



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

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

**Dydd Iau, 5 Mehefin 2014**  
**Thursday, 5 June 2014**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Leighton Andrews	Llafur Labour
Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Jocelyn Davies	Plaid Cymru The Party of Wales
Janet Finch-Saunders	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Gwyn R. Price	Llafur Labour
Jenny Rathbone	Llafur Labour

**Eraill yn bresennol**  
**Others in attendance**

Y Cyngorydd/Councillor Philip Evans Samantha Hancock	Cyngor Bwrdeistref Sirol Conwy Conwy County Borough Council Uwch-swyddog Iechyd yr Amgylchedd, Cyngor Sir Penfro Senior Environmental Health Officer, Pembrokeshire County Council
Gareth Jones	Uwch-reolwr y Gwasanaeth Cynllunio a'r Amgylchedd, Cyngor Gwynedd Senior Manager of the Planning and Environment Service, Gwynedd Council
Nick Jones	Rheolwr Gorfodi Tai a'r Amgylchedd, Cyngor Bwrdeistref Sirol Conwy Environmental and Housing Enforcement Manager, Conwy County Borough Council
Simon Wilkinson	Swyddog Polisi Gwasanaethau Rheoleiddio, Cymdeithas Llywodraeth Leol Cymru Regulatory Services Policy Officer, Welsh Local Government Association

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Chloe Davies	Dirprwy Glerc Deputy Clerk
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser
Ben Stokes	Y Gwasanaeth Ymchwil Research Service
Liz Wilkinson	Clerc Clerk

*Dechreuodd y cyfarfod am 10:15.*  
*The meeting began at 10:15.*

## **Cyflwyniadau, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions**

[1] **Christine Chapman:** Good morning and welcome to the Assembly's Communities, Equality and Local Government Committee. I remind Members and witnesses that, if they have any mobile phones, they should be switched off, as they affect the transmission. We have had one apology this morning from Rhodri Glyn Thomas.

### **Y Bil Safleoedd Carafannau Gwyliau (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 2 Holiday Caravan Sites (Wales) Bill: Stage 1—Evidence Session 2**

[2] **Christine Chapman:** Today, the item on the agenda is the second of several evidence sessions to inform our scrutiny of the Holiday Caravan Sites (Wales) Bill. Could I warmly welcome our panel? We have Simon Wilkinson, regulatory services policy officer from the Welsh Local Government Association, Councillor Philip Evans from Conwy County Borough Council, Nick Jones, environmental and housing enforcement manager from Conwy County Borough Council, Gareth Jones from Gwynedd Council and Samantha Hancock from Pembrokeshire County Council. Again, a warm welcome to all of you. Members will have read the evidence that you have sent—

[3] **Jocelyn Davies:** Chris, before we move on, may I just declare an interest? I own a caravan.

[4] **Christine Chapman:** Okay, thank you, Jocelyn.

[5] **Mike Hedges:** May I do likewise?

[6] **Christine Chapman:** Right, okay. Does anybody else want to declare an interest? I see that no-one does. I thank the witnesses for the paper sent in advance. If you are happy, we will go straight into questions so that we can have a very detailed discussion.

[7] I will start. Would you say that you support the main aims and objectives of the Bill, in particular the prohibition of the occupation of holiday caravans as an only or main residence? Who would like to start?

[8] **Mr N. Jones:** Conwy council would generally support the proposals in the Bill to control whether holiday caravan sites are used as a main residence, mainly because of the change in dynamics that that can put onto a community, especially when there are very large clusters of caravans and very dense caravan sites close together. If more and more of those turn to main residences, I think that it would change the dynamics of the locality and perhaps even affect the tourism industry. So, the ability to control that, I think, would be welcomed from our part.

[9] **Mr Wilkinson:** From a wider local government perspective, I think that the whole of local government and professions that deal with caravan sites welcome the opportunity to modernise the legislation. I think that there may be some details within the Bill on which there may be some differences of opinion professionally, possibly across different local authorities. Hopefully the committee, during the course of the evidence that is given to you this morning, will welcome that and see it as a positive approach, rather than for one opinion to be right and one opinion to be wrong.

[10] **Christine Chapman:** It is a very general question and we are going to look at the detail, so can I take it that the whole panel is supportive of this before we go into some of the detail?

[11] **Mr G. Jones:** Rydym ni'n gefnogol iawn i egwyddor yr hyn sy'n cael ei gynniog fan hyn. Rwy'n meddwl bod adnewyddu hen Ddeddf ar garafannau sy'n mynd yn ôl i'r 1960au yn rhywbeth sy'n wirioneddol angenrheidiol er mwyn cwrdd ag anghenion heddiw. Rwy'n edrych ar y mater o safbwynt cynllunio, yn hytrach nag o safbwynt trwyddedu. Yr hyn sy'n hynod bwysig o ran yr hyn sy'n dod allan o'r Bil yw bod hynny'n ategu beth sydd yn ei le yn barod o dan ddeddfwriaeth gynllunio, ac nad yw'n dyblygu pwerau a rheoliadau sydd gennym yn barod drwy'r system gynllunio.

**Mr G. Jones:** We are supportive of the principle of what is being proposed here. I think that renewing an old Act relating to caravans that goes back to the 1960s is something that is truly necessary in order to meet today's needs. I am looking at the issue from the point of view of planning, rather than from a licensing point of view. What I think is very important in terms of what comes out of the Bill is that it complements what we have already under planning legislation, and that it does not duplicate powers and regulations that we already have in place through the planning system.

[12] **Christine Chapman:** I will move on to my next question, as I think it follows on nicely from this. I wonder whether the Welsh Local Government Association could expand on its view that the power to control the use of holiday sites as residential sites should remain within planning legislation.

[13] **Ms Wilkinson:** I could, but based on the discussions that we had already with Gareth this morning outside of the room, I think that he would probably be better placed to deal with that. The evidence that I have submitted from the WLGA perspective has been gathered from the Welsh heads of environmental health groups and the managers of the environmental health services from the 22 local authorities, and, therefore, there is a consensus of opinion there that I have used to shape the evidence that I have given from the WLGA. However, in terms of planning, we have a planning expert, and it may be better to take the evidence from that expert, if that is okay.

[14] **Christine Chapman:** Would you like to add anything, Samantha?

[15] **Ms Hancock:** From the point of view of our planning department, planning legislation only deals with a site when it was first set up, and unless a new site develops, that is the only time that they can put the planning condition on. We have over 160 sites in Pembrokeshire, of which a handful may have received planning in the last couple of years, and of which the planning team can put the condition on with respect to holiday use and residency. It does not deal with the remaining 150 sites that have had their planning. It shared with me that any opportunity to bring legislation all under one roof and to deal effectively with this with effective enforcement tools should be embraced.

[16] **Mr G. Jones:** Yn dilyn o hynny, rwy'n meddwl bod y farn gynllunio gyffredinol sydd wedi ei chyfleu yn ymwneud â'r ffaith mai mater cynllunio defnydd tir sydd gennym yma, o safbwynt y pryder am y defnydd o garafannau gwyliau fel carafannau preswyl. O safbwynt Gwynedd, er enghraifft, er bod pryder sylweddol ynglŷn â'r posibilrwydd fod hyn yn digwydd, nid oes gennym dystiolaeth gadarn i brofi ei fod yn broblem—rwy'n siarad o safbwynt Gwynedd yn unig. Mae'r pryder yn bennaf ynghylch effeithiau ar gymunedau, yr iaith Gymraeg a

**Mr G. Jones:** Following on from that, I think that the general planning view that has been conveyed appertains to the fact that it is a matter of land use planning, from the point of view of the concern about the use of holiday caravans as residential caravans. From the point of view of Gwynedd, for example, although there is substantial concern about the possibility that this is taking place, we have no firm evidence to prove that it is a problem—I am talking just from the Gwynedd point of view alone. The concern is primarily as regards the impacts on communities, on the Welsh language and on

gwasanaethau.

services.

[17] Ar yr hyn y mae Samantha Hancock wedi ei ddweud, rwy'n cytuno bod hwn yn gyfle i roi arfau i ni fel awdurdodau i orfodi, nid yn unig amodau cynllunio eithaf diweddar sydd gennym i reoli defnydd carafannau, ond hefyd mae cyfle i retroffio amodau trwyddedau yr hen safleoedd carafannau a fydd yn gwneud yr un peth. Fodd bynnag, rhaid bod yn hynod ofalus lle mae'r cyfrifoldeb yn disgyn o ran gorfodi'r amodau, yn enwedig os ydym yn sôn am faterion defnydd tir. Mae cyfle yma gyda'r Bil cynllunio newydd sydd yn mynd trwodd i atgyfnerthu pwerau cynllunio o ran rheolaeth o safleoedd carafannau hefyd, ac rwy'n meddwl bod yr amseru yn briodol ar gyfer yr ystyriaeth honno.

