issue guidance on the frequency and nature of such inspections?
8. What are your views on what should be included in licence conditions?
Should there be guidance on this issued by the Welsh Government?
9. How long should each licence normally last, and should local authorities be able to grant licences for shorter periods if necessary?

Fees for licensing

At present, local authorities are not able to charge fees for licensing mobile home sites. This contrasts with the other licensing functions that are the responsibility of local government. Most notably and relevant to this Bill, local authorities can charge to license Houses in Multiple Occupation (HMOs). These fees contribute to some extent towards the significant costs that are incurred by local authorities exercising their HMO licensing duties. This Bill will allow local authorities to charge site operators for licensing mobile home sites. I would like your views on how the fee should be determined. It will be for the Welsh Government to determine through future Regulations exactly how any fee structure will operate.

Consultation question:

10. How should the fees for mobile home site licensing be determined? Should the fee be calculated by reference to the number of pitches, the total area of the site, the cost of inspections to the local authority or a combination of all or any of these factors?
11. Should there be a regular annual charge to cover on-going administrative costs borne by local authorities during the licence period?

Fit and proper person

Under current legislation local authorities must grant a site licence to almost anybody, providing there is appropriate planning permission in place and the applicant has not had a site licence revoked within the previous 3 years.³ This includes persons who have serious criminal convictions that could impact directly upon their ability to operate a mobile home site.

This Bill proposes to introduce a fit and proper person test for site operators, who will also be the licence holders. There is already a fit and proper person test in the Housing Act 2004 that is used for Houses in Multiple Occupation (HMO) licence holders and this could be used as a model for mobile home licensing. However, I am aware that there have been some concerns the fit and proper person test applied to HMO licence holders is not effective and can be evaded. The fit and proper person test for HMOs⁴ requires local authorities to have regard to whether the proposed licence holder has:

- committed any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c 42) (offences attracting notification requirements);
- practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business;
- contravened any provision of the law relating to housing or of landlord and tenant law; or
- acted otherwise than in accordance with any applicable code of practice.

The local authority should also consider whether any associates of the applicant have done any of the things identified above, if it appears to be relevant.

I would like your views on what criteria should be used to assess applicants for a licence to operate a mobile home site, and what should be taken into consideration when determining whether a person fails to satisfy the fit and proper person test. This could include any or all of the suggestions above, or additional tests.

I am **proposing** that all owners of a site will be required to be joint licence holders. This will prevent them from transferring the licence to another owner to

³ Section 3 of the Caravan Sites and Control of Development Act 1960

⁴ Housing Act 2004, s66

avoid enforcement action by the local authority, or where one owner believes they would not meet the fit and proper person criteria.

I **propose** that the local authority will be required to undertake enquiries to satisfy themselves that the applicant is a fit and proper person, and will not be able to rely solely on a self-declaration of compliance by the applicant. I therefore propose that applicants for a licence will be required to provide evidence that they have no relevant criminal convictions by providing a basic disclosure from Disclosure Scotland, or equivalent certification.⁵

Where a site owner is not involved in the day to day management of a site, the fit and proper person test will also be applied to the site's manager.

The Bill will also **propose** that there be a right to appeal to the Residential Property Tribunal against any refusal to grant a licence because the applicant is deemed not to be a fit and proper person..

Consultation questions:

12. Do you agree that site operators must pass a fit and proper person test before being granted a licence (with the local authority undertaking relevant checks) and that this should be based on the standard introduced for Houses in Multiple Occupation under the Housing Act 2004? Please give your reasons.
13. Apart from criminal convictions, what should be taken into consideration when deciding whether the proposed licence holder is a fit and proper person?

⁵ Basic disclosures are available to anyone, throughout the UK, for any purpose.

