

Letter from Peter Black AM 17 January 2013

Dear Ann,

Thank you for your letter of 16 January concerning the Minister's evidence to the Constitutional and Legislative Affairs Committee on 14 January.

As you know I have been in discussions with Government officials about amendments to the Bill which would reduce the amount of secondary legislation. At the last meeting it was suggested that they produce amendments that would unify the 1960 licensing system with the one I proposed by importing large chunks of the 1960 Act into my bill. I agreed that this was an acceptable approach provided that key features of my bill remained.

I was therefore, shocked to see this agreement misrepresented in the CLA Committee as one that would be an English and Wales licensing system with just a fit and proper person text added on. I had never agreed to that and believe that such an approach would remove some critical aspects of my bill.

Accordingly I e-mailed the civil servant concerned to outline my concerns. In that e-mail I said:

"I would suggest we need to clarify where we are going with these amendments at another meeting as soon as possible please? To be clear, any amended Bill should still contain the following features:

1. A five year licence subject to a fee which can resource enforcement activity and which is payable again on renewal.
2. Fit and proper Person test applying to the manager of the regulated site
3. Management regulations that set out how the site should be managed and enables the licensing authority to issue management orders on the running of the site
4. Involvement of the RPT in appeals and other determinations as per section 16 and 18(4)
5. Enforcement provisions and the rights for local authorities to serve notices on site owners to carry out work and to act to undertake that work in default if necessary as well as powers of entry
6. The end to the veto on sales alongside provisions to protect the paying over of the commission and to ensure the purchaser receives information about the agreement and the site rules ahead of completion as per Schedule 1 section 4
7. Protection of the anonymity of the residents association members as set out in the current bill as per section 30 of my bill and also Schedule 1 section 9
8. A fixed penalty option for licensing authorities
9. Provisions in relation to operating an unlicensed site, including repayment orders as per sections 25 and 26 of my bill

10. Protection for residents from the passing on to them of any costs incurred as a consequence of the bill as per Schedule 1 section 6
11. That pitch fees will henceforth only be increased in line with CPI rather than RPI Schedule 1 section 7
12. Protection for the home owner in terms of the movement of their home by the site owner as per Schedule 1 section 5
13. Provision on rights of succession as per Schedule 1 section 2
14. Protection for the mobile home owner to carry out internal **improvements as per Schedule 1 section 8**"

I have had a response to the effect that the official concerned will review the record and get back to me. I understand also that my e-mail has been copied to a government lawyer.

My view is that whereas we can unify the two licensing regimes it is vital that the 14 provisions outlined above remain in the bill. I believe that is in line with the outcome of the consultation and also with representations made to me since I won the ballot for this bill. I also believe that these provisions will transform the Mobile Home Industry within Wales for the better and will benefit residents and site owners alike.

I hope that this is helpful. I have copied this e-mail to my team and also to the Minister and his official for information.

Yours

A handwritten signature in black ink, appearing to read 'Peter Black', written in a cursive style.

Peter Black AM