



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

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
The Constitutional and Legislative Affairs Committee**

**Dydd Llun, 9 Mehefin 2014
Monday, 9 June 2014**

**Cynnwys
Contents**

Ethol Cadeirydd Dros Dro
Election of a Temporary Chair

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant
Introduction, Apologies, Substitutions and Declarations of Interest

Offerynnau nad ydynt yn Cynnwys Materion i Gyflwyno Adroddiad Arnynt o dan Reolau
Sefydlog 21.2 na 21.3
Instruments that Raise no Reporting Issues under Standing Orders 21.2 or 21.3

Papurau i'w Nodi
Papers to Note

Tystiolaeth Mewn Perthynas â'r Bil Safleoedd Carafannau Gwyliau (Cymru)
Evidence in Relation to the Holiday Caravan Sites (Wales) Bill

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

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**

Mick Antoniw

Llafur
Labour

Suzy Davies Ceidwadwyr Cymreig
Welsh Conservatives
Simon Thomas Plaid Cymru
The Party of Wales

Eraill yn bresennol
Others in attendance

Helen Kellaway Gwasanaethau Cyfreithiol, Llywodraeth Cymru
Legal Services, Welsh Government
Darren Millar Aelod Cynulliad, Ceidwadwyr Cymreig (yr Aelod sy'n gyfrifol
am y Bil Meysydd Carafannau Gwyliau (Cymru))
Assembly Member, Welsh Conservatives (the Member in
charge of the Holiday Caravan Park (Wales) Bill)
Carl Sargeant Aelod Cynulliad, Llafur (y Gweinidog Tai ac Adfywio)
Assembly Member, Labour (the Minister for Housing and
Regeneration)
Alyn Williams Pennaeth Tîm Tai'r Sector Preifat, Llywodraeth Cymru
Head of Private Sector Housing Team, Welsh Government

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

Stephen Boyce Y Gwasanaeth Ymchwil
Research Service
Gwyn Griffiths Uwch-gynghorydd Cyfreithiol
Senior Legal Adviser
Ruth Hatton Dirprwy Glerc
Deputy Clerk
Gareth Howells Cynghorydd Cyfreithiol
Legal Adviser
Matthew Richards Uwch-gynghorydd Cyfreithiol
Senior Legal Adviser
Dr Alys Thomas Y Gwasanaeth Ymchwil
Research Service
Gareth Williams Clerc
Clerc

Dechreuodd y cyfarfod am 13:31.
The meeting began at 13:31.

Ethol Cadeirydd Dros Dro
Election of a Temporary Chair

[1] **Mr Williams:** Good afternoon and welcome to this meeting of the Constitutional and Legislative Affairs Committee. The committee Chair, David Melding, has submitted his apologies for today's meeting. The first item of business is therefore the election of a temporary Chair. I invite nominations from committee members for a temporary chair to be elected under Standing Order 17.22.

[2] **Suzy Davies:** I nominate Simon Thomas.

[3] **Mick Antoniw:** I second that.

[4] **Mr Williams:** I see that there are no other nominations. I declare Simon Thomas

elected and invite him to take the Chair.

*Penodwyd Simon Thomas yn Gadeirydd dros dro.
Simon Thomas was appointed temporary Chair.*

13:32

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant Introduction, Apologies, Substitutions and Declarations of Interest

[5] **Simon Thomas:** Diolch yn fawr iawn. Croeso i'r cyfarfod hwn o'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol. Yn gyntaf oll, fel rydym newydd glywed, mae ymddiheuriadau gan y Cadeirydd, David Melding, ac hefyd gan Julie James. Mae Mick Antoniwn yn dirprwyo ar gyfer Julie; diolch yn fawr, Mick. Rydym hefyd wedi derbyn ymddiheuriad gan Eluned Parrott y prynhawn yma, felly ni'n tri fydd yma. Nid ydym yn disgwyl larwm tân, felly, os oes sŵn, dilynwch y cyfarwyddiadau i adael yr adeilad yn saff. A wnewch chi ddiffodd eich ffonau symudol os gwelwch yn dda, sy'n hawdd i mi heddiw achos rwyf wedi anghofio fy ffôn a'i adael gartref? Wrth gwrs, mae'r cyfarfod yn gweithio drwy'r Gymraeg a'r Saesneg—mae sianel 1 ar y clustffonau yn rhoi cyfieithu ar y pryd i chi, ac mae'r iaith sy'n cael ei siarad ar sianel 0.

Simon Thomas: Thank you very much. Welcome to this meeting of the Constitutional and Legislative Affairs Committee. First of all, as we have just heard, we have received apologies from the Chair, David Melding, and also from Julie James. Mick Antoniwn is substituting for Julie, so thank you very much, Mick. We have also received apologies from Eluned Parrott this afternoon, so it is just the three of us. We are not expecting a fire drill, so, should it sound, please follow the instructions to leave the building safely. Please switch off your mobile phones, which is easy for me today because I have forgotten my phone and left it at home. Of course, the meeting will be conducted through the media of Welsh and English—channel 1 on your headphones will provide you with interpretation, and the floor language is available on channel 0.

[6] Heddiw, ymysg pethau eraill, rydym yn trafod y Bil meysydd carfannau, ac hoffwn felly, ar ddechrau'r cyfarfod, ddatgan budd gan fod gennyf garafán, sydd o bosib yn dod o fewn cwmpas y Bil hwn. Rwy'n gwahodd unrhyw Aelod arall i ddatgan buddiant fel sydd yn briodol.

Today, in addition to some other things, we are discussing the holiday caravan sites Bill, and therefore, at the beginning of the meeting, I would like to declare an interest as I have a caravan, which may fall within the scope of this Bill. I invite any other Member to declare any interest as appropriate.

[7] **Mick Antoniwn:** I have a similar interest.

[8] **Suzy Davies:** My interest is slightly different in that my husband owns a site that is likely to be caught by this Bill.

[9] **Simon Thomas:** Diolch yn fawr iawn. Felly, mae'r datganiadau hynny wedi'u cofnodi.

Simon Thomas: Thank you very much. Therefore, those declarations are on the record.

13:33

Offerynnau nad ydynt yn Cynnwys Materion i Gyflwyno Adroddiad Arnynt o dan Reolau Sefydlog 21.2 na 21.3
Instruments that Raise no Reporting Issues under Standing Orders 21.2 or 21.3

[10] **Simon Thomas:** Cyn i ni gymryd tystiolaeth gan y Gweinidog, sy'n bresennol, hoffwn wahodd y pwyllgor i ystyried dwy eitem ar yr agenda. Mae un set o rheoliadau, sef y Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfywrwr Gostau Byw (Cymru) 2014. A oes unrhyw sylwadau neu gwestiynau? Gwelaf nad oes a bod pawb, felly, yn hapus gyda'r rheini.

Simon Thomas: Before we move to taking evidence from the Minister, who is here, I invite the committee to consider two items on the agenda. There is one set of regulations, namely the Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2014. Are there any comments or questions? I see that there are none and that everyone is, therefore, content with those.

Papurau i'w Nodi
Papers to Note

[11] **Simon Thomas:** Y papur i'w nodi yw adroddiad blynyddol 2013 ar sybsidiaredd gan Bwyllgor y Rhanbarthau. Yn anffodus, mae hwn ychydig yn hwyr ar gyfer etholiadau Ewrop, ond mater arall yw a fyddai wedi gwneud gwahaniaeth ai peidio. Mae'r papur i'w nodi, ond mae croeso i chi ofyn cwestiwn hefyd, os oes unrhyw beth gennych chi i'w ofyn.

Simon Thomas: The paper to note is the subsidiarity annual report 2013 by the Committee of the Regions. Unfortunately, it is a little late for the European elections, but it is another matter as to whether or not it would have made a difference. The paper is to be noted, but you are welcome to ask questions, should you have anything to ask.

[12] **Suzy Davies:** Nid y tro yma.

Suzy Davies: Not this time.

[13] **Simon Thomas:** Ddim y tro yma. Rydych yn hapus. Grêt. Diolch yn fawr.

Simon Thomas: Not this time. You are content. Great. Thank you very much.

13:34

Tystiolaeth Mewn Perthynas â'r Bil Safleoedd Carafannau Gwyliau (Cymru)
Evidence in Relation to the Holiday Caravan Sites (Wales) Bill

[14] **Simon Thomas:** Symudwn ymlaen felly i dderbyn tystiolaeth ynglŷn â'r Bil Safleoedd Carfannau Gwyliau (Cymru). Mae'r Gweinidog, Carl Sargeant, gyda ni; prynhawn da, Weinidog a chroeso i'r pwyllgor. Cyn i ni gymryd tystiolaeth, a wnewch chi gyflwyno eich swyddogion ar gyfer y cofnod, os gwelwch yn dda?

Simon Thomas: That brings us therefore to evidence gathering in relation to the Holiday Caravan Sites (Wales) Bill. The Minister, Carl Sargeant, is with us; good afternoon, Minister, and welcome to the committee. Before we take evidence, will you introduce your officials for the record, please?