Breaches of licence conditions and fines

At present local authorities have limited powers to deal with breaches of licence conditions, and have no duty to take any action at all. Where a licence is breached the local authority may attempt to deal with the matter informally, but its only statutory power is to prosecute the licence holder in the courts. I believe that the current fine structure is unlikely to deter further offences. The maximum penalty for operating a mobile home site without a licence, or breaching a licence condition, is currently set at level 4 on the standard scale, which is £2,500.⁶ I **propose** increasing this to £20,000. I am also considering whether local authorities should have the power to issue fixed penalty notices for minor breaches of licence conditions. There would be a right of appeal to the Residential Property Tribunal when such a penalty notice was issued.

Unlike other areas of housing regulation, local authorities have no power to serve enforcement notices on site operators. I **propose** that local authority will be able to serve enforcement notices following breaches of licence conditions, and where there are outstanding repair issues on the site. This will require remedial work to be carried out, and allow the local authority to carry out work in default if necessary. The local authority will be able to recover their costs in relation to that remedial work. Local authorities already have powers of entry to mobile home sites.⁷ Where a site operator wilfully obstructs entry to the site for the purposes of inspection or enforcement, I **propose** increasing the current fine limit of £200 (level 1 on the standard scale) to bring it into line with other similar housing offences. I therefore **propose** that the new limit will be a fine of up to £2,500 and the Welsh Government will have powers to amend this if necessary.⁸

Where a site is owned by a corporate body, I propose that in addition to corporate liability, the employee/director directly responsible for the offence can be held personally liable.

Local authorities will be able to revoke a site operator's licence in prescribed circumstances and there will be a right of appeal to the Residential Property Tribunal. Where this happens, the local authority would be able to make a time-limited management order, similar to existing powers that can be used under the Housing Act 2004. This would be a temporary arrangement to ensure the good

⁶ Caravan Sites and Control of Development Act 1960, s1(2) and s9(1)

⁷ Caravan Sites and Control of Development Act 1960, s26(5)

⁸ Housing Act 2004, s241

management of the site. The local authority would only be entitled to take their reasonable costs from any income generated by the site, with the balance being returned to the site operator. I anticipate that these powers would only rarely be used, but when they were, the local authority would delegate the management of the relevant site to a suitable organisation or person.

I would also like to consider whether mobile home owners themselves would like to have a statutory right to take over the management of their site, similar to the right to manage enjoyed by some long leaseholders.

Consultation questions:

14. What are your views on increasing the maximum fine for operating a site without a licence, or breaching a licence condition?
15. Should local authorities be able to issue fixed penalty notices and, if so, for what types of infringement? Please give your reasons.
16. Should local authorities have powers to serve enforcement notices, and to carry out work in default if necessary following breaches of licence conditions? Please give your reasons.
17. Under what circumstances should a site licence be revoked?
18. What are your views on local authorities being able to take over the management of mobile home sites, and do you envisage any practical difficulties?
19. Should mobile home owners be able to take over the management of a site, and how should this work in practice?

Written agreements and site rules

Written agreements form the basis of the contract between the site operator and the home owner. I **propose** that in future there will be a standard written agreement for each site, subject only to any variation made necessary by the precise location of the home in question.

Most, if not all mobile home sites will also have site rules that all home owners must adhere to. These are often referred to in the written agreement that the home owner has with the site operator. Site rules can cover a variety of issues such as a minimum age for residents, whether pets can be kept and issues like car parking.

Although many written agreements will state that site rules should be adhered to, and outline how the rules can be changed, or added to, this is not always the case. I **propose** that in future all written agreements must include reference to the site rules and that home owners, and any qualifying residents' association⁹ must be consulted on any proposals to change the rules. Any disputes will be dealt with by the Residential Property Tribunal.

I **propose** that all standard written agreements and site rules must be deposited with the local authority and that these will be available for public inspection alongside the site licence. This would assist prospective purchasers before they decide to proceed with the transaction and aid transparency.

Consultation question:

20. How should site operators consult with home owners when proposing changes to written agreements or site rules?

⁹ As defined in paragraph 28 of Schedule 1 to the Mobile Homes Act 1983

Damages and compensation

This Bill will allow the Residential Property Tribunal (RPT) to award damages to home owners where there has been a breach of the written agreement, or any requirement of this Bill, by the site operator. This could be enforced in the courts. I **propose** that where a home owner is awarded damages by the RPT, and this is not complied with by the site operator, this will be treated as a breach of the site licence by the local authority and will be taken into account when considering whether the site operator remains a fit and proper person.