On what Samantha Hancock has just said, I agree that this is an opportunity to give us local authorities the tools to enforce not only the quite recent planning conditions for the management and control of use of caravans, but it is also an opportunity to retrofit the conditions of licences on old caravan sites that will have the same effect. However, we must be extremely careful about where the responsibility will fall from the point of view of enforcing those conditions, particularly if we are talking about land use matters. There is an opportunity here with the new planning Bill to reinforce and strengthen the planning powers from the point of view of the control and management of caravan sites, and I think that the timing is appropriate to consider that.

[18] **Christine Chapman:** Jocelyn, do you want to come in on this?

[19] **Jocelyn Davies:** Yes, I was just wondering whether bringing this legislation forward would be a priority for you.

[20] **Mr Evans:** There is certainly a view that the 1960 legislation is well out of date by contemporary standards, both for planning reasons and, indeed, the general regulatory regime of ensuring that the sites are run properly, because the 1960 legislation was passed at a time when caravans, frankly, were little more than boxes on wheels, and now, in a true sense, they are mobile homes, with all the facilities that go with that. It is important that the legislation is updated.

[21] **Jocelyn Davies:** So, I take it from that that it would be a priority for you, although it might not be framed in exactly the same way as we see it before us.

[22] **Mr Evans:** It is an issue that Conwy, in particular, has been trying to bring forward since around 2007, when we had a transient population task-and-finish group. It was not wholly concerned with caravan sites; it also included houses in multiple occupation, because we felt that there was an under-recorded population that was adversely affecting our revenue support grant figures. We embarked on this and, eventually, formed a joint group with our neighbours in Denbighshire, who had similar concerns that there were people living on a residential, all-year-round basis on some of the sites.

[23] **Jocelyn Davies:** Were bed-and-breakfast accommodation and guest houses included within that study?

[24] **Mr Evans:** No.

[25] **Jocelyn Davies:** So, is there any evidence, apart from your task-and-finish group in Conwy, that this is happening and having a negative impact on any of the other local authority areas? Can you point to any evidence that this is happening, namely having an impact on the local community, on the tourism industry or, in fact, resulting in underfunding of public services?

[26] **Ms Hancock:** From a Pembrokeshire perspective, the evidence of our planning team

is that residential misuse relates mainly to individual caravans within the curtilage of their properties or isolated caravans—one or two, perhaps, on larger sites. We have no real evidence of a systematic breach of holiday occupancy restriction on static sites from a Pembrokeshire perspective.

[27] **Jocelyn Davies:** You have already told us that there is no evidence in Gwynedd, although you suspect that it might be happening. It is a possibility. What about generally, from the WLGA perspective? Is there any evidence that it is happening?

[28] **Mr Wilkinson:** Nothing has been relayed to me before coming to the committee. So, there have been no specific instances. I think that what I would say is that, in the past, there has probably been a bit of a patchwork of enforcement action taken across Wales, probably from a planning perspective and also from a licensing or public protection perspective. So, it may well be that the issue is somewhat undercover and under-reported and, possibly, the introduction of this Bill, and the fee system that is being put in place as well, will allow local authorities to be more proactive and to take more enforcement action when necessary. Some of these issues may well then become uncovered.

[29] **Jocelyn Davies:** However, if there was a negative impact on the community and the industry and an underfunding of public services, would you not know that, even if you do not have evidence of individuals living in caravans? Would you not know that?

[30] **Christine Chapman:** Gareth, did you want to come in, because I know that you have been trying to come in?

[31] **Mr G. Jones:** Rwy'n ategu'r ateb sydd wedi cael ei roi'n barod, mewn ffordd. O safbwynt Gwynedd, nid oes tystiolaeth i brofi bod pobl yn byw mewn carafannau ar safleoedd carafannau yn broblem. Nid oes gennym ni dystiolaeth. Pryder ydyw, mwy na dim byd, achos nid oes gennym adnoddau i fonitro a gorfodi ar safleoedd. Fodd bynnag, rwy'n meddwl mai'r cyfle mwyaf efo'r Bil hwn yw adnewyddu'r Ddeddf garafannau yn ei chyfanrwydd i gael rheolaeth well o safleoedd carafannau ac nid atal defnydd preswyl o garafannau yn unig. Rwy'n meddwl mai un *issue* yn unig yw'r mater yn ymwneud â phobl yn byw mewn carafannau. Yr hyn sydd angen i ni ganolbwyntio arno yn fwy na dim byd arall yw bod hwn yn gyfle i adnewyddu hen Ddeddf ac i gael rheolaeth well o safleoedd.

**Mr G. Jones:** To endorse the answer that has been given already, in a way, from the point of view of Gwynedd, there is no evidence to prove that people living in caravans on caravan sites is a problem. There is no evidence of that. It is a concern, more than anything, because we do not have the resources to monitor and enforce on sites. However, I think that the greatest opportunity with this Bill is to renew the caravans Act in its entirety to have better control of caravan sites and not just to prevent residential use of caravans. I think that that issue relating to people living in caravans is only one issue. What we need to concentrate on, more than anything else, is that this is an opportunity to renew the old Act and to have better control of sites.

[32] O safbwynt cynllunio yng Ngwynedd, mae'r broblem fwyaf efo carafannau yn ymwneud â charafanau teithiol. Mae hynny'n gysylltiedig â'r hawliau sydd gennych chi i roi carafannau ar gaeau heb ganiatâd cynllunio am hyn a hyn o amser, sydd yn ei gwneud bron iawn yn amhosibl i'w fonitro a'i orfodi. Felly, i mi, o safbwynt cynllunio, mae hwn yn gyfle i gael rheoliadau sydd yn eu cyfanrwydd yn well i

From a planning point of view in Gwynedd, the main problem with caravans relates to touring caravans. That is related to the rights that you have to put caravans on fields without planning permission for such and such a time, which makes it almost impossible to monitor and enforce. So, for me, from the point of view of planning, this is an opportunity to have regulations that, in their entirety, can better deal with the

ddelio â rheoli meysydd carafannau.

management of caravan sites.

[33] **Jocelyn Davies:** Would this legislation apply to that? [*Interruption.*] I know. I would not ask the question if I did not know the answer.

[34] **Christine Chapman:** Would this legislation apply to the case—

[35] **Jocelyn Davies:** To the case that you were saying is of greater concern to you.

[36] **Mr G. Jones:** Mae cyfle iddo allu gwneud hynny. Nid wyf yn meddwl ei fod yna'n benodol ar hyn o bryd achos mae gennym ni ddiffiniad cyfreithiol o beth yw carafan, ac felly nid oes gwahaniaeth rhwng carafan sefydlog a charafan teithiol. Fodd bynnag, mae'r Bil yn gyfle i ni gael rheolaeth well, er lles gweithredwyr safle a thrigolion lleol, o safleoedd carafannau. Mae hynny o ran cynllunio defnydd tir yn gyffredinol a, buaswn yn tybio, hefyd o agwedd gwarchod y cyhoedd a materion iechyd a diogelwch.

**Mr G. Jones:** There is an opportunity for it to do that. I do not think that it is specifically there at present, because we have a legal definition of what a caravan means, and so there is no distinction between a static caravan and a touring caravan. However, the Bill is an opportunity for us to have better control, for the benefit of site operators and local residents, of caravan sites. That is in terms of land use planning generally and, I would presume, from the point of view of public protection and health and safety matters.

10:30

[37] **Jocelyn Davies:** It sounds like you would welcome a Bill, perhaps not this Bill, but something that modernised and did something broader that would cover the concerns that you have.

[38] **Ms Hancock:** I think, in principle, we all support the main aims and objectives of the Bill, particularly in those authorities where there may be concerns about residency. If it is not a concern, and not a real issue within our local authorities, it just means that we will not need to put extensive resources into that area, but we will be able to use the primary other aims of modernising the legislation.

[39] **Christine Chapman:** Okay. I have Peter and Mark next. Leighton, did you want to come in? I see that you do, and Jenny. So, Peter is next.

[40] **Peter Black:** As I understand it, from what you have all just said, the only authority that has a problem with residency is Conwy and it is basing that on a survey that it did of the transient population. May I ask, in that survey, how many permanent residents did you find on holiday sites?