[15] **The Minister for Housing and Regeneration (Carl Sargeant):** May I ask them to introduce themselves please?

[16] **Simon Thomas:** Yes.

[17] **Mr Williams:** I am Alyn Williams, head of the private sector housing team within the housing division of Welsh Government.

[18] **Ms Kellaway:** I am Helen Kellaway, from legal services in the Welsh Government.

[19] **Simon Thomas:** Diolch i chi a chroeso i chi hefyd. Weinidog, rydym wedi derbyn y tystiolaeth ysgrifenedig oddi wrthyh, felly, os ydych yn hapus, symudwn ymlaen i holi cwestiynau. Yn gyntaf, pam nad ydych chi bellach yn cefnogi'r Bil, ar ôl i chi ddatgan rhyw fath o gefnogaeth i egwyddorion y Bil, beth bynnag, yn y lle cyntaf?

Simon Thomas: Thank you and welcome to you as well. Minister, we have received your written evidence, so, if you are content, we will move immediately to ask questions. First, why do you no longer support the Bill, having initially expressed some sort of support for the principles of the Bill?

[20] **Carl Sargeant:** Thank you, Chair. I thank the committee for the opportunity to come and give evidence today.

[21] I think that, when the Bill was floated by Darren Millar, as a backbencher's Bill, we thought that we would certainly give it the airing that it deserved, in terms of what his intentions were, and we are sympathetic to some of the things that Darren Millar is seeking to achieve. Since giving that further thought, and since the publication of the draft Bill, we have looked at this carefully and we believe that this goes on far beyond the scope of what was originally intended. Therefore, while we still believe that there are opportunities for improvements in the legislation—the current legislation—we do not believe, at this stage, that there is any need to introduce new legislation into the field.

[22] **Simon Thomas:** Diolch, Weinidog. Wrth gwrs, nid ydym yn holi yn gymaint am bolisi yn y fan hon, ond yn hytrach am yr ochr ddeddfwriaethol. A allwch chi fod yn glir, felly—jest ar gyfer y cofnod—ai'r ffaith eich bod yn teimlo bod y Bil yn mynd yn rhy bell o ran polisi, neu ai'r capasiti cyfreithiol y tu fewn i'r Llywodraeth sy'n eich rhwystro chi rhag symud ar y Bil?

Simon Thomas: Thank you, Minister. Of course, we are not asking so much about policy here, but rather about the legislative aspects of this. Can you be clear, therefore—just for the record—whether it is the fact that you feel that the Bill goes too far in terms of policy, or whether it is the legal capacity within Government that prevents you from supporting this Bill?

[23] **Carl Sargeant:** I think that there are two aspects. First of all, I have some concerns about the policy agenda, and, of course, I will address that with the Communities, Equality and Local Government Committee towards the end of the week, in another committee setting. However, in terms of the drafting of the Bill, as I know you will have an interest in this, we have little concern about the proposals or the way that they are drafted. Do we think that there is legislation required in order to achieve this? First of all, we think that the legislation goes too far in what is being proposed, and, secondly, we believe that some of the things that Darren Millar is seeking to achieve could be addressed in other aspects of the legislation currently in place, with better enforcement in the way that that is handled under current legislation.

[24] **Simon Thomas:** A ydy'ch gofidiau chi yn y cyd-destun hwnnw yn ymwneud â beth sydd ar wyneb y Bil neu â beth sy'n gallu dilyn yn y rheoliadau—y pwerau sy'n cael eu rhoi i'r Gweinidog?

Simon Thomas: Do your concerns in that context relate to what is on the face of the Bill, or to what could emerge in regulations—the powers handed to the Minister?

[25] **Carl Sargeant:** I have little concern again. There are some small parts of the Bill, as drafted, that we would question in terms of whether they should be affirmative procedures or otherwise, but nothing, within the Bill context, that we would not seek to amend at the appropriate point. So, there is nothing that concerns us specifically in the shape of the way the

Bill is drafted, but we do not agree with the Bill.

[26] **Simon Thomas:** Iawn. Diolch, **Simon Thomas:** Okay. Thank you, Minister. Weinidog. Gofynnaf i Mick Antoniw ofyn y I will ask Mick Antoniw to take the cwestiynau nesaf. questioning forward.

[27] **Mick Antoniw:** Thank you, Minister. It seems clear that there is a degree of consensus in terms of the principle and the objective of what the Bill is trying to achieve. However, as I understand it, there are two areas of concern that I think are worth exploring. One of the key ones appears to be the extent and the scope of the enforcement burden that is going to be put on local authorities. Now, obviously, there is a certain degree of enforcement and responsibility at the moment. To what extent does the situation change? I wonder whether you could elaborate on your concerns over that burden, and perhaps outline the extent of that burden and why you think it is something that local government could not accommodate.

[28] **Carl Sargeant:** There are two things. We have not scoped the principle of the effects of the Bill—what effect it will have in terms of my department or local government, in terms of the other aspects of the capability of delivering this Bill. What we have tried to do is look at this in a procedural way—what it is that we are trying to achieve here through the Bill, whether we agree with that or not, and whether there are aspects that we think that could be dealt with appropriately through current legislation. The Bill goes far beyond the scope of what we expected when it was drafted—issues around residency tests, the fees in relation to some of the structures in place, and enforcement, all go beyond what was originally perceived.

[29] Therefore, we think that there are enforcement activities that local government already undertakes. However, actually, on speaking to the profession, and in discussions with the Minister for business, it has been very clear to us that there are two aspects of this. The first is that the enforcement in some areas could be better, and, secondly, some aspects of the way that the legislation is perceived or enacted could also be better. So, I think that there is an understanding of the current legislation from both sides, about how that operates, that could be built upon. Therefore, we do not believe that there is a need for further legislation. We think that the majority of the things that Darren Millar is seeking to do could be managed within current legislation.

[30] **Suzy Davies:** On this very point, if you are not 100% clear at the moment why existing enforcement does not work, what is it specifically about the enforcement part of this that makes you believe that additional legislation is not needed? I am worried about the policy on this, but there is obviously a gap somewhere—why does this Bill not fit?

[31] **Carl Sargeant:** Of course. There are two points that I would like to raise. On the issue of the quantum with regard to enforcement, I think that the regulations set a fee of £500 for enforcement. That is a significant level for enforcement. Just increasing that, and putting a big number on it, does not ensure that it will happen just because there is a large fine at the end of it. However, more important for me is that part of the problem is that we do not understand the scale of the issue and we do not believe that there is enough evidence behind this to suggest what the scale or proportion of the problem is. This is not for your committee, Chair, but I will certainly be saying on Thursday or Wednesday—on Wednesday, sorry; I apologise.

[32] **Simon Thomas:** You will be ready, anyway. *[Laughter.]*

[33] **Carl Sargeant:** It will be one day this week. My view is that, actually, in understanding that the backbencher's legislation came forward at that time and the Bill was pulled out at that time—it is a great honour for a backbench Member to come forward with

some potential legislation—it should be well informed. I will be asking the committee, therefore, to do a piece of work to bring forward the reasoning behind it, because what is missing from this Bill is the reason why we need legislation. At the moment, we do not have the evidence to suggest that we need it, and I have not seen anything presented during the passage of the Bill to suggest that we do. So, that will be my suggestion later on. Therefore, it is on the basis of the information that we have that I am making my determination as a Minister.

[34] **Suzy Davies:** Okay; that is fine.

[35] **Mick Antoniw:** I have just a couple of points on that. I understand the point that you are making, and, in fact, I was going to ask a little bit more about the number of sites and the extent of the problem. However, you have already answered in saying ‘We do not actually know, and I have not seen anything on that’. However, is there any issue in respect of the owners themselves? One issue that jumped out at me from the Bill was that, ultimately, the owner becomes the liable party and enforcement action can be taken, but it seems to me that there are a lot of tests and potential obligations that go on there, some of which may be quite difficult to establish. Is that something that your department has looked at?

[36] **Carl Sargeant:** No, Chair. The reason behind that, with the greatest respect, is that this is not a Government Bill; it is a backbencher’s Bill that should be considered in relation to the evidence presented. As I said earlier, with the principle of the Bill, I can understand what we are trying to achieve. I believe that it has gone beyond its scope.

[37] There are things that I share with Darren Millar that were, initially, of concern to me; things like excessive demands on public services et cetera. However, it is all anecdotal evidence. I have not seen anything presented to me saying that x number in Conwy and Denbighshire are presenting bus passes because they live in a caravan et cetera. All of those things, we believe, are possible to respond to, if that is what we wish to do, in terms of current legislation or provisions that are already in place. It is just about the misuse of some services—actually, do we need to legislate for that? At the moment, I have not been convinced by an argument that suggests that there is enough evidence behind that to legislate.