Consultation question:

21. Should the RPT have the power to award damages and compensation for breaches of the written agreement or any requirement imposed by this Bill? Please give your reasons.

Pitch fees

Mobile home owners pay a fee to the site operator to rent the land on which their home sits, and for access to any communal facilities on the site. This is known as the pitch fee. Current legislative requirements require that any increase in the pitch fee over and above the Retail Prices Index¹⁰ (RPI) should be agreed between the home owner and the site operator. RPI is a measure of inflation.

I am seeking views on whether the Consumer Prices Index¹¹ (CPI) should be used instead of RPI. CPI is another measure of inflation, but is usually lower than RPI and excludes costs associated with housing such as mortgage interest and council tax.

Whatever index is used to limit any increase in the pitch fee, I **propose** that the site operator is required to state that rate clearly on the review notice, and also how that rate has been applied to the existing pitch fee. The site operator will also have to outline any relevant changes since the last review that are reflected in an increase to the pitch fee.

At present, site operators are able to consider what additional costs legislative changes impose on them when they propose an increase in the pitch fee.¹² It is possible that site operators may try to pass on additional costs that result from legislative changes, even where these do not relate directly to the management or maintenance of the site. I therefore **propose** to clarify the law so that site operators will only be able to use legislative changes as a reason for increasing the pitch fee where these directly affect the management or maintenance costs of the site. However, site operators will not be permitted to pass on to home owners any of the costs that are a direct result of this Bill..

As a deterrent to operating a site without a licence, I also **propose** that all pitch fees that have been paid to an unlicensed site operator should be repaid to the home owner. This provision would take effect from the date the relevant part of this Bill is commenced.

¹⁰ The RPI measures the average changes month-to-month in prices of consumer goods and services purchased in the UK. The RPI is similar in nature to the Consumer Price Index (CPI) however there are differences in calculation and in the basket of goods covered. In particular the RPI includes mortgage interest payments and housing depreciation whereas CPI does not.

¹¹ The CPI measures the average changes month-to-month in prices of consumer goods and services purchased in the UK. The CPI is the main UK measure of inflation for macroeconomic purposes and forms the basis for the UK Government's inflation target.

¹² Mobile Homes Act 1983, Schedule 1, paragraph 18(1)(c)

Consultation questions

22. Should pitch fees be regulated and, if so, how?
23. Do you have any other comments that specifically relate to pitch fees?

Repairs, maintenance and site improvements

Site operators are not allowed to recover the costs of repairs through increases in the pitch fee. However, it is legitimate for expenses associated with improvements to be recovered through increases to the pitch fee.

Current legislation does not provide any clear definition of the site operator's repairing obligation. I **propose** that this Bill will make it clear what the site operator's repairing obligations are, and how they can be clearly distinguished from improvements.

Local authorities already have limited powers to carry out work in default where the work relates to failure to comply with a licence condition¹³, but I propose extending this power to cover all repairs. All costs will be recharged to the site operator.

Site operators already have some obligations to consult with home owners when they plan improvements to the site, particularly when the improvements may affect the pitch fee.¹⁴ I **propose** that the Bill will make it clearer when the site operator should consult with home owners. I also **propose** that once the costs of improvements have been recovered, the additional cost should be removed from the pitch fee.

Current legislation means that there is no mechanism for the site operator to recover their costs over more than one year without a further consultation. I **propose** that this Bill will allow costs of improvements to be spread over a number of years.

Consultation questions:

24. Do you agree that the site operator's maintenance and repairing obligations would benefit from clarification?
25. Should there be a standard consultation format that must be followed when a site operator is proposing improvements?