[41] **Mr Evans:** We found, on 33 sites in the Towyn and Kinnel Bay area, that 107 bus passes had been issued to people living on the sites; five housing benefit claimants were noted by the Department for Work and Pensions; and there were nine jobseeker's allowance claimants. Those were the ones that we found through liaison with other bodies.

[42] **Peter Black:** Why is your authority issuing bus passes and giving housing benefit to people living on sites that are not permanent residences?

[43] **Mr Evans:** That was stopped as soon as it was discovered.

[44] **Jocelyn Davies:** So, you have not issued any since 2007.

[45] **Mr Evans:** Not that I am aware of.

[46] **Peter Black:** Okay. So, in terms of this Bill, if it were to go ahead as it is currently drafted, you would effectively have 112 people, maybe 107 people, coming to your housing department as homeless. Would you be able to cope with that?

[47] **Mr Evans:** No. If they were living there in breach of the site regulations or permissions, they may not be a priority need.

[48] **Christine Chapman:** Nick, did you want to come in?

[49] **Mr N. Jones:** Yes. Just to clarify, since that exercise was undertaken, we now have links with our housing benefit team and the authorisation of bus passes so that they notify us whenever they have an application from someone with an address with a caravan in it, because they could be legitimate housing benefit claims from people living in residential caravan sites. Just because it was a caravan address, did not mean to say that it was on a holiday site. However, we have those links now, so that we can then check and say, 'Yes, that's okay, it is a residential site', or, 'This is a holiday site', and we would then go and check to see who was living in it and whether they had a main residence elsewhere, which they would not have if they were claiming housing benefit. So, we forged those links after the transient population survey in order to keep control on it and there is more control now than there was before.

[50] **Peter Black:** So, you are confident that this is not now a problem in Conwy.

[51] **Mr N. Jones:** We still have to put quite a lot of resource into maintaining checks and we do checks out of season on dark evenings to make sure that there are no lights on in caravans in closed season, which we occasionally find. We currently risk assess our sites and one of the risk assessments is if they have had a main residence on a holiday site before, they are inspected more frequently to keep a check on that. So, we do put quite a lot of resource into keeping a lid on it.

[52] **Peter Black:** How is this Bill and its residency requirements, in particular, going to add to that effort?

[53] **Mr N. Jones:** The majority of our sites are similar to those in Pembrokeshire; there are no planning restrictions on whether they are holiday, resident or touring sites. For some of the sites, we have added a condition on to the licence saying that they should be for holiday use only. Basically, we have that in an agreement; because some site owners want an extended season to 10.5 months, they have agreed to have that condition put in there. If we had not put that condition in, we probably would not have any control over it at all, but because, with their agreement, they have allowed us to put a condition in, we can keep a check on it that way. This legislation would mean that there would definitely be a condition in there saying that it has to be only holiday use.

[54] **Peter Black:** Okay.

[55] **Christine Chapman:** Mark, did you want to come in?

[56] **Mark Isherwood:** Despite what you say, concerns are still raised with me as a Member covering Conwy and Denbighshire, particularly by councillors. There is ongoing concern in both counties. Could you share with the committee the data that you collected, at least in 2007, and any subsequent data that you have? That would help us to understand better what the evidence base, particularly in Conwy and Denbighshire, might be. If I might just develop that, the WLGA submission to us said that the remedy for unauthorised occupation



may exist through the prevention of local housing allowance claims, bus pass applications and GP registrations for persons with a holiday park address, rather than the measures in this Bill. It said these measures should be fully explored as an alternative to the test proposed. So, do you agree with that? Why do some council departments appear not to pass it on to the relevant enforcement officers each time a request for a benefit from a caravan occupier is received?

[57] **Mr N. Jones:** Sorry, but could you repeat the question?

[58] **Mark Isherwood:** In terms of the initial aspect, it was the sharing of data, but more broadly, the WLGA, in its submission, stated that the powers effectively already exist, and the remedy for unauthorised occupation would be the reporting of local housing allowance claims, bus pass applications and GP registrations to the enforcement officer, routinely. It asked us to explore these sorts of measures as an alternative to the test proposed in the Bill.

[59] **Mr N. Jones:** That is only, if we get that evidence, if there is a particular condition on a licence to say that it is restricted for holiday use only. All our licences have that condition on there, but it may not be possible, under the current system, for us to put that condition in there and then we could not take any action. It may be that—. I alluded also to whether the site has a restriction on planning terms for holiday use or not. Most of our sites do not have that restriction either, only if they have had planning permission fairly recently. Some of our sites may have had an extra field added on through recent planning permission, and there will be a condition on that field, but not on the rest of the site.

[60] **Mark Isherwood:** But why would the licence on a holiday park not already include that condition?

[61] **Mr N. Jones:** That is because the 1960 Act mainly deals with issues of health and safety and amenity—that type of thing—rather than restricting sites to holiday use and the terms of the caravan sites. So, very few site licences are restricted to holiday use—in Conwy, anyway.

[62] **Mark Isherwood:** Is that unique to Conwy, or would other councils take a similar approach?

[63] **Ms Hancock:** We would normally copy exactly what it said on the planning permission when it was first issued. So, if the planning permission did not state that it was clearly for holiday use, then we may have had to give it a residential licence; or, it may have holiday conditions, but there is no condition that says you have to have a main residency somewhere else. Effectively, as long as they have a closed season for six weeks from the end of January to the beginning of March, they could live there for 10.5 months, as long as they found alternative accommodation for those six weeks.

[64] **Mark Isherwood:** They could also claim benefits without there being flashing red lights and being passed to enforcement.

[65] **Ms Hancock:** Yes.

[66] **Christine Chapman:** I have got Gwyn on the back of this question, and then I will bring in Leighton and Jenny.

[67] **Gwyn R. Price:** This is just on the back of Peter's question, which touched on my question. On homelessness, he was saying that you stopped the bus passes and different benefits from, let us say, 2007 on. Have you seen an increase in applications related to homelessness because of that?

- [68] **Mr Evans:** Not arising from any caravan sites that I am aware of.
- [69] **Gwyn R. Price:** The same question for the other areas. I know that it is to a lesser degree with you. Have you had any—
- [70] **Mr G. Jones:** Nid oes tystiolaeth sy'n cysylltu digartrefedd efo meysydd carafannau. Nid oes gennym dystiolaeth i brofi'r hyn yr ydych yn ei ofyn. **Mr G. Jones:** There is no evidence to link homelessness with caravan sites. We do not have evidence to prove what you are asking about.
- [71] **Gwyn R. Price:** It is the same for you, Samantha, is it?
- [72] **Ms Hancock:** Yes.
- [73] **Gwyn R. Price:** So, there is no evidence of that.
- [74] **Jocelyn Davies:** I am just a bit confused, Chair, about the relevance of that. Can we take it, then, that—
- [75] **Christine Chapman:** Leighton wanted to come in first.
- [76] **Jocelyn Davies:** Sorry.
- [77] **Leighton Andrews:** Byddaf yn dechrau yn Gymraeg. Nid oes tystiolaeth yng Ngwynedd. **Leighton Andrews:** I will start in Welsh. There is no evidence in Gwynedd.
- [78] **Mr G. Jones:** Nid oes fawr o dystiolaeth yng Ngwynedd o ran meysydd carafannau fod pobl yn byw ar y safleoedd yn barhaol. **Mr G. Jones:** There is not much evidence in Gwynedd in terms of caravan sites that people are living on the sites permanently.
- [79] **Leighton Andrews:** Pam ydych chi wedi dod yma? Nid oes tystiolaeth gennych. **Leighton Andrews:** So, why have you come here then? You do not have any evidence.
- [80] **Mr G. Jones:** Rwyf i yma i sicrhau bod y Bil, o agwedd drwyddedu, yn plethu mewn i'r hyn sydd gennym ni yn y gyfundrefn gynllunio achos mae'r ddwy gyfundrefn yn cydreddeg ochr yn ochr. Mae beth bynnag sy'n digwydd yn y Bil hwn yn mynd i gael goblygiadau o ran sut rydym ni'n rheoli meysydd carafannau o safbwynt cynllunio. Rwyf i yma i roi tystiolaeth o ran cefnogi'r Bil yn ei gyfanrwydd, nid yn unig o ran rheoli'r ochr o ran y defnydd preswyl. **Mr G. Jones:** I am here to ensure that the Bill, from a licensing point of view, ties in with what we have in the planning system, because the two systems run parallel to each other. Whatever happens in this Bill will have implications for how we manage caravan sites from a planning point of view. I am here to give evidence from the point of view of supporting the Bill in its entirety, not only from the point of view of managing the residential use.
- [81] **Leighton Andrews:** A ydy pobl yn cwyno am y pwnc yn lleol? **Leighton Andrews:** Are people complaining about the subject locally?
- [82] **Mr G. Jones:** Ydynt. **Mr G. Jones:** Yes.
- [83] **Leighton Andrews:** Faint? **Leighton Andrews:** To what extent?
- [84] **Mr G. Jones:** Nid oes gennyf **Mr G. Jones:** I have no evidence of the

dystiolaeth o'r ffigurau—

figures—

[85] **Leighton Andrews:** Nid oes data gen ti. **Leighton Andrews:** You have no data—

[86] **Mr G. Jones:** Ond, mae'n rhywbeth sy'n bryder mawr i aelodau a'r pwyllgor cynllunio— **Mr G. Jones:** But, it is something that is of great concern to members and the planning committee—

[87] **Leighton Andrews:** Mae pryder, ond nid oes dystiolaeth. **Leighton Andrews:** There is concern, but there is no evidence.