[38] **Simon Thomas:** Following that, Minister, I accept the point that you are making that it is relevant to this committee, because the reasons for legislation are certainly something that we look at. However, surely, part of Stage 1 proceedings is to try to gather some of that evidence; it is part of the process. You seem to have already decided that the Bill does not have enough of an evidence base, even though it is actually going through Stage 1, which could give you that evidence base. Is that a fair criticism of, perhaps, a little bit of presumption on your part?

[39] **Carl Sargeant:** I would not accept any criticism, Chair, on the basis of my department working professionally in terms of managing the legislation that we are expected to manage. I refer you again to the fact that this is a backbencher’s Bill, and the Commission is taking that forward. It is up to us to respond to that. We believe that we are acting responsibly in that process.

13:45

[40] **Simon Thomas:** So, you believe that you have alternative avenues, either legislative or not, to deliver what you said you shared with Darren Millar in parts of this.

[41] **Carl Sargeant:** If we believed there was a problem, then we would legislate for that, as a Government. As it happens, we do not believe, or it has not been brought to our attention, that the evidence suggested by the backbench Member demonstrates that there is a problem

here. What I will do, through that process, is look very carefully at the evidence presented to the committee to see if the scale of the problem is factually correct and not just anecdotal. From what we believe, from the anecdotal expressions we have heard, there are things that we could do to alleviate some of the problems that Darren Millar is trying to solve, without legislation.

[42] **Simon Thomas:** You do not feel that the Bill is amendable, from a Government perspective, then.

[43] **Carl Sargeant:** Of course it is amendable. Through the passage of the Bill, if the stages take us to a point where it needs to be amended, that is what the Government would do. But, at this stage, we have not seen any evidence to suggest that we should support this Bill or that there is a problem in order for legislation to be in place in this context.

[44] **Simon Thomas:** Suzy, did you have a question?

[45] **Suzy Davies:** I will ask if Mick does not ask it.

[46] **Mick Antoniw:** To summarise, what you are really saying is that the Bill has some good motives in terms of what it seeks to achieve, but that there has not been presented, with or as part of this Bill, any significant evidence that establishes that there is a problem that needs to be addressed. If we are looking at legislation that has administrative consequences, we need to be satisfied that there is solid evidence there. If the Member were able to come forward with solid evidence, then that might change the position, I suppose.

[47] **Carl Sargeant:** Absolutely. I am not prepared to legislate or support legislation for which I have not been provided with evidence. I will not legislate for something I do not know about.

[48] **Suzy Davies:** May I ask my question?

[49] **Simon Thomas:** Yes.

[50] **Suzy Davies:** You have already said in evidence today that there are certain bits of this that you think there probably is a need for, in terms of the aims it is trying to achieve. You have also said that you do not think that legislation is necessary for that. What is your alternative? What can you achieve administratively for the aims of this Bill?

[51] **Carl Sargeant:** Sorry, Chair, when I said that the general principles have my support that would be if I can see what Darren Millar is trying to achieve and if what he is presenting can evidence that there is something wrong. The original motion expressed concerns with issues around public services and the impact of the sector on public services. The discussions I had with the Member in charge also alluded to that. As I said earlier, the issues around free prescriptions, bus passes et cetera can all be dealt with through a procedure other than this legislation. We can issue guidance to people who issue bus passes and free prescriptions and GPs et cetera so that they understand how that should operate. We can issue that guidance and it can be enforced by the local authority currently.

[52] **Suzy Davies:** But, is enforcement not one of the issues that are a problem with local authorities at the moment?

[53] **Carl Sargeant:** Yes, but I do not think that we need to legislate for that. Local authorities just need to understand what they are supposed to be enforcing. The current legislation is possibly conveniently not understood by some, but by others it is ignored because it is easier. What we need to do, on the basis of the evidence presented to the

committee, and it is something that I am quite happy to do, in terms of working with the Minister for business, is to explore with local authorities and with the sector how this can work better. That is why my suggestion to the Communities, Equality and Local Government Committee will be to do a piece of work, first, to understand if legislation is really required, because we do not hold that information and I have not seen anything to suggest that, and, secondly, if there is something within the current legislation that is not working properly, to evidence that to see where we can make and have a real impact. I do not know what the issue is with the sector. It has been brought to us by your colleague Darren Millar that there is a problem in the sector. Unfortunately, I have not seen any evidence to suggest that that is factually correct. It is purely anecdotal. If that is correct, then I believe that we can do something about some of those issues. But, in the broader context of legislation, I am not convinced of the argument that we need to legislate for it yet.

[54] **Mick Antoniw:** May I ask one further question? In your evidence, you recognised the need for some modernisation of the legislation. What is it that needs to be modernised?

[55] **Carl Sargeant:** It is based upon—similarly to the mobile homes legislation that Peter Black brought forward—keeping up with the times in terms of things like the issues that we raised earlier on—free prescriptions, bus passes et cetera—and what that means for those living in a mobile home, a caravan or fixed accommodation in Wales. These are old Acts, so we need to look at what they may mean, but I am not going to amend any Act unless I am convinced of the need to do so and the evidence base behind that. I have not been presented with information to say that this was ever a problem, apart from the backbench Member coming along to say to the Government and the Assembly that it was an issue that he wanted to take forward. That is okay and it is quite within the purview of the Member to do that, but it has to be backed up and supported by evidence. I have asked my team, despite this being a backbench Member's Bill, to ask the industry to try to understand what the scale of this issue is. To date, we are still awaiting more details on what that scope would be. That is why I think that it is an important piece of work from which we could learn as an Assembly what the problems are and what the legislative pathways are or whether there are amendments to current Bills that would be a recommendation to me and my team, which I would be happy to consider at a further date.

[56] **Simon Thomas:** Suzy, did you have a question?

[57] **Suzy Davies:** I was just going to ask: is your argument encapsulated in the statement that perhaps the Member has jumped the gun a little bit?

[58] **Carl Sargeant:** Yes.

[59] **Mick Antoniw:** May I just raise a few other things on it? I understand the point that you are making. As the whole is before us, one aspect of the Bill that concerned me a little bit was the abolition of all pre-existing legislation and imposing a completely new set of legislation. Do you have concerns over the implications of that within the Bill as it is drafted?

[60] **Carl Sargeant:** I think that there are concerns about having two lots of legislation running side by side and there would be interpretation issues. What you have to have is a complete, very clear message about what the industry understands in terms of the legislation profile. I would have to give further consideration, at the appropriate time, to what legislation Government support was being sought for. I will be careful how I answer this because you will ask me another question on the back of my answer, I am sure.

[61] **Simon Thomas:** That is how committees tend to work.

[62] **Carl Sargeant:** This would not be our starting point. As regards the drafting of the

Bill, we are sympathetic to the way that it is drafted. There are not things in there that we could not or would not seek to amend, but I do not think that that is for me to worry about today. My starting point would be what the scale of the problem is and we would draft the legislation accordingly to deal with the issues provided. We have the legislation here, but we do not know what the scale of the problem is. It is cart and horse, really. I cannot support the principle of taking this forward on the basis that we do not really know that we need to legislate for it. The committee may come along and say to us, ‘Aha, Minister, actually, if you had asked for this, this is the scale of the problem’. We do not think that that is going to be the case; therefore, we are a little concerned about the drafting of this proposal because we will not be seeking to support it, Chair.

[63] **Suzy Davies:** May I ask the question slightly differently, because it is very much on the page for this committee? Should, at some point, you come to the conclusion that some sort of legislation is necessary, would you prefer to see that in a discrete Welsh Bill rather than amendments to existing UK legislation?

[64] **Carl Sargeant:** Yes.

[65] **Suzy Davies:** Okay. That is what I wanted to pin down.

[66] **Simon Thomas:** Mick.

[67] **Mick Antoniw:** I have no further questions. Due to the fact that the Minister’s position is so clear in terms of the evidential base and we do not have that evidential base in front of us, I find it difficult to ask questions that go beyond that because, otherwise, we will be discussing the technicalities of the Bill as they are. There is just one point that I would clarify on the basis that it will come up in the debate. The criteria, in terms of residency and so on, that would be required could become quite contentious and evidence based. Is there a concern, in any event, that going down this road could create an appeals complexity or burden?

[68] **Carl Sargeant:** We have not commissioned any evidence on that basis to consider that, but the Member is quite right to highlight that. I am sure that there will be many people out there with a view on that, but we do not hold one at the moment.

[69] **Mick Antoniw:** I have one final, final question. Under the existing legislation, of course, with licensing, there is conditionality in terms of how long they can stay and so on, what they can be used for, and so on. That it is a matter that is the responsibility of the local authority to enforce and any local authority can take action in terms of denial of services, and so on. Of course, that is open to challenge, or whatever. At the moment, are you satisfied that, perhaps, while this matter is considered in more detail outside the Bill, the existing legislation gives local authorities sufficient powers in order to protect their position?

[70] **Carl Sargeant:** I think that it does, but it could be better; not through the detail of current drafting of other Bills, or indeed this one, but I think what local authorities have to be enabled to do is to enforce and I think that there are many different ways of dealing with that. Local authorities need to be consistent in the way that they act and enforce, regardless of the legislation.