¹³ Caravan Sites and Control of Development Act 1960, Section 9(3)

¹⁴ Mobile Homes Act 1983, s22(e)

Mobile home alterations and re-siting

A home owner can make alterations inside their home without the permission of the site operator, providing the unit still qualifies as a mobile home.¹⁵

It is often necessary for the home owner to obtain the permission of the site operator before carrying out external alterations. In some cases, external alterations could breach the site licence or site rules.

I **propose** that home owners will have a right to have applications for external alterations considered by the site operator, and that there would be a right to take the application to the Residential Property Tribunal if permission was refused. Site operators will not be allowed to charge the home owner for a decision, and will only be able to refuse permission if it is fair and reasonable to do so. Any dispute will be determined by the Residential Property Tribunal.

Mobile homes can only be moved by the operator under certain circumstances. Since the Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunal) (Wales) Order 2012 became law in March 2012, site operators have been required to obtain the consent of the Residential Property Tribunal (RPT) to re-site a mobile home, unless essential or emergency repairs are necessary. I **propose** that the consent of the RPT would be necessary in all cases, including essential or emergency repairs.

This Bill would require the mobile home to be returned to the original pitch after the essential or emergency repairs have been carried out, unless the home owner or the RPT agrees to a permanent move (this could be because the original site is no longer suitable). If a permanent move is approved by the RPT, the home owner would receive a new agreement at a comparable fee to the original pitch.

Consultation questions:

26. Do you agree that home owners should be able to make alterations and improvements inside their home without requiring the consent of the site operator? Please give your reasons.
27. What would you deem to be a fair and reasonable reason for refusing permission to alter a mobile home externally?

¹⁵ As defined in the Caravan Sites and Control of Development Act 1960, s29

28. Should the Residential Property Tribunal have to agree to all re-siting requests proposed by the site operator, including in emergencies? Please give your reasons.

Succession

The Department for Communities and Local Government (DCLG) consultation proposes a number of changes in England that will affect the right to succeed to the ownership of a mobile home, and the pitch it is sited on. I welcome comments as to whether these proposals should also apply in Wales.

As with bricks and mortar homes, mobile homes are often owned jointly. In some cases, only one party will have signed the written agreement. If the person who has signed the written agreement dies, or goes into a care, the other owner may not be able to succeed to the agreement.

The DCLG proposals would change the law so that any person who owns the mobile home, and lives in it as their permanent residence, would be regarded as a party to the agreement. They also propose that where the mobile home is owned in a sole name, and the owner dies then a surviving partner or family member who was living in the mobile home as their main residence at the time of the joint owner's death would be able to succeed to the written agreement.

Where a mobile home owner dies, and nobody is entitled to succeed, the home will pass to a new owner under the deceased's will or through the rules of intestacy. The current law does not give the person that has inherited the mobile home the right to live on the pitch. The DCLG consultation proposes changing the law to permit this occupation, but the new owner would still be required to comply with site rules, which are likely to include a restriction on age. The consultation also proposes that the person who inherits the home could gift it to another family member. Any disputes could be heard by the RPT.

Consultation question:

29. Do you believe the rules on succession and inheritance in Wales should be modernised, and do you have any comments on the above proposals?

Costs associated with the Bill

The changes proposed in this Bill and set out in this consultation would inevitably lead to some financial costs and financial benefits for those persons and organisations affected by the changes, as would the individual consultation options.

In order to add to my knowledge of the likely costs, I would welcome views and estimates of the direct or indirect financial impacts that these proposals would have on yourself, your organisation or your business. These estimates could either be included in relation to the relevant questions of this consultation or summarised in response to the question below.

Please provide a breakdown of how these costs are comprised and arrived at.

Consultation question:

30. What do you consider would be the financial impact of the proposed Bill on yourself, your organisation or your business?
31. Do you consider that there would be a disproportionate financial impact upon any particular groups affected by this Bill?

How to respond to this consultation

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Responses should be submitted by 20 July 2012 and sent to:

Legislation Office

National Assembly for Wales

Cardiff Bay

Cardiff

CF99 1NA

Tel: 02920 898120

E-mail: Legislationoffice@wales.gov.uk

Please indicate whether you are a private individual or an organisation.