[88] **Mr G. Jones:** Nid oes dystiolaeth. **Mr G. Jones:** There is no evidence.

[89] **Leighton Andrews:** Okay. Pembrokeshire, you said that you have got no systematic evidence that there has been a problem.

[90] **Ms Hancock:** I personally do not have that evidence. It is not something that—

[91] **Leighton Andrews:** So, how many complaints do you get as an authority per year about this?

[92] **Ms Hancock:** Specifically about people having to find alternative accommodation, because—

[93] **Leighton Andrews:** No, about the general problem that the Bill addresses.

[94] **Ms Hancock:** In terms of residency, we have no—

[95] **Leighton Andrews:** None at all.

[96] **Ms Hancock:** One or two in the curtilage of the properties.

[97] **Leighton Andrews:** Okay. Then Conwy, it is down to you. [*Laughter.*] How many complaints a year are you dealing with in this area?

[98] **Mr N. Jones:** I would say that we deal with about two or three a month, or something like that. Some of those are unfounded, because there is a suspicion that somebody might be living in a caravan as their main residence, but we have some sites that are split between holiday sites and residential sites within the same boundary, and we have found that the person is legitimately living in a residential caravan site and, occasionally, we find somebody who has moved in who does not have a main address elsewhere. So, we probably deal with two to three a month, but not all of those are justified.

[99] **Leighton Andrews:** So, what percentage is found not to be justified?

[100] **Mr N. Jones:** I would say 50% to 60%.

[101] **Leighton Andrews:** Right, so that is half of them. That means that there are roughly one to one and a half complaints a month that you are dealing with. Can you deal with those under existing legislation?

[102] **Mr N. Jones:** In some circumstances, we can—

[103] **Leighton Andrews:** What percentage can you deal with under existing legislation?

[104] **Mr N. Jones:** We have got 160 sites. We have, off the top of my head, about 20-odd sites with the condition regarding holiday use, so those are the ones that have extended their season from the old seven-month season to 10.5 months, or some of them have 12-month licences.

[105] **Leighton Andrews:** Going back over the last five years, how many in total?

[106] **Mr N. Jones:** I could not give you the figure off—

[107] **Leighton Andrews:** Why not? You have come to give evidence to this committee to say that you support this Bill. Where is your evidence and where are your data? Why are you wasting our time, bluntly?

[108] **Christine Chapman:** The witnesses are here, Leighton, so we need to—

[109] **Leighton Andrews:** Yes, but they have not brought any evidence.

[110] **Christine Chapman:** Fine. Perhaps we can look at the data—

[111] **Janet Finch-Saunders:** We are getting too hung up—

[112] **Christine Chapman:** Hang on.

[113] **Leighton Andrews:** This is scrutiny. They have not brought any evidence. They cannot back up their claims, and they are supporting the Bill.

[114] **Christine Chapman:** Right, Janet and Leighton, can you please be quiet?

[115] If you have any data that you have not shared with the committee, could you please arrange to send them to us fairly soon? I see that you could, thank you very much.

[116] **Mark Isherwood:** Could that include the findings of the 2007 inquiry by the two counties? That would be very helpful, because I remember reading about it, and it was quite informative.

[117] **Christine Chapman:** Okay, may I ask all of you to do that, if that has not already been done?

[118] **Mr Wilkinson:** May I undertake to do that—

[119] **Christine Chapman:** On behalf of—

[120] **Mr Wilkinson:** Yes, on behalf of the 22.

[121] **Leighton Andrews:** Why have you not done it already?

[122] **Christine Chapman:** That is okay, that is fine. Jenny, did you want to come in?

[123] **Jenny Rathbone:** Yes, I did, because I feel that we are sleepwalking into a nightmare here. I want us to address the specific evidence from Professor Fothergill that says that,

[124] ‘Caravan residents are a predominantly older group’.

10:45

[125] He refers to the percentage over the age of 65 et cetera and that most of them are not what you would describe as homeless. These are people who sold a home elsewhere, bought a caravan with the proceeds, and are now living on what may be a holiday site, but this is their only residence. If his evidence or his suppositions are correct, it would make homeless approximately 7,500 people in Wales. How would you cope with that because, presumably, if they had been living there for 10 months out of the 12, they would be deemed to be people who would be predominantly the responsibility of your local authority? I think that there are two specific problems here. First is the Conwy problem, in particular, where you have a very large number of caravan sites, particularly in areas of high deprivation. There was a very useful little geographical graph there. The other is a rather different one, which is the Pen Llŷn problem, with areas of outstanding natural beauty. Everyone being able to pitch their caravan in those areas would, obviously, quickly destroy that area of outstanding natural beauty. So, could we address the first one, which is: if this evidence is correct, that there is a large number of people who live on caravan sites, on holiday sites, but actually only have that as their main residence, and during the closure period, they make other arrangements, what will then happen to those people who would not be able to go away to buy a house elsewhere, because of property prices? How would you, as a local authority in Conwy, deal with that?

[126] **Mr N. Jones:** Having spoken to the officers who deal with the homeless and the people who present themselves as homeless, they do have concerns that, if that scenario should bear out, there could be a responsibility on the local authority to assess those people's individual needs—their housing needs. They are concerned that that could be a consequence of the Bill, which perhaps has not been considered. So, there is some concern. I think that part of the problem is that we do not know how many that might be. Even in Conwy, we do not know how many people that might be. So, it is a bit of an unknown, really. However, there is a concern that there could be a burden on the authority.

[127] **Jenny Rathbone:** Before we set this legislation in stone, would it not be a good idea if Conwy investigated what the potential implications are for its local authority? Unforeseen consequences are really pretty important to tie down. The other point that Professor Fothergill makes is that, by having people living on these holiday sites for up to 10 months, it gives a more regular income to people who would otherwise only have an income during the summer or Easter holiday period. They are benefiting from the spending of these people for most of the year. I wondered whether you could just comment on that as to what sort of contribution you think that these people, who are living on these holiday sites, are making to your overall economy.

[128] **Mr N. Jones:** It is difficult for me to say what contribution people who live on those sites as their main residence make. Given that caravans have developed over the years and have far better insulation, they can be used during the colder season, so we do not have a problem with extending the season of the holiday caravan site. That could benefit the area economically. I suppose that extending the season makes it more attractive to use the site as a main residence, because it is only a very short closed period. So, economically, it is a benefit to extend the season but the knock-on effect is that people may see it as more attractive to use the site as a main residence. I could not really comment on the economic benefit of those people who are using it as their main residence, to be honest.

[129] **Jenny Rathbone:** So, what is the problem, then? Why is it a problem if people are living 10 months of the year in a holiday caravan in your area?

[130] **Mr N. Jones:** It depends, again, on the extent of the problem. The worry is that, if that becomes more widespread, there are no council tax payments or anything like that to be made through using this as a main residence, as would be the case with residential caravan sites. If it becomes more extensive, rather than piecemeal, perhaps, as it is at the moment, that

would be a concern. So, it depends. We have 8,000 caravan pitches, so the worry is that it becomes more extensively used as a main residence, rather than where we are at the moment. So, to support this, we would put something in place now so that there is more control than there is at the moment.

[131] **Jenny Rathbone:** Were we to legitimise the residential occupation of holiday caravans, as Professor Fothergill suggests, then you would obviously be benefitting from the council tax and the other population-related grants that the council would get. Do you envisage any problem, if that were the case?