[71] **Simon Thomas:** Diolch, Mick. Er gwaethaf pwyntiau Mick Antoniw, rwy’n meddwl ei fod yn dal i fod yn werth craffu ar y Bil fel y mae. Felly, jest i ddilyn pwynt a gododd Mick, yn y dystiolaeth ysgrifenedig i’r pwyllgor, rydych chi’n sôn ychydig am **Simon Thomas:** Thank you, Mick. Despite the points made by Mick Antoniw, I do think that it is worth while scrutinising the Bill as it currently stands. So, just to follow up on a point that Mick raised there, in the written evidence to the committee, you mention

eich pryderon ynglŷn â'r drefn hawl i apelio newydd a fydd yn y Bil. Yn benodol, fe wnaethoch godi'r cwestiwn ynglŷn â chymhwysedd deddfwriaethol yn hyn o beth, ac a yw'r Aelod sy'n gyfrifol am y Bil wedi ymgynghori â'r adrannau perthnasol yn San Steffan. A fedrwch chi ymhelaethu ar pam fod gennych y pryderon hynny?

some of your concerns about the new rights of appeal created in the Bill. You specifically raise an issue about legislative competence in relation to this and whether the Member in charge of the Bill has consulted with the relevant departments in Westminster. Could you expand on that and tell us what your concerns are?

[72] **Carl Sargeant:** That is the helpful point of coming to committee, really, to expand on what we said in the letter and how we interpret that. What I am saying is that we do not have an issue about competency as such, but we do have concerns and the National Assembly has concerns about the right of appeal in terms of the mechanisms that take place. We have not done any appraisals of that, but I believe that it is something that should be considered as a potential issue around whether the Court of Appeal and the competency of the Assembly should be considered at that point. So, I have not made a judgment on this and I am sure that the Counsel General will give advice at the appropriate time if Government should be taking this forward. My view is that it could be an issue that you, as a committee, should or could consider through the passage of this potential Bill.

[73] **Simon Thomas:** So, it is not the legislative competence of the Bill that you are concerned about; it is the impact on the court, or the judicial side. Is that correct?

[74] **Carl Sargeant:** That is correct.

[75] **Simon Thomas:** Have you had any discussions yourself with the justice department, or whatever the appropriate department is?

[76] **Carl Sargeant:** None at all.

[77] **Simon Thomas:** No. You would expect that to be the Member in charge, would you?

[78] **Carl Sargeant:** It is something that the backbencher should have concern about.

[79] **Suzy Davies:** Perhaps I should know the answer to this before I ask you, but is there any significant difference in this part of this Bill from Peter Black's Bill? If so, that should answer the question?

[80] **Carl Sargeant:** I would have to ask.

[81] **Ms Kellaway:** There are some new provisions, like the residence test, but a lot of this Bill is based on the Mobile Homes Act 2013 in Wales.

[82] **Suzy Davies:** Yes, which was passed without any concerns, as raised by the Chairman, so, maybe, if that is an issue then—

[83] **Carl Sargeant:** If I was clear enough, Chair, I am sorry if I was not, but I was saying that I am not suggesting that there is an issue; I am saying that there could be.

[84] **Simon Thomas:** As you said, you have not made the inquiries yourself—just to be clear.

[85] **Carl Sargeant:** That is right.

[86] **Simon Thomas:** Okay. Suzy, it is over to you.

14:00

[87] **Suzy Davies:** Thank you. Just to go back to the Bill itself, it is the traditional question for us, as you know: the balance between what is on the face of the Bill and what is not on the face of the Bill. As there is a difference between this and Peter Black's Bill, what kind of consideration did you give to secondary legislation and whether there should be any difference between what was affirmative and negative in that Bill and what is affirmative and negative in this?

[88] **Carl Sargeant:** We have gone through the Bill, Chair, and as I said earlier, we are relatively comfortable with the drafting of the Bill. There is nothing major in that that we would have concern about. We think that the balance of the overall Bill is appropriate if that was to be taken forward. However, I reiterate that we will not be seeking to support this on the principle that we do not believe that legislation is needed.

[89] **Suzy Davies:** A couple of powers are given to Welsh Ministers. I am looking at section 16(2) and section 17, in particular. They both relate to commencement. The first relates to Welsh Ministers making regulations to appoint a date for the commencement of site inspections. The second is about commencing different parts of the Bill on different days. Again, that is another familiar question for us. What are your views on that, because that does give you, as Welsh Ministers, some scope in how this Bill, even if it goes through in an amended form, has some control about what happens next?

[90] **Carl Sargeant:** Of course. I would seek, through an amendment process for commencement Orders, for a 'no' procedure to take place. That is just normal, with commencement Orders. Of course, that will have to be seen through the commencement of the Bill. However, as I said earlier, there are implications for Welsh Government Ministers through the whole of the Bill. None of them, we believe, is unamendable or causes any concern at this time.

[91] **Suzy Davies:** That is encouraging. Thank you. I also want to ask you a human rights question. Perhaps I should ask you this first. My own view is that it is not down to the owners of caravan sites in breach of their own regulations to be responsible for solving problems of homelessness, yet I note from your evidence that you say that there are potential rights issues arising from people having to spend less time in their caravans as a result of this legislation. Would you like to expand on that a little? What are the likely implications? What can you say that prevents any kind of impression being given that it is down to the site owners, outside their own rules and regulations, to provide homes in these circumstances?

[92] **Carl Sargeant:** I think that the issue for me is where the process lies. Where a person housed within this sector is in breach of the conditions, it is a matter of where the onus lies on that. Is it with the tenant or the site owner, once that breach occurs? I think that it is unclear in the legislation as to exactly where that falls in terms of responsibility. The fact of the matter is that, if a tenant moved out of this accommodation, which, in all essence, is their fixed accommodation point, this becomes a homelessness statistic. It is a matter of at what point and who has potentially breached their condition. Therefore, that is why the legislation—. We have not done any work on this in terms of understanding what the implications are, but there is a consequence of the legislation—unintended or otherwise—that the bottom line is that, if a tenant is outstaying or breaching the contract, they effectively become homeless. Is that the effect of the tenant or the effect of the site owner? We are not clear on how that works out or plays out, but it does have a consequence on the individual who has now become homeless.

[93] **Suzy Davies:** Is there not an argument, though, that you can say that that potential homelessness is a consequence of local authorities failing to enforce existing regulations in

the first place?

[94] **Carl Sargeant:** I do not know. You could present that in many ways. When people speed, do you blame the police for not enforcing new speed limits? The issue is exactly the same, effectively. Is it the site owner or the tenant extending their legal stay within that provision? Is that the fault of the local authority for not enforcing? That is exactly the point of the similarity with the police. If you or I speed at one point, is that the problem of the police? I think that there is a relationship between the tenant and the park owner in which there should be a contract. Actually, I have seen contracts that are in place, with some very good site management, where there is very little room for misunderstanding about what that contract means and it is well managed. I think that enforcement by local authorities is really important, when you have, potentially, unscrupulous caravan park owners not complying with the law. The enforcement route is really important. However, I do not think that we should rely on just local authorities to police this. Actually, the function of managing this should be done by the industry within the tenant relationship. So, in terms of the human rights aspect that you mentioned earlier on, we have not done any work on it, as I said, but I do not understand exactly where that responsibility would lie and I expect that there are some legal terms around that about where the blame lies. I am not in a position to give detail on that today, Chair.

[95] **Suzy Davies:** Perhaps I may ask this final question, Chair. Obviously, you have the Housing (Wales) Bill coming through at the moment. There are major provisions on homelessness there. How do that Bill and this Bill—I appreciate that you have said that it is not in terms that you would approve of, necessarily, but as it stands now—work together?

[96] **Carl Sargeant:** They do not. Actually, there is a potential to increase homelessness provision if, anecdotally, there is a scale that we are unsighted on in terms of individuals extending their stay, in legal terms, on a site. If this legislation were to pass, you would, effectively, be seeking to displace, for a period of time, people from that tenancy arrangement. Some, I expect, would go into the private rented sector and some into other modes of accommodation, but, ultimately, there will be, potentially, an increase in the occurrence of homelessness, because people will be displaced from what they would perceive to be their home environment, legally or otherwise. Therefore, actually, it places a further burden on the homeless legislation that we are trying to introduce with the housing Bill.

[97] **Suzy Davies:** Yes, but it is the housing Bill that should be leading on the homelessness side rather than it being a major concern for this Bill, because, as you say, it is not a major consequence of the Bill itself. It is a consequence of being in breach of existing regulations.

[98] **Carl Sargeant:** Respectfully, I do not know that that is the case. I do not even know if there is a problem—the scale of the problem, Chair.

[99] **Suzy Davies:** Okay, that is fine. It is just that it was a big part of your evidence, so—

[100] **Carl Sargeant:** If this were to proceed and if there was a large scale, potentially, there could be more homeless people, but I do not know. We are painting the worst-case scenario here. We do not know. We have not been presented with any evidence to suggest otherwise.