Respondents are also encouraged to begin their submission with a short paragraph outlining briefly who they are, and who they represent (which may include, for example, an explanation of how the views expressed were consulted on with their members).

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that the normal practice is to make responses public – by publishing them on the National Assembly for Wales website.

Therefore, if you wish your response or any part of it to be treated as anonymous or confidential, please state this clearly along with the reasons for this.

If your response is accepted as anonymous or confidential, it is your responsibility to ensure that the content does not allow you to be identified.

If you consider that your response may raise any issues concerning the Data Protection Act or Freedom of Information and wish to discuss this, please contact me or Bethan Davies, Legislation Clerk, before you submit your response.

Peter Black – 029 2089 8744

Bethan Davies – 02920 898120

All consultation questions

1. 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.
2. Do you have any experience of a sale being prevented, or if you are a site operator have you ever objected to a sale and why?
3. Should the law be reformed to prevent sale blocking or is it necessary for site operators to have this power? If the law should be changed, which of the suggested alternatives outlined above do you prefer? Please give your reasons.
4. Do you agree that there should be a meeting involving all parties prior to the sale/purchase? Please give your reasons.
5. What are your views on the current licensing system for mobile home sites? What could be improved?
6. How often should local authorities inspect sites, and how should these inspections be financed?
7. Should the Welsh Government issue guidance on the frequency and nature of such inspections?
8. What are your views on what should be included in licence conditions? Should there be guidance on this issued by the Welsh Government?
9. How long should each licence normally last, and should local authorities be able to grant licences for shorter periods if necessary?
10. How should the fees for mobile home site licensing be determined? Should the fee be calculated by reference to the number of pitches, the total area of the site, the cost of inspections to the local authority or a combination of all or any of these factors?
11. Should there be a regular annual charge to cover on-going administrative costs borne by local authorities during the licence period?
12. Do you agree that site operators must pass a fit and proper person test before being granted a licence (with the local authority undertaking relevant checks) and that this should be based on the standard introduced for Houses in Multiple Occupation under the Housing Act 2004? Please give your reasons.

13. Apart from criminal convictions, what should be taken into consideration when deciding whether the proposed licence holder is a fit and proper person?
14. What are your views on increasing the maximum fine for operating a site without a licence, or breaching a licence condition?
15. Should local authorities be able to issue fixed penalty notices and, if so, for what types of infringement? Please give your reasons.
16. Should local authorities have powers to serve enforcement notices, and to carry out work in default if necessary following breaches of licence conditions? Please give your reasons.
17. Under what circumstances should a site licence be revoked?
18. What are your views on local authorities being able to take over the management of mobile home sites, and do you envisage any practical difficulties?
19. Should mobile home owners be able to take over the management of a site, and how should this work in practice?
20. How should site operators consult with home owners when proposing changes to written agreements or site rules?
21. Should the RPT have the power to award damages and compensation for breaches of the written agreement or any requirement imposed by this Bill? Please give your reasons.
22. Should pitch fees be regulated and, if so, how?
23. Do you have any other comments that specifically relate to pitch fees?
24. Do you agree that the site operator's maintenance and repairing obligations would benefit from clarification?
25. Should there be a standard consultation format that must be followed when a site operator is proposing improvements?
26. Do you agree that home owners should be able to make alterations and improvements inside their home without requiring the consent of the site operator? Please give your reasons.
27. What would you deem to be a fair and reasonable reason for refusing permission to alter a mobile home externally?

28. Should the Residential Property Tribunal have to agree to all re-siting requests proposed by the site operator, including in emergencies? Please give your reasons.
29. Do you believe the rules on succession and inheritance in Wales should be modernised, and do you have any comments on the above proposals?
30. What do you consider would be the financial impact of the proposed Bill on yourself, your organisation or your business?
31. Do you consider that there would be a disproportionate financial impact upon any particular groups affected by this Bill?