[132] **Mr N. Jones:** Once again, with the very dense cluster of caravan sites, particularly in Towyn and Kinmel Bay on the north Wales coast—and that is where the majority of the 8,000 pitches are—if we were to give residential status to all of the caravan sites there, adding into that the fact that they are situated on a floodplain, it would cause us some concern, given the large number of caravans in that small area.

[133] **Jenny Rathbone:** Okay, so there is a specific problem on the floodplain, which I appreciate, but if there was no floodplain risk, in other circumstances where there is not that risk or there are no other health and safety risks, is there an issue about legitimising people's residency so that you would get the council tax?

[134] **Mr N. Jones:** The only issue, I think, would be how dense the population would be in that area.

[135] **Jenny Rathbone:** So, that is a planning issue.

[136] **Mr N. Jones:** It would be a land-use issue.

[137] **Jenny Rathbone:** I would like to ask Gwynedd to comment on the Pen Llŷn problem, because that is a slightly different problem. The whole point of planning legislation is not to have uncontrolled development everywhere, in the areas of natural beauty. Pen Llŷn controls that very well on the northern coast.

[138] **Mr G. Jones:** O safbwynt Gwynedd, gan gynnwys y parc cenedlaethol, mae gennym dros 20,000 o unedau carafannau, ac mae pob math o oblygiadau cynllunio, a rhai tirlunio, oherwydd bod y tirlun mor sensitif. Mae gennym barc cenedlaethol ac ardal o harddwch naturiol eithriadol. Felly, mae her o ran delio â meysydd carafannau. Ar yr un llaw, maent yn fanteisiol iawn yn economaidd i'r diwydiant twristiaeth—nid oes amheuaeth am hynny, ac mae gennym dystiolaeth ariannol yn yr adroddiad sy'n profi hynny hefyd. Fodd bynnag, ar y llaw arall, mae'r effaith bosibl ar y tirlun naturiol, sydd hefyd yn bwysig iawn.

**Mr G. Jones:** From the point of view of Gwynedd, including the national park, we have over 20,000 caravan units, and there are all sorts of implications in terms of planning and the landscape, because the landscape is so sensitive. We have a national park and an area of outstanding natural beauty. Therefore, there is a challenge in dealing with caravan parks. On the one hand, they are economically very beneficial for the tourism industry—there is no doubt about that, and we have financial evidence in the report that proves that, too. However, on the other hand, there is the possible impact on the natural landscape, which is also very important.

[139] O ran defnydd parhaol o safleoedd carafannau gwyliau ar gyfer defnydd preswyl, credaf y byddai tipyn bach o broblem o ran egwyddor hynny o safbwynt cynllunio, yn enwedig o ran lleoliadau y rhan fwyaf o'r safleoedd. Os dechreuwn reoleiddio

In terms of the continuous use of holiday caravan sites for residential use, I believe that there may be a slight problem with regard to the principle of that from a planning point of view, especially given the locations of the majority of these sites. If we start to regulate

rhai carafannau sydd yn barod yn cael eu defnyddio am 10.5 mis y flwyddyn, beth ydym yn ei wneud wedyn am gais cynllunio i newid defnydd safle sydd efo 100 o unedau i ddefnydd preswyl parhaol? Felly, mae goblygiadau sylweddol o safbwynt cynllunio os ydym am fynd i lawr y trywydd hwnnw. Er enghraifft, yr effaith ar wasanaethau, ar yr iaith Gymraeg ac ar gymunedau. Wedi dweud hynny, mae 'Polisi Cynllunio Cymru' yn nodi bod gan garafannau preswyl rôl i'w chwarae o ran darparu tai rhad i drigolion. Wedi dweud hynny, byddwn yn ategu'r safbwynt o'r ochr gynllunio y byddai gennym, fel awdurdod ac fel cynllunwyr, tipyn bach o bryder o ran egwyddor hynny, yn enwedig os ydym yn trio defnyddio hynny i ddiwallu anghenion amrywiol tai sydd gan ein trigolion yn ein hardal ac, ar ben hynny, tai o ansawdd o ran eu dyluniad, eu lleoliad a'u gosodiad.

some of the caravans that are already in use for 10.5 months of the year, what do we do then about a planning application to change the use of a site with 100 units for continuous residential use? Therefore, there are substantial implications from the point of view of planning if we want to go down that route. For example, the impact on services, on the Welsh language and on communities. Having said that, 'Planning Policy Wales' notes that residential caravans have a role to play in the provision of affordable housing for residents. However, I would endorse the point of view from the planning perspective that we, as an authority and as planners, would have some concerns about the principle of that, especially if we try to use them to meet the diverse housing needs that the residents in our area have and, in addition to that, quality housing in terms of their design, their location and arrangement.

[140] **Christine Chapman:** I want to go into some detail here, but first, Jocelyn, do you want to come in or can we move on?

[141] **Jocelyn Davies:** I just wondered whether the key principles that we are talking about here about caravans could equally apply to bed and breakfasts, guesthouses and whatever else. What makes caravans different from bed and breakfasts? Have you got people living in bed and breakfasts? Well, of course you have. You have probably placed people there—and in hotels. I just wonder whether there is a distinction.

[142] **Mr N. Jones:** The only distinction that I could see would be a planning distinction. If the bed and breakfast was to be used on a more permanent basis, there would be a planning enforcement implication there, whereas there would not necessarily be a planning enforcement issue on caravan sites, because the sites do not have planning conditions restricting their use; bed and breakfasts and hotels do. If it was brought to our attention that a bed and breakfast had changed its use to a more permanent residential use, our planning enforcement team would look at that. I think that that is the only difference.

[143] **Jocelyn Davies:** I wonder whether you would you expect somebody running a bed-and-breakfast place or a hotel to check that I had a home somewhere else before I could stay there. Probably not.

[144] **Ms Hancock:** If it was extended use, it would become a house in multiple occupation. Our housing teams have a licensing remit for houses in multiple occupation and we would deal with it under that approach. The thing with all of the enforcement work that Conwy has talked about is that it has been done at the expense of the public purse, because, as far as I am aware, this is only one of the licences that local authorities enforce for which there is no fee. We have to give a licence. The only control that we have is through the conditions, and if the conditions are not robust enough to deal with some of the issues on the site, that enables people to carry on with either residential misuse or technically breaching conditions, because our enforcement powers have been so weak. All of this occurs—and obviously some of the north Wales authorities have done a lot of work to try to reduce residency—at expense to the public, because there is no income generated from it.

[145] **Mark Isherwood:** I think that Denbighshire has done quite a lot of work on enforcement against B&B residential misuse. I know of instances where they have intervened against the owners of the properties involved.

[146] **Christine Chapman:** Right, I am very conscious of the time. We only have until 11.30 a.m. and there is quite a lot of ground that we have not covered, although Members may have covered some of it. Mike, do you want to come in?

[147] **Mike Hedges:** May I start off with a comment that some people are in bed and breakfasts because they do not have permanent accommodation? I have a couple of questions. I have listened intently for the past 40 minutes or so. The Member in charge asserts that this is a growing problem. Nobody has said anything to give me any indication of where the problem is growing. In fact, listening to the people representing Conwy, I would say that it is getting less of a problem, rather than more. Surely, if the problem is it being used, why, instead of having it open for 10.5 months, do you not just open for five months, from the beginning of May to September, in which case it could not be a permanent address? If you are saying that people are staying there for long periods of time, surely licensing it—I do not know whether you have the power to license it for only five months—or creating legislation to license it for five months would solve that problem without needing a fairly rigorous form of legislation that, having listened to everything I have heard, I am not actually convinced would work.

[148] **Christine Chapman:** Who would like to answer that? Nick.

[149] **Mr N. Jones:** The legislation for licensing says that, if an application is made for a site licence, we have to mirror whatever they have the relevant planning permission for. The majority of the sites that we have do not have any restrictions in planning terms on their closed season. Therefore, if they ask for a 12-month season, we have to give it. There is case law to say that we cannot refuse that. We cannot restrict the season via the licence if they have the relevant planning permission. That is where planning and licensing are linked.

[150] **Mike Hedges:** But we will not be able to go back, will we? My understanding of planning law, and I am sure that you will correct me if I am wrong, is that, if someone has planning permission now for having it open for 12 months, whatever we do in terms of this legislation, you will not be able to go back and say, ‘Hang about. The law’s changed now. Your planning permission gets taken away’. Once you have planning permission—as we discovered in Swansea over coal duff—you have got planning permission for ever. What I do not understand is how these changes are going to make any difference, apart from the fact that some of the elderly people that Jenny Rathbone talked about earlier will register themselves at their children’s address and then carry on as normal.

11:00

[151] **Christine Chapman:** Do you agree with that? Does anybody disagree with that?

[152] **Ms Hancock:** I would have a slight counterargument, in that, at the moment, we must issue a site licence. We have no ability not to issue the licence, whereas the new legislation, as proposed, says that we ‘may’ issue the licence. Also, via the use of conditions on the licence, we could restrict usage, even if planning permission enables them to be open all year. Through the licence conditions, we can restrict it to holiday use. That does not stop people from occupying their holiday caravan from 10.5 months of the year, provided they have an alternative address. They can still occupy that caravan for as long as they like, as long as it is for holiday purposes. However, the tools are in the conditions that enable us to enforce on that site, which would override the planning permission.



[153] **Mike Hedges:** A court would decide that, actually, I would have said, at some stage.

[154] **Ms Hancock:** Well, yes.

[155] **Mike Hedges:** I think that a court would probably find in favour of the planning permission, because that was prior to the licence, but that is a matter for the courts. The point I was making earlier, though, was this: what is to stop them staying there for 10.5 months and registering at their children's address?

[156] **Christine Chapman:** Does anybody know the answer to that?

[157] **Ms Hancock:** That is, obviously, something that could still occur, as the Bill is drafted currently.

[158] **Christine Chapman:** Peter is next.

[159] **Peter Black:** This is just a quick follow-up question on that response to Mike Hedges. In terms of the licence conditions, you say that you can put conditions on a licence saying that you can only occupy the site for 10 months of the year. Does the residency test in this Bill have any impact, and could you do that without the residency test? Do you need the residency test to be able to do that, or could you do it anyway?

[160] **Ms Hancock:** I think that a residency condition would be helpful. I am not sure that it needs to be done with the frequency that has been stipulated.

[161] **Peter Black:** Right. So, as the Bill is currently drafted, you are saying that it is possibly going further than you need to go in order to do that.

[162] **Ms Hancock:** I have read some documents by the British Holiday and Home Parks Association, and the controls that it already has in place to deal with residency mean that, if it were to follow those principles, I am not sure that it is essential either for the owners of the caravan sites to carry out annual checks or for the local authority to monitor it annually. I think that that maybe a burden too far.

[163] **Christine Chapman:** I am very conscious of the time. I ask Members to ask very precise, concise questions, so that we get the benefit of the scrutiny session with our witnesses. As you know, we have some of these areas that we need to cover. Leighton, I do not know whether you want to come in, or have you covered that point? You have covered it. Okay, Janet is next.

[164] **Janet Finch-Saunders:** Good morning. Of course, the Bill introduces new powers for local authorities to charge fees, and I think that it is a point that you made, Samantha, about enforcement. What are your views on the power for local authorities to set their own fee policy in relation to site licences and whether it would be more appropriate for there to be a standard fee policy across Wales?

[165] **Christine Chapman:** Who would like to answer?

[166] **Ms Hancock:** Obviously, we support the introduction of fees. We do feel that they would need to be locally based, because of the number of sites within each local authority and the effect that it might have on the types of officers that local authorities employ. In the Bill, there are assumptions that some work will be done by environmental health officers and that some will be done by technical assistants. We do not have that framework in Pembrokeshire, so the work would have to be done by the level of staff employed, which would mean that our costs would be slightly higher than indicated in the Bill. On that basis, we believe that it

would need to be locally based, or you would have to go on the worst-case scenario, which, across 22 local authorities, would have an increased burden on the industry.

[167] **Mr N. Jones:** I would agree. I think that it is the only licence that the local authority issues to which there is no fee attached, and a fee would assist with the resource implications of monitoring the sites. I agree that this should be set locally as well, because, with regard to any fee that we charge, we should charge only what it costs us to enforce the regime. If it is set on a national basis, that may cause some authorities to undercharge or overcharge, which would be worse. So, I think each authority has to be able to justify the cost of their licence and only be able to charge what it has cost them to enforce.

[168] **Mr G. Jones:** Rwy'n cytuno'n llwyr â'r sylwadau sydd wedi cael eu gwneud yn barod. Mae'n hynod bwysig bod awdurdodau yn adennill unrhyw gostau o fod yn monitro a gorfodi ar safleoedd, a bod hynny yn adlewyrchu beth yw'r costau yn lleol, achos mae daearyddiaeth bob ardal yn amwyio'n fawr. O safbwynt Gwynedd, mae'n sir anferth, felly rwy'n meddwl bod angen rhyw fath o gyfundrefn sy'n adlewyrchu beth yw'r gwir gostau yn lleol, er bod hynny, mae'n debyg, o fewn fframwaith genedlaethol.

**Mr G. Jones:** I completely agree with the comments made already. It is exceptionally important that authorities recoup any costs of monitoring and enforcement on sites, and that that reflects the costs locally, because the geography of every area is different. From Gwynedd's point of view, it is a huge county, so I think we need some kind of system that reflects the true costs locally, although that is, apparently, within a national framework.

[169] **Janet Finch-Saunders:** So, current legislation does not allow for this. For any greater enforcement, you really would need new legislation. Moving on to my next area, the WLGA in its written evidence raised concerns about the continuation of licences issued under the 1960 Act without the need for application or fee payment to the local authority. What are the practical implications for local authorities of meeting the requirement to modify the 1,500 existing site licences issued under the Caravan Sites and Control of Development Act 1960 within 12 months of commencement of section 9 of the Bill?

[170] **Mr Wilkinson:** I think it is all down to the amount of resource that local authorities have at the moment. Obviously, the introduction of fees will assist with that. You will probably be aware that public protection services over the last number of years have suffered over 30% cuts in terms of their funding across the piece, so the prioritisation of the work has had to be undertaken severely. So, this may not always attract the priority that this committee would deem it needs to at the moment, based on the breadth of work that authorities need to undertake. So, the introduction of fees will certainly help that.

[171] **Janet Finch-Saunders:** Great. I think that that is the general consensus, is it not? Is the estimate in the explanatory memorandum of the local authority resources involved in the modification of existing licences reasonable?

[172] **Ms Hancock:** We did some calculations in Pembrokeshire. It was not solely for the modification of the licence—it was for the whole regime as documented in the Bill. Our costings were significantly higher, but essentially that was because of the assumptions about the level of officer that would need to carry out the work and also the corporate on-costs had not been included in the calculations. So, our predicted costs were a third higher than what was listed in the Bill.

[173] **Christine Chapman:** Does anyone else want to come in? Janet?

[174] **Janet Finch-Saunders:** No.

[175] **Christine Chapman:** Mark, would you like to come in?

[176] **Mark Isherwood:** Yes, if I may. The Bill provides that licences will not automatically expire, which is consistent with the 1960 Act and reflects industry concerns about the impact on its business of time-limited licences. Why does the WLGA believe that it is preferable for the licences to be renewed every five years?

[177] **Mr Wilkinson:** Again, it is in terms of consistency of approach across Wales and the two pieces of legislation currently being discussed. It is also to ensure that there is that security of income coming into the authority to be able to maintain a proper administration and inspection regime.

[178] **Ms Hancock:** In Pembrokeshire, we would not necessarily share that view: because an annual fee has been introduced into the legislation, the review of conditions at five years, we think, would be sufficient to deal with the ongoing income-related matters, and to ensure that the site licence conditions were fit for purpose. So, they would not need to renew every five years—a review would be sufficient.

[179] **Mark Isherwood:** Of course, this would impact on the site owner's ability to borrow on their sites and develop their sites and investments. In terms of the Bill, section 12 provides for local authorities to attach conditions when it issues a licence. What are your views on the proposed requirements for local authorities to consult with authorities in relation to fire safety and flood risk in considering the conditions to attach to the site licence?

[180] **Ms Hancock:** We already consult the fire authority on any new licence that we issue. Obviously, flooding related matters have been very evident in the last 12 months and I think that it is a very worthwhile and valid condition that should be added to all licences.

[181] **Mark Isherwood:** Does anybody else have a comment? I will just ask one more question. Why are some authorities, apparently including Pembrokeshire, charging council tax on some holiday caravans in their area, and do you agree with the Welsh Local Government Association's submission that preventing local housing allowance claims, bus pass applications and GP registrations for people with a holiday park address should be explored as alternatives to the test proposed in this Bill?

[182] **Ms Hancock:** I think that if it happens it needs to be looked at and considered and the mechanisms for liaison need to be improved. However, I think that the implications of this Bill go far wider than just dealing with that one matter.

[183] **Mark Isherwood:** In terms of the elements of the Bill to which this relates, do you agree with the WLGA line, or do you differ from that? On the issue around council tax, why is it the case that some people living in holiday parks are being charged council tax without that triggering investigations into breach of licensing conditions?

[184] **Ms Hancock:** I have no evidence that I can relate for Pembrokeshire. Nick, is it something that you have experienced?

[185] **Mr N. Jones:** I am not aware in Conwy of any council tax being charged for the use of a holiday caravan. We have a mixture on some of our sites of residential caravans and holiday caravans and residential caravans would be charged council tax, but I am not aware of any council tax being charged for use of a holiday caravan.

[186] **Mark Isherwood:** I have finished now. Thank you.

[187] **Christine Chapman:** Right. If we can move on now, we have about quarter of an

hour left. Jenny, do you have any questions?

[188] **Jenny Rathbone:** Yes. The explanatory memorandum to the Bill asserts that, as local authorities currently monitor and inspect sites already, the additional burden of this legislation is limited. I wondered whether you could comment on that, with particular reference to flood management, which we have already mentioned.

[189] **Mr N. Jones:** As regards flood management, my understanding is that Natural Resource Wales has visited every caravan site that is on a floodplain and requested—I think that it is only ‘requested’—them to provide a flood-risk management plan for the site. I think that every site I am aware of has provided that. So, they have covered that aspect. Again, I would assume that that is covered through its use as a holiday site, because it would be assumed that there would be a warning and also that they would have a home to go to elsewhere. If they did not have a home to go to elsewhere, and there was a flood event, then that would put a risk on the authority to temporarily house those people. However, as I said, I am aware that they have all been visited and have provided flood-risk management plans.

[190] **Jenny Rathbone:** In the context of climate change, you would probably agree that the risk of flooding has increased in general terms, and, in particular, in places like Towyn. So, what do you currently do to ensure that people are not occupying floodplains as a permanent residence?

[191] **Mr N. Jones:** On caravan sites, what we currently do is ask for checks on certain sites that people do have a main residence elsewhere, so that they have got somewhere else to go to, and those checks are made during the routine inspection. As I said, all our sites are risk-based, and depending on that we inspect annually, once every two years, or once every three years. Every site will have an inspection at least every three years. So, in answer to your other question, the proposals would not put any extra burden because we already do carry out those inspections anyway and when we carry out those inspections, we ask to see the flood risk management plan, although that is not required under the licence; that is just something that we ask to view. We ask if the site manager monitors whether the people are on holiday there or whether it is their main residence. That is just a routine question that we ask and keep a record of.

11:15

[192] **Christine Chapman:** May I just ask, do you think that this risk-based approach to inspection is compatible with the requirement on local authorities to inspect sites once every three years? Do you think that that is enough?

[193] **Mr N. Jones:** Yes, we have found that once every three years is enough. I know that some authorities have an extra risk category—they determine that the site does not need a routine inspection at all because it is a well-managed site and that kind of thing. We based ours on the fact that our best sites have a home inspection once every three years and we feel that that is adequate.

[194] **Christine Chapman:** Okay.

[195] **Ms Hancock:** I think that there is certainly scope to have a national risk rating scheme that could be looked at by a steering group, possibly, which could look at a range of sites to see whether they are well-managed and whether there could either be a ‘no inspectable risk’ category or whether the frequency of inspection could extend to five years, which would tie in with the review, as currently drafted, of the licence conditions. So, those that had been well-managed would just have a review at the five-year period to make sure that the conditions of that site were still reflected and that the correct person was licensed. More

often, what we found was that the site was sold, changed over to a limited company and that it was actually the wrong person who was licensed. So, I think that either a 'no inspectable risk' rating or an extension to five years with a national risk rating scheme would be very advantageous and would decrease the burden where appropriate.

[196] **Mr N. Jones:** I would agree.

[197] **Jenny Rathbone:** So, at the moment, we do not have the power to insist that site owners undertake flood risk management. Have you actually encountered any site owners who have said, 'I do not want to be bothered with that'?

[198] **Mr N. Jones:** No.

[199] **Jenny Rathbone:** So, does this Bill, as drafted at the moment, enhance your powers to do something about what is a known risk and does it go far enough? At the moment, we have very large numbers of people with caravans on flood plains. That is a potentially huge risk, a huge potential financial burden and a possible loss of life.

[200] **Ms Hancock:** As I understand it, a lot of the standards for residential caravans were rewritten a couple of years, before the new Bill and the new Mobile Homes Act 2013 came into force. It is a very useful tool because the condition as it is written in there for floodplains, and the emergency plans that they have to have in place, are useful because they have set a condition and that can be enforced as appropriate, whereas, at the moment, it is all done on an advisory basis, so we would have no teeth, as it were, if we had to deal with a matter. However, in Pembrokeshire, I am of the strong opinion that we would need model conditions to be rewritten if this Bill were to come in, because otherwise we would have enforcement powers, but we would be enforcing very outdated conditions. So, I think that all licence conditions—and not just those in relation to public liability insurance, flood risk and residency—need to be reviewed; I think that all conditions would need to be reviewed.

[201] **Christine Chapman:** Jenny, we are going to have to move on now because we have very limited time. I think that we need to look at the fit-and-proper-person issues. Mike, did you want to come in?

[202] **Mike Hedges:** Yes, this is really a question only for Pembrokeshire. You believe that the introduction of the fit-and-proper-person test is an unnecessary burden. Why? I think that there should be a fit-and-proper-person test for almost everything. I think that people ought to be fit and proper to look after anything, especially when we know that there are likely to be vulnerable people involved. Why do you think that that is an unnecessary burden and why should it be that onerous just to prove to someone that you are a fit-and-proper person when it is done all of the time to make sure that people are fit and proper to work in a school, in a nursing home and so on?

[203] **Ms Hancock:** We can see its relevance under the Mobile Homes Wales Act 2013 because of vulnerable populations and because they tend to be occupied by older residents. I understand that, in England, they did not introduce the fit-and-proper-person test for residential caravans. Given the increased burdens that would be placed on the tourism industry, we felt, from the evidence that we have in Pembrokeshire—it is very linked to our evidence—that the test was unnecessary, given that the larger sites, where they may be dealing with younger groups, will already have gone through the fit-and-proper-person test for any other licences that they may hold, like liquor licences and gaming permits. So, we did not feel that it was a necessary test, although I have listened to counter-arguments and I can accept them as well.

[204] **Mark Isherwood:** May I ask a very short question? I was evicted by an unscrupulous

holiday park owner in the last decade on Pen Llŷn. I went to a lawyer and the lawyer said that, although he was provably lying, there was no protection in law whatsoever that I could rely upon. So, how do you feel we should address situations where people, like I did, find themselves in that position?

[205] **Ms Hancock:** I have limited experience in terms of written agreements, but having spoken to our trading standards team, the introduction of written agreements for all in this new Bill, I think, would support both the individual owner of the caravan and the site and, hopefully, would deal with that matter. It is protection for both sides to have that written agreement there for all and hopefully the Bill would go some way to address that matter.

[206] **Mark Isherwood:** The BH&HPA already requires a contract between the site owner and the caravan's owner, but that does not go as far, as far as I am aware, as giving that protection if an owner is determined to get you off.

[207] **Ms Hancock:** From my understanding of the BH&HPA, it recommends a written agreement. I do not think all of its sites have to take it up. Also, the percentage of members that are in the BH&HPA does not reflect all of our tourism industry. Research has been done within Pembrokeshire and a lot did not have any written agreements, so there was no protection on either side.

[208] **Mark Isherwood:** That site owner was a BH&HPA member.

[209] **Christine Chapman:** We have about eight minutes left. Peter, did you want to come in?

[210] **Peter Black:** I think I have done enough on the residence test, actually.

[211] **Christine Chapman:** Okay, fine. Do you wish to come in, Jocelyn?

[212] **Jocelyn Davies:** When somebody registers on the electoral role, do you check that they actually live at that address, as a local authority?

[213] **Ms Hancock:** I do not know.

[214] **Mr Evans:** Do you mean in terms of caravan sites?

[215] **Jocelyn Davies:** No, the residency test. One of the pieces of evidence would be that I am registered on an electoral register somewhere. If I am registered, do you come and check that I live there?

[216] **Mr Evans:** I do not believe that the electoral roll people would carry that out. I think there is a certificate on the form that you sign.

[217] **Jocelyn Davies:** Okay.

[218] **Mr Evans:** On that point, Denbighshire, in fact, found 20 people who had registered on one of their sites for electoral purposes.

[219] **Christine Chapman:** Sorry, may I just ask whether your microphone is on there? You do not have to touch it. They should—.

[220] **Jocelyn Davies:** No, it is not lighting up.

[221] **Christine Chapman:** Sorry, Philip Evans is speaking, I am just telling—. It is on

now, sorry.

[222] **Jocelyn Davies:** So, you do not check. It is possible that they could be on the electoral register and they would not actually live there. I am just testing whether this residency test would be worthwhile. I know that some of you do not support the residency test anyway, so there is no need to say anything.

[223] There is a power in here for local authorities to issue instructions to a site owner to take action if an occupier fails the residency test. The site owner reports to you that somebody is resident and then you issue a notice or whatever, and then you can tell that site owner to take action. What action do you think that could possibly be that you could instruct a site owner to do? Would it be things like disconnecting the water to that caravan, or the power? What instructions could you possibly issue to a site owner if someone fails the residency test?

[224] **Ms Hancock:** I think you would be looking at the long-term management plans. You would have an issue with that one occupier, which you would need to work through with them, but longer term, you would not want that to proliferate so that they allowed people to stay there and occupy their units on a residential basis. So, you would be looking at the long-term management plans, and I believe that my instructions would be more about that, because, as written, the local authority would serve the notice on the occupier and support them. As a local authority, we already have good enforcement policies that we follow, and we would support that resident through the process that needed to take place for them to find a main address.

[225] **Jocelyn Davies:** So, you see no case at all for the local authority to instruct the site owner to then do anything as far as the occupier who has failed the test. You see that instruction to the site owner to be more about the way that that site owner manages the site rather than for them to take specific action in relation to a specific individual who has failed the test.

[226] **Ms Hancock:** I think that the Bill is very much written along the lines that they must notify the local authority and that the local authority must serve the notice. The Bill, as written, has very much put the onus on the local authority to deal with that and the longer term management, but that part of the Bill is quite brief and I think that if this Bill was to come in, a lot more work would be needed in terms of codes of practice or guidance to go alongside it. In Wales, we are very effective at setting up steering groups to work on those types of matters, and I think that it is something that could be dealt with.

[227] **Jocelyn Davies:** Okay. I do not have any more questions.

[228] **Christine Chapman:** I know that Gwyn has a question, and then we have Mike. We are very short of time. We will have to finish then.

[229] **Gwyn R. Price:** We have had views and concerns raised by the representatives of the holiday caravan industry about the potential impact of the Bill on tourism and what this would mean for their local authorities. They seem to think that it would impact on tourism. Do any of you have a view on that?

[230] **Mr N. Jones:** I do not honestly see how it would have an adverse impact on tourism. It would bring clarity to the caravan site industry to manage its sites on a holiday basis, and, therefore, enhance tourism, if anything.

[231] **Gwyn R. Price:** They say that it would place Wales at a disadvantage as compared to England. Perhaps you have not gone into depth with that, but that is what they say in their evidence. They think that Wales would be at a disadvantage as compared to England.

[232] **Mr N. Jones:** I can see why, perhaps, they may say that, but I do not think that in reality that would be the case. I think that people would still come to the holiday caravan sites in Wales for the reasons that they do now. There may be some small extra costs that the caravan industry might put on to their tenants, but I do not think that it will be that much of a cost so that it would be prohibitive and would stop them from coming.

[233] **Ms Hancock:** We have costed it, using the predictions as written in the Bill with no amendments, and, as I have indicated, it was a third higher. With no tiering at all, looking at no management costs and no training and solely as written, it came out as £991 per caravan site over five years, which would be, if it was an annual fee, approximately £200 a year. There would be extra costs to that, and it would have to be looked at, but we did not feel that the costs were prohibitive to the industry and would have a knock-on effect on tourism.

[234] **Christine Chapman:** I call on Mike and then Mark, finally.

[235] **Mike Hedges:** What is your view on the interim manager provision? Why do you think licensing brought in now could negate planning permission, especially pre-1948 permissions?

[236] **Christine Chapman:** Who would like to answer that? Gareth, would you like to respond?

[237] **Mr G. Jones:** Fel cynllunydd, nid wyf yn meddwl y byddai'r drwydded yn golygu bod y caniatâd cynllunio yn cael ei gollu. Rwy'n cytuno'n llwyr â'r sylwadau y gwnaethoch yn gynharach ynglŷn â'r mater hwnnw. Unwaith mae'r caniatâd cynllunio yn ei le ac yn weithredol yn unol ag unrhyw amodau, mae yn ei le am byth, heblaw bod newid mewn deddfwriaeth, wrth gwrs. Yr hyn nad ydym yn gwybod yw a fydd y ddeddfwriaeth a ddaw allan o'r system drwyddedu yn cymryd blaenoriaeth. Fy marn i ar hyn o bryd yw nad oes achos; nid ydyw wedi cael ei brofi, felly, yn fy marn i, bydd y drefn gynllunio yn parhau. Dyna yw fy marn i o safbwynt cynllunio.

**Mr G. Jones:** As a planner, I do not think that the licence would mean that planning permission would be lost. I agree entirely with the comments that you made earlier on that matter. Once planning permission is in place and operating in accordance with any conditions, it is in place forever, unless there is a change in legislation, of course. What we do not know is whether the legislation that emanates from the licensing system will take precedence. My opinion at present is that there is no case for this; it has not been proven, so, in my opinion, the planning system will continue. That is my point of view from a planning perspective.

11:30

[238] **Mike Hedges:** May I just say that the planning law that has not yet been brought in has not negated planning permission that existed pre 1948, has it?

[239] **Mr G. Jones:** No.

[240] **Christine Chapman:** May I ask you, Simon, whether the WLGA has any comment on the interim managers?

[241] **Mr Wilkinson:** Yes. In terms of placing interim managers when there are issues around sites, it would be difficult for any local authority or site manager to be able to immediately place sufficiently skilled and experienced managers who could come in and manage sites. I do not think that there is a pool of individuals sat waiting to be able to come in and carry out that function. It is certainly something that would need a lot more discussion as



to what types of people and qualifications et cetera would be required.

[242] **Christine Chapman:** Okay, thank you. I have one final question. Sorry, Nick, did you want to say something very briefly?

[243] **Mr N. Jones:** I would say that the interim management would be a concern for us if the fit-and-proper-person test was brought in. If the current manager was not deemed fit and proper and the owner was not deemed fit and proper, is the onus then on the local authority to find a manager to go to manage the site? I think that that would be very difficult to do.

[244] **Christine Chapman:** Okay, thank you. I call Mark with the final question.

[245] **Mark Isherwood:** Following Samantha's comments regarding costs, and the costs of monitoring compliance for the local authority, the Pembrokeshire paper also said that the estimated employment costs

[246] 'will have a significant bearing on the local authority costs that would inevitably need to be passed on.'

[247] I wonder whether you could comment on that.

[248] **Ms Hancock:** I am sorry; in what respect would you—

[249] **Mark Isherwood:** I am quoting from the Pembrokeshire submission, which said:

[250] 'In estimating employment costs, the RIA has used a typical salary for specified officer grades (EHOs and TOs), inclusive of salary on-costs (to cover National Insurance costs and employer pension contributions). Other corporate on-costs have not been included, yet would be relevant...This will have a significant bearing on the local authority costs that would inevitably need to be passed on.'

[251] **Ms Hancock:** Essentially, it is what I referred to before. If you use the assumptions that they have made, the on-costs have not been included and the environmental health scales have not been considered, thereby the cost to the industry in Pembrokeshire, using the framework that we currently have, would be higher than what is predicted in the Bill and, therefore, the licence fee would have to be increased.

[252] **Mark Isherwood:** Roughly how much higher?

[253] **Ms Hancock:** A third higher.

[254] **Christine Chapman:** We will have to draw this session to a close, so could I thank witnesses very much for coming this morning and answering Members' questions? We will send you a transcript of the meeting, so that you can check it for any factual inaccuracies. Thank you, once again, for attending.

11:33

### **Papurau i'w Nodi Papers to Note**

[255] **Christine Chapman:** Before I close the meeting, could I point out to Members that there are some papers to note?

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r  
Cyfarfod**  
**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the  
Meeting**

[256] **Christine Chapman:** I move that

*the committee resolves to exclude the public from items 5 and 6 of the meeting in accordance with Standing Order 17.42(ix).*

[257] I see that Members are content. Thank you very much.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:34.  
The public part of the meeting ended at 11:34.*