[101] **Suzy Davies:** Okay, that is fine, thanks.

[102] **Simon Thomas:** Mae'n ymddangos, **Simon Thomas:** It appears, Minister, from Weinidog, o'r atebion rydych newydd eu rhoi the responses that you have just given to i Suzy Davies, nad ydych yn teimlo bod Suzy Davies, that you do not feel that this

angen y ddeddfwriaeth hon ar hyn o bryd. Fodd bynnag, mae rhai o'r problemau neu'r pryderon rydych yn eu codi yn eich tystiolaeth yn seiliedig, wrth gwrs, ar angen am y ddeddfwriaeth, sef bod tystiolaeth bod camymddwyn o'r fath. Rydym wedi crybwyll rhai meysydd polisi, rwy'n derbyn hynny, ond rydym yn edrych ar y Bil fel ag y mae nawr. Rydych yn weddol o hapus gyda'r Bil fel Bil—hynny yw, yn y ffordd mae wedi ei osod allan, yr is-ddeddfwriaeth a'r rheoliadau ac ati. Nid dyna eich consŷrn chi, rwy'n deall hynny. Consŷrn polisi sydd gennych yn benodol. Nid ydych wedi dweud yn llawn, os yw'r Bil hwn yn methu, a fyddwn yn gweld datblygiad deddfwriaethol gan y Llywodraeth yn y maes hwn ai peidio. Mae'n amlwg bod rhai pethau lle'r ydych yn cytuno â'r Aelod sy'n gyfrifol, ond ddim ar y Bil. A yw hwnnw'n gwestiwn teg?

legislation is required at present. However, some of the problems or concerns that you raise in your evidence are based, of course, on an assumption that there is a need for legislation, which is that there is evidence that there is a problem of this nature. We have mentioned some policy areas, I accept that, but we are looking at the Bill as it currently stands. You are relatively content with the Bill as a Bill—that is, in the way that it is set out, the subordinate legislation and regulations and so on. I understand that that is not your concern. Your specific concern is a policy one. You have not quite told us, if this Bill were to fail, whether or not we would see any legislative development brought forward by the Government in this area. It is clear that there are certain areas on which you agree with the Member in charge, but not on the Bill. Is that a fair question?

[103] **Carl Sargeant:** It is a fair question, and what I will be saying to the Communities, Equality and Local Government Committee on Wednesday also is that, given the evidence that is presented to the committee, we will consider that very carefully to see whether there is any further work that we will need to do in terms of legislation. I have based my assumptions and responses to committee on the same principle as the one whereby Darren Millar has brought his Bill forward, which is that there is a problem. I am working on that assumption, but I do not know what the scale of the problem is. People would not say this, but there is a smoke-and-fire effect, is there not? There must be something there and, therefore, we will do a little bit more work to understand that better. Would it have been a consideration of mine to bring this forward without a backbencher's Bill? Absolutely not; this was not a Government priority, and it still is not, because we do not fully understand what the issues, allegedly, are. If, subject to committee review, or if further evidence suggests, there is a problem with enforcement and/or the way in which the process is being delivered on the ground, that would give us further cause for concern about current legislation and, maybe, amendments in the future. However, it is certainly not my priority.

[104] **Simon Thomas:** Diolch am hynny, Weinidog. Rwy'n credu bod rhywbeth i ni fel pwyllgor ei ddysgu o'r broses, gan ein bod yn edrych ar sut y mae deddfwriaeth wedi cael ei gwneud yn ystod y Cynulliad hwn. Mae'n rhaid tanlinellu'r ffaith bod caniatâd wedi'i roi i Aelod gyflwyno'r Bil ac, o wneud hynny, mae fel pelen eira—mae wedi ennill momentwm—ac rydym yn awr yn trafod Bil y mae'n amlwg bod y Llywodraeth wedi penderfynu peidio â'i gefnogi mewn unrhyw ffordd, hyd yn oed drwy'i wella. Rwy'n meddwl bod hynny'n wers i ni, i edrych ar sut y mae'r broses hon yn gweithio o safbwynt y Llywodraeth, ac o safbwynt y Cynulliad hefyd. Fe'i gadawaf yn y fan honno, oni bai bod gennych rywbeth i'w ychwanegu at yr hyn rydych wedi sôn

Simon Thomas: Thank you for that, Minister. I think that there is something for us as a committee to learn from this process, as we are looking at how legislation has been made during this Assembly. We must underline the fact that permission was given to the Member to introduce the Bill, and in doing that, there has been a snowball effect—it has gathered momentum—and now we are discussing a Bill when it is clear that the Government has decided not to support it in any way whatsoever, not even by amending it. I think that that is a lesson for us in looking at how this whole process works, not just from the point of view of the Government, but also from the point of view of the Assembly. I will leave it there for now, unless you have anything to add about this

amdano ynglŷn â'r Bil o ran gwaith y particular Bill, in terms of the work of this committee.

[105] **Carl Sargeant:** Only to thank you for the opportunity to come here. May I respond very briefly to the point that you alluded to there? I think that it is important for Government to listen and to understand that the opportunity for backbenchers to bring legislation forward is an important privilege and position of the Assembly. We would not like to fetter that, moving forward. If I may say so, we initially supported the Bill on the principle of what the Bill's scope was. I think that I have been able to explain to you this afternoon that we believe that that has expanded. Therefore, the period of time for the Member to introduce more evidence to committee, to myself and to others has been there, but we are yet to see the clear need for additional legislation. I know that the Member was not doing so, but I would not like to see this as a criticism of Government, because, actually, what we have given is time to the Member in charge to expand on and advance his argument on why we should have this legislation. We have done that, and at this point in time, we fear that we are not able to support this Bill as proposed, because we do not see that coming through.

[106] **Simon Thomas:** Diolch yn fawr, Weinidog. Rydych wedi rhoi ymateb ar y Cofnod, fel rydych yn dweud, a bydd y Cofnod yn cael ei rannu gyda chi o safbwynt cywiro unrhyw ffeithiau rydych yn dymuno eu cywiro. Gyda hynny, hoffwn ddiolch i chi am ddod i mewn i roi tystiolaeth am y Bil hwn.

Simon Thomas: Thank you, Minister. You have put your response on the record, as you say, and the Record will be sent to you to check for factual accuracy. With those few words, I would like to thank you for your attendance and for your evidence on this Bill.

[107] Os yw'r Aelodau'n hapus, mae'r dystiolaeth nesaf i fod i ddechrau am 2.15 p.m., ond rwy'n cynnig ein bod yn dechrau am 2.20 p.m., i wneud yn siŵr bod digon o amser i'r tyst nesaf gyrraedd a phopeth. Felly, rwy'n cynnig ein bod yn gohirio ac atal y cyfarfod tan 2.20 p.m., os yw pawb yn hapus i wneud. Iawn? Gwelaf eich bod yn fodlon.

If Members are content, the next session was scheduled to start at 2.15 p.m., but I propose that we start at 2.20 p.m. to give the witness enough time to arrive and so on. So, we will adjourn the session until 2.20 p.m., if everyone is content. Yes? I see that everyone is content.

*Gohiriwyd y cyfarfod rhwng 14:13 ac 14:20.
The meeting adjourned between 14:13 and 14:20.*

[108] **Simon Thomas:** Croeso yn ôl i'r ail ran o dystiolaeth ar y Bil Meysydd Carafannau (Cymru). Mae gennym Darren Millar, yr Aelod sy'n gyfrifol am y Bil—croeso—a Gareth Howells, o Wasanaethau Cyfreithiol Comisiwn y Cynulliad. Diolch am ddod i mewn i roi tystiolaeth i'r pwyllgor, Darren. Hoffwn ddechrau, gan ein bod wedi derbyn y Bil a'r memorandwm esboniadol, wrth gwrs, drwy ofyn i chi a wnewch grynhoi diben a phwrpas y Bil, yn enwedig o gofio ein bod newydd gael y Gweinidog yn dweud nad oedd yn gweld diben a phwrpas i'r Bil.

Simon Thomas: Welcome back to this second evidence session on the Holiday Caravan Sites (Wales) Bill. We have joining us Darren Millar, the Member in charge of the Bill—welcome—and Gareth Howells, from the Commission's Legal Services. Thank you for joining us to give evidence this afternoon, Darren. I would like to start, because we have already received the Bill and the explanatory memorandum, by asking you whether you would summarise the purpose of the Bill, especially bearing in mind that we have just had the Minister saying that he did not see a purpose to this Bill.

[109] **Darren Millar:** Thank you, Chair, and thank for the opportunity to be able to come before the committee and provide a little bit more information about my Bill. I have to say that I was quite surprised by the Minister's response, which suggested that the Bill was not actually addressing the terms of reference, if you like, that had been set at the outset. I have got a list of those terms of reference that I want to read to the committee. The Bill was seeking to address the unlawful occupation of caravans; the powers available to local authorities to address the unlawful occupation of caravans; the resources available to enforce operating conditions on holiday caravan park licences; the fitness of persons operating and owning holiday caravan parks; abuses by some holiday caravan park owners of holiday caravan owners on their sites; and the cost of providing public services to those who use holiday caravans as their main home. It was actually only the final point on that list that the Minister seemed to be able to recall when you asked him. So, essentially, in summary, I want to modernise the whole of the licensing regime for holiday caravan sites across the country. The existing licensing regime dates back to the 1960s. It is over 50 years old, it is outdated, and it is not relevant to the modern holiday caravan industry here in Wales. In making sure that we have a regime that is fit for purpose, that, I am confident, will raise standards in the sector as a whole and tackle the minority of caravan site owners and caravan occupiers who abuse the current regime and flout the law.

[110] **Simon Thomas:** Diolch, Darren. O ran y rhestr honno, ai dyna'r rhestr a oedd yn cael ei thrafod wrth i'r Cynulliad roi caniatâd i chi gyflwyno'r Bil hwn yn y lle cyntaf?

Simon Thomas: Thank you, Darren. With regard to that list, is that the list that was discussed when the Assembly gave its consent to this Bill in the first place?

[111] **Darren Millar:** It is—precisely the same list.

[112] **Simon Thomas:** A wnewch chi ddweud ychydig mwy, felly, ynglŷn â'r hyn yr oeddech yn sôn amdano ynglŷn â deddfwriaeth sy'n mynd yn ôl i'r 1960au? Pa deddfwriaeth yr ydych yn cael gwared ohoni, felly, wrth gyflwyno'r Bil hwn? Beth fyddai'ch bwriad o'r safbwynt hwnnw?

Simon Thomas: Would you say a little more, therefore, regarding what you said about amending the legislation that goes back to the 1960s? What legislation are you getting rid of, therefore, in putting forward this Bill? What would your intention be in that regard?

[113] **Darren Millar:** The Caravan Sites and Controlled Development Act 1960 would effectively become defunct—it would not have any application here in Wales. We know that parts of that Act have already been disapplied to the residential park home sector as a result of Peter Black's legislation last year, and my legislation would disapply the rest of that Act as far as it concerns the holiday caravan industry.

[114] There is a table of derivations, actually, which we are happy to provide to the committee, which shows you the impact of that.

[115] **Simon Thomas:** Os nad yw wedi ei gyflwyno, byddwn yn dymuno ei weld, yn sicr. Rydym yn troi at Mick yn awr.

Simon Thomas: If that has not been presented, then we would certainly want to see that. We now turn to Mick.

[116] **Mick Antoniw:** You referred in earlier evidence to dealing with the extent of the problem. I wonder whether you could outline what you think are the main abuses that occur as a consequence of the inadequacy, as you described it, of the existing legislation.

[117] **Darren Millar:** I have heard lots of people asking, 'Is there any evidence of this problem?' There is plenty of evidence. We refer to some details of that evidence in the explanatory memorandum. There is a fair point to be addressed, and that is: what is the scale of this problem throughout Wales? For example, we know, and this was a specific issue raised

by the Minister a few moments ago, that there were 361 concessionary fare bus passes issued to people with holiday caravan site addresses in Conwy alone in 2007-08, which was a year when it undertook a piece of work looking at the potential scale of this problem. We know that there are 400 people across Wales in six local authorities being charged council tax on holiday caravan sites, and, according to Professor Steve Fothergill from Sheffield Hallam University, who is going to give evidence to the Communities, Equality and Local Government Committee later this week, his estimate—based on research that he did in Lincolnshire, to be fair—is that there could be as many as 7,000 plus people living in holiday caravan sites around Wales. These are very real concerns. Obviously, that places a demand on public services—a demand that is funded and footed by the Welsh taxpayer at the moment in terms of the services that they might be accessing through GP surgeries, the NHS, social services, local schools, et cetera. So, there is a problem out there. To be fair to the industry, it has sought to address that problem on its own, but, unfortunately, its efforts have not succeeded thus far, and that is why we need a change in legislation.

[118] **Mick Antoniw:** You have referred to a number of public services—and I know that our scope is slightly different from that of other committees, so I do not want to go over—. However, what you say here is that there are data or there is empirical evidence that contradicts what the Minister says, which would be available from health authorities, other public services, and so on.

[119] **Darren Millar:** Yes, there is very clear evidence that there is this problem out there in the industry that needs to be addressed. There is also clear evidence that the current regime is not working, because we know that there is very little enforcement activity around Wales by local authorities, and, to be fair, when they are faced with financial challenges, as they are at the moment, it is quite understandable that, if they do not have a duty to inspect, for example, against caravan licences, which they do not under the 1960 Act, they will do whatever they can to focus on those other, statutory services and duties that they have to undertake. My Bill gives an opportunity for local authorities to be able to raise some resource so that they can undertake inspections, and it places a duty on them to make sure that that is something that they do.

[120] **Mick Antoniw:** Has this been a demand that has been made by local authorities specifically?

[121] **Darren Millar:** It has certainly been an issue that has been raised as a matter of concern by local authorities in north Wales: Conwy, Denbighshire and Gwynedd have all raised concerns about the hidden population, shall we say, on holiday caravan parks. Indeed, North Wales Police has raised concerns, as has Public Health Wales internally within the organisation about the potential burden that it puts on the national health service.

[122] **Mick Antoniw:** How would you then summarise the inadequacies of the existing legislation? As I understand the legislation at the moment, there are licences with conditions, et cetera, and there is an enforcement procedure. Is it the fact that there is a lack of enforcement procedure, or is it that the powers are not clear enough or strong enough? Perhaps you would just summarise; I know that some of the information is in the memorandum to the Bill.

[123] **Darren Millar:** There are a number of problems with the existing licensing arrangements. First, there is no duty on local authorities to inspect; it is entirely discretionary. There is no compulsion on them to inspect. Secondly, there are no resources for local authorities to be able to service the licensing regime. There is no opportunity for them to raise any charges at all. Thirdly, the current licensing regime does not extend to provide for protections for site owners or caravan owners through written agreements. So, appallingly, I am afraid to say, there is no requirement in law at the moment for there to be a written

agreement between a caravan owner and the site owner when they do business transactions on the site. Sometimes, as I am sure members of the committee will be aware, people can spend tens of thousands of pounds—scores of thousands of pounds—on purchasing holiday caravans.

[124] **Mick Antoniw:** I have one or two more questions.

[125] **Simon Thomas:** Suzy, do you want to come in?

[126] **Suzy Davies:** No, not on this particular point.

[127] **Simon Thomas:** Carry on, then, Mick.

[128] **Mick Antoniw:** One of the areas that we explored with the Minister—again, it is a key part of your Bill, and you deal with aspects of it in the memorandum—is the creation of a new enforcement regime. With an enforcement regime comes, obviously, an appeals regime. We are dealing with some quite serious matters that might impact on individuals, and the suggestion made was that this places a burden on authorities, and I suppose, by virtue of what you have said, there will be a requirement for enforcement in a way that you suggest does not exist at the moment. To what extent do you consider that burden to be proportionate? The Minister described it as being disproportionate.

[129] **Darren Millar:** I do not think that it is disproportionate at all. What my new licensing regime would do is to give additional powers to local authorities, and additional duties, but it also enables a local authority to resource itself to be able to meet the additional demands upon it. I heard the Minister say that this whole problem could be solved through additional enforcement by local authorities. Well, that is the very thing that would create a burden, because they do not have the resources to be able to enforce against the existing licences as it is. Therefore, I am actually minimising the burden on local authorities by enabling them to be able to charge for the licensing regime. Local authorities gave evidence to the Communities, Equalities and Local Government Committee just last week that made it quite clear that this was the only licensing regime that local authorities are responsible for for which they are not able to charge at the moment. So, those powers to be able to charge are critically important, and that is the key reason that the Bill needs to become law.

14:30

[130] **Mick Antoniw:** May I raise one aspect of that? On the assumption that the overwhelming majority, or a large majority, of people in holiday homes abide by the terms and conditions, any further licensing regime and funding for that regime are therefore spread against an enormous number of people, therefore increasing the charges and liabilities on them as a result of no fault of their own. Is that a fair point?

[131] **Darren Millar:** I think that most holiday caravan owners would want the sort of protections afforded by this piece of legislation. They would want a right to be able to demand a written agreement, for example, from their site owner. They would want the right to be able to be involved in important decisions about the strategic operation of a holiday caravan park. They would want to make sure that that holiday site was used for holiday purposes and that it was not used as a residential site, because that has an impact on their holiday experience. As far as the Welsh economy is concerned, it is really important that holiday sites remain holiday sites, because the nature and pattern of spending by tourists as opposed to permanent residents is very different, and permanent residents could have a detrimental impact on the tourism industry.

[132] In the explanatory memorandum, I cite the sort of costs that might be associated with

implementing the regime. It is less than £4 per unit per year in terms of being able to service the Bill. When you consider that many holiday caravan parks charge—certainly in my neck of woods—up to £4,000 per annum per pitch, it is a very small price to pay to give that comfort, protection and confidence to people who want to invest in a holiday home on a caravan site that they have these additional protections in Wales, as opposed to elsewhere, and, hopefully, will have a bonus factor for the industry rather being something that is going to hinder it.

[133] **Simon Thomas:** Cyn i ni symud ymlaen, mae gennyf gwpl o gwestiynau i chi ynglŷn â manylion y Bil. Er ein bod yn clywed nad yw'r Llywodraeth yn cefnogi'r Bil, cawn weld os yw'r dystiolaeth i'r pwyllgorau eraill yn newid ei barn yn hynny o beth. Yn benodol, dywedodd y Gweinidog fod y Bil hwn yn ymdebygu i'r Bil arall sy'n ymwneud â chartrefi symudol, sef carafannau statig rydych yn cael byw ynddynt. A yw'n wir eich bod wedi modelu beth rydych yn ei wneud yn y fan hon ar y Bil arall sydd eisoes wedi mynd drwy'r Cynulliad a chael ei gymeradwyo?

Simon Thomas: Before we move on, I have a few questions for you about the details of the Bill. Even though we hear that the Government is not supporting the Bill, we will see whether the evidence to the other committees changes its opinion in that regard. Specifically, the Minister said that this Bill is similar to the other Bill in relation to mobile homes, namely static caravans that you are allowed to reside in. Is it true to say that you have modelled what you have done here on the other Bill that has already gone through and been approved by the Assembly?

[134] **Darren Millar:** There are two pieces of legislation elements that have been incorporated into this brand new Bill, and it is a brand new Bill—it is not a Bill that is a cut-and-paste job of the Mobile Homes Act 2013, and it would be inappropriate for it to be so because the nature of the holiday caravan industry and sector is very different from that of the residential park home sector. So, what I have tried to do is to take those elements of the 2013 Act that I think are still relevant to the holiday caravan industry, and those elements of the Caravan and Control of Development Act 1960 that I regard as still being fit and proper to deal with the modern caravan industry that we have in Wales, meld the two, and add some additional pieces of work around the residence test, for example, which did not feature in either of those two predecessor Acts, in order to come up with something that is entirely appropriate for the holiday caravan industry in Wales.

[135] There is a derivation summary in the explanatory memorandum at paragraph 164, which deals with those parts of the 2013 Act that we have incorporated into this new Bill, and which shows you very clearly the bits that apply and the bits that I have disappplied.

[136] **Simon Thomas:** Un o'r darnau hynny, hyd y gwelaf i, yw'r cysyniad o osod cosbau penodol os oes methiant gan berchennog carafán. Ym mha ffordd y byddech yn rhagweld y rheoliadau yn rhoi pwerau i'r Gweinidog bennu cosbau yn y maes hwn? Beth yw pwrpas hynny, ac ymhle y byddech chi am i'r Gweinidog weithredu yn y maes hwn?

Simon Thomas: One of those parts, as far as I understand, is the concept of placing sanctions if there is a failure by a caravan owner. In what way would you foresee the regulations giving powers to the Minister to set sanctions in this area? What is the purpose of that, and where would you want a Minister to act in this area?

[137] **Darren Millar:** What we have done is provided Ministers with an opportunity to lay out, via regulation, a scheme around fixed penalties. I think that that is what you are referring to. So, the Bill introduces the opportunity to be able to deal with enforcement matters via a fixed-penalty notice, but the industry has quite rightly said, 'Well, what if we get a local authority jobsworth who is interpreting everything by the letter of the law'—of course, we have all seen those in our own constituencies—'and does not allow for any flexibility?' So, a typical example might be that a holiday caravan is a couple of centimetres too close to the

next one and is in breach of the fire regulations. Would it be appropriate for fixed-penalty notices to be issued against every single caravan on the site if they are all 2 cm apart? Clearly, it would not be. So, it is to enable the local authorities to have some guidance by the Minister, through regulations, which sets out very clearly the sorts of examples and circumstances under which a fixed-penalty notice can be issued.

[138] **Simon Thomas:** You might argue that if the jobsworths were doing their jobs now, you would not need this Bill.

[139] **Darren Millar:** I am sure that many people would argue that.

[140] **Simon Thomas:** We will go to Suzy Davies's questions now.

[141] **Suzy Davies:** I want to turn to the specifics of the Bill, if that is okay, Darren. Simon was just talking about Welsh ministerial powers here, and there are quite a few in the Bill, going on to secondary legislation. Can we have a quick look at Schedule 1, paragraph 3(2)? There is a power in the Bill to amend by Order the size limit of a holiday caravan and that is subject to the negative procedure. Yet, the power in Schedule 1, paragraph 3(2), to which I have just referred, to amend by Order the definition of a holiday caravan site is subject to no procedure. How did you choose what is going to be affirmative, what is going to be negative and what is going to have no procedure, throughout the Bill generally? I have picked just one example there.

[142] **Darren Millar:** In general, where the 2013 Act had some specifics in terms of regulation-making powers and affirmative and negative procedures, we have passported those into the new Bill. The reason that we have done that is because, of course, if they were fit for purpose, and the Assembly deemed that they were fit for purpose less than 12 months ago, I have assumed that the Assembly will deem that they are fit for purpose on this occasion as well. In terms of the specific references that you made, in Schedule 1, paragraph 3(2), there is a relatively minor power to make sensible changes to site exemption definitions. So, it is not actually a power that will enable anybody to drive a coach and horses through the whole exemption process. It would apply in very limited circumstances, and, therefore, I feel that it is appropriate that it has been dealt with in the way that I have suggested in the Bill. Sorry, what was the second question?

[143] **Suzy Davies:** I just want to compare that with section 2(4), which gives Welsh Ministers powers to amend, again by Order, administrative details regarding the size of holiday caravans as set out. So, you are talking about the size of sites, two different regulations, so why are there different procedures?

[144] **Darren Millar:** Section 2(4) is the part of my Bill that gives Welsh Ministers the power to change the dimensions on what constitutes a caravan. It is copied effectively from the 2013 Act and gives some consistency to Welsh legislation, which I think everybody would agree is an appropriate thing, and gives some consistency to the whole of the caravan industry when dealing in Wales, assuming that the definitions would be the same in both Bills. I have used the negative procedure there because that is the same procedure that was used in the 2013 Act.

[145] **Suzy Davies:** However, the actual size of a site and what might be exempt is subject to no procedure at all. Can you give us a flavour of the circumstances in which you would expect Welsh Ministers to vary in terms of the size of a site, bearing in mind that Assembly Members would effectively have no knowledge of that happening?

[146] **Darren Millar:** Just to be clear, both of these items—the size of caravans and the size of sites—are consistent with the 2013 Act.

[147] **Suzy Davies:** But we are talking about a different type of—

[148] **Darren Millar:** Yes, we are talking about a different sort of industry, but in terms of size et cetera, they are both taken from the 2013 Act. I think that it is entirely appropriate for Ministers to be able to determine what constitutes, in terms of scale and size, a holiday caravan site, and what does not. I think that, when you talk about definitions of caravans, though, it is something that should be following the negative procedure. So, that is why we have two different procedures here, in terms of the approach that we have taken, and why we have sought to be consistent with the 2013 Act. Just to say as well, in terms of the definitions of exempt sites, under paragraph 3—again, copied from the 2013 Act—there is a minor power on site exemptions, but we believe that it would be used in very limited circumstances. So, that is why there is no procedure attached.

[149] **Suzy Davies:** Just to finish with this question: on the exemption issue—the Schedule 1, paragraph 3(2)—do you envisage that power being used to decrease the size of sites that are likely to be exempt, or to increase the size of sites?

[150] **Darren Millar:** That is a matter for Ministers, really. I do not see it being used at all—I mean, that power has not been revisited, and, as I understand it, there is no suggestion that that power is going to be used in the near future, as far as the 2013 Act is concerned either. It is in the 1960 Act also. I just do not see it being used at all, but it is there, should there be a case for using it in the future.

[151] **Suzy Davies:** Okay. Thank you for that.

[152] **Simon Thomas:** A gaf fi ddod i **Simon Thomas:** May I come in on this?
mewn fan hyn?

[153] **Suzy Davies:** Cewch, wrth gwrs. **Suzy Davies:** Yes, of course.

[154] **Simon Thomas:** Jest i fod yn glir, felly, ar hyn o bryd mae'r Bil yn diffinio maes carfannau fel unrhyw beth sydd ag un garafán arno—un garafán sydd yn gallu cael ei defnyddio ar gyfer gwyliau. Mae trwyddedu a phopeth yn dilyn yn sgîl hynny. A fyddai'r pŵer hwn yn galluogi Gweinidogion i eithrio, dywedwch, yr holl feysydd sydd ag un garafán yn unig? Rwy'n deall bod hynny'n rhywbeth fel 30% neu 40% o'r holl safleoedd carfannau sydd ar gael. Os mai dyna'r bwriad, pam nad ydych yn cau'r rheini mas ar wyneb y Bil?

Simon Thomas: Just to be clear, therefore, at present the Bill defines a caravan park as any place that has one caravan on it—one caravan that can be used for holiday purposes. Licensing and everything follows as a result of that. Would this power enable Ministers to exempt, say, all of those sites just with one caravan? I understand that that is around 30% or 40% of the entire number of caravan sites that are available. If that is the intention, why are you not excluding those from the face of the Bill?

[155] **Darren Millar:** It would enable the Minister to be able to do that, should he or she want to in the future. However, I do not believe that there is any merit in that. The existing exemptions under the 1960 Act will still apply. This is consistent with the powers that Ministers already have under the current licensing regime. There has not been any evidence brought forward to suggest that those exemptions that exist are a problem in any way, shape or form, and that is why those powers have not been interfered with, if you like, or passported into this new Bill.

[156] **Simon Thomas:** But you have not passported the 1960 Act into the new Bill.

[157] **Darren Millar:** No.

[158] **Simon Thomas:** You have chosen to passport these powers.

[159] **Darren Millar:** These provisions have been passported into the Bill, from the 1960 Act, and are consistent with the 2013 Act.

[160] **Simon Thomas:** But you have not given a reason to the committee as to why they are in this Bill—never mind the 2013 Bill, but why they are in this Bill.

[161] **Darren Millar:** They are in this Bill because I have not received any evidence that those existing powers are inappropriate.

[162] **Simon Thomas:** Iawn, diolch. Awn **Simon Thomas:** Okay, thank you. We will yn ôl at Suzy. go back to Suzy.

[163] **Suzy Davies:** I have a number of examples here that give rise to questions about why certain sections have just been passported from one Bill to the other. However, I think that you have more or less covered that by saying that you have no concerns about them in the 2013 Act, so why worry about them in this one. May I ask you specifically, though, about section 66? This is the rationale for Orders amending primary legislation, via secondary legislation, being subject to the affirmative procedure, while Orders amending other legislation would be subject to negative procedure.

[164] **Darren Millar:** Yes. So, section 66, as you have quite rightly mentioned, gives Welsh Ministers power to be able to make consequential and transitional arrangements—

[165] **Suzy Davies:** Our old friends on this committee, Darren.

[166] **Darren Millar:** —to other legislation. It is a rather—and I know that you will hate this word—technical section. It gives powers to make those consequential, transitional, transitory and saving provisions, but the affirmative procedure will apply, and it is appropriate where Orders affect primary legislation; the negative procedure will apply, and it is appropriate for other Orders, which apply to just the technical parts. That is why there is a differential approach, if you like.

[167] **Suzy Davies:** In Schedule 1, there are some powers that are subject to no procedure at all. Now, we always have concerns about that on this committee, because, obviously, we like to get our mitts on everything that we can, if at all possible. Can you explain why there is quite an extensive use, by comparison with other Acts, of no procedure changes?

14:45

[168] **Darren Millar:** It is just to allow for consistency with the 2013 Act. It is exactly the same procedure as the 2013 Act, which is why, given that the Assembly was happy less than 12 months ago to pass that Act with no procedure in place, I felt that it was appropriate and took the view that the Assembly was likely to make the same decision again.

[169] **Suzy Davies:** Thank you, but you did go through each section and ask, ‘Should this be applied in exactly the same way for this Bill as it is applied for the 2013 Act?’ It was not just, ‘Everything is okay; let’s just passport it across.’

[170] **Darren Millar:** It was not just, ‘Everything is okay’. To be fair, as far as the 2013 Act is concerned, I have taken the view that, given that the Assembly voted on it in fairly recent history, it was likely not to have changed its mind. When it came to the 1960 Act, we

were a bit more meticulous about considering those parts that will apply under the new licensing regime, should it become law. That is why I have been quite deliberate, really, in the approach that I have taken.

[171] **Suzy Davies:** I think that you probably answered—. My next questions are about commencement procedures, which are other things that tend to exercise this committee quite a lot. I can see that those are just passported across from the 2013 Act as well, so I am presuming that your answer on that would not be any different if I asked why you will allow Welsh Ministers to commence bits of the Bill at different times and so forth.

[172] **Darren Millar:** Yes. It is normal to allow for Ministers to be able to commence different parts of the Bill at different times. I would, however, draw the committee's attention to section 16(2), which requires Welsh Ministers to consult before commencing the duty to carry out site inspections. This, of course, is a new provision; it was not in the previous legislation and it is really important to get the timing of site inspections right, which was why we felt that it was necessary for the Minister to consult and to put that on the face of the Bill, under a negative procedure, to make sure that people have the opportunity to give their views.

[173] **Suzy Davies:** I have just one more question. You may have heard my question to the Minister about any human rights implications with this Bill and potential effects on homelessness. I made the point that I did not think that it was appropriate for site owners to be responsible for solving a homeless problem by breach of their own rules, but there is a possibility that if this Bill goes through in its current format, people will be asked to leave caravans that they are occupying legally. What kind of consideration did you give to the potential consequence in terms of homelessness when you devised this Bill?

[174] **Darren Millar:** I would like to put on record this point, which is that if they are there unlawfully under the existing regime and it is enforced, it would cause exactly the same impact, in terms of people having to find alternative accommodation, as the new regime would if it were enacted and enforced. So, actually, there is no net difference in the implications on homelessness or alternative accommodation having to be found in the existing licensing arrangements and the new ones that I am proposing.

[175] That said, I have given some consideration to this. Those people who are in holiday caravans knowingly in breach of the existing legislation would, of course, be intentionally homeless in the event that enforcement action were to be taken, so there would be no burden on local authorities. However, specifically with regard to human rights, as I understand it, there will only be an interference with people's rights to their homes if they are unlawfully occupying a holiday caravan in the first place. If an individual has no legal right to be in that holiday caravan, there is less protection in terms of human rights, but the Bill still has to be reasonable and proportionate, and I believe that it is reasonable and proportionate. The contents of a residence test failure notice will be at the discretion of the local authority. It will be able to allow, at its discretion, a time period for someone to regularise their situation or to move out into alternative accommodation, and they will be required by the courts, should an appeal be taken forward, to act reasonably given the circumstances that surround each individual case. Of course, there will be that opportunity to appeal to an independent court should a residential test failure notice be issued with which the person in the holiday caravan disagrees.

[176] So, there is adequate redress in place, and the protections in place might not be as great as you might imagine them to be, given that people will, in most cases, be aware of the fact that they are living unlawfully in those holiday caravans.

[177] **Simon Thomas:** Mick Antoniw, do you want to come in there?

[178] **Mick Antoniw:** I am just wondering how many people might potentially be made homeless or evicted from their properties as a consequence of this legislation.

[179] **Darren Millar:** The information that we have is that many people who are living in holiday caravans are actually people of means who have sold up, if you like, and retired into a nice part of the Welsh coast—this is a typical sort of individual—and, therefore, will have a stash of cash in the bank sometimes, in capital receipts from a property sale elsewhere. Those people would, of course, be able to provide alternative accommodation for themselves. There is a small number of people who, through our research, we found to be in receipt of housing benefit on holiday caravan parks. This is from memory, as I do not have the figures to hand at the moment, but it was fewer than 100, certainly—it was around 60 or 70.

[180] **Simon Thomas:** I think that it was about 61 in your explanatory memorandum, if I remember correctly.

[181] **Darren Millar:** I am very glad that you have those figures to hand. Those are the people whom I would suggest to you may require alternative accommodation to be provided under homelessness arrangements. So, it is a relatively small problem but, nevertheless, it is a problem that I have identified. I do not think that it is unreasonable to suggest that those people deserve better quality accommodation and more appropriate permanent accommodation than holiday caravans.

[182] **Mick Antoniw:** It does make a number of assumptions, does it not? First, it seems that the evidence is quite anecdotal. That is, we do not actually know the scale. Secondly, we do not know, really—you make assumptions about the means and categorisation of people, but, for example, not far from my constituency, there is an enormous holiday camp. If there is any scale there, these are people who are on the lower end of earnings. How empirical is the evidence that you have on this?

[183] **Darren Millar:** Well, I think that I have given a very clear list of evidence in the explanatory memorandum around council tax being paid, around housing benefit claims, around GP registrations, around crime data and around bus pass information, as well. Quite clearly, the industry itself has taken steps to try to address this problem through the creation of model site licence agreements for site owners to be able to use and, of course, there is the piece of research by Sheffield Hallam University that I mentioned earlier on, in which Professor Fothergill—who is going to appear before the Communities, Equalities and Local Government Committee—suggested that, if extrapolated to apply to Wales, could mean that as many as 7,000 plus people in Wales are living in holiday caravans as their main homes. So, I do not think that you can just dismiss that and say that there is no evidence of a problem. We do not know precise numbers, because they are hidden; people do not want to disclose that they are living unlawfully on holiday caravan parks. I do not think that anybody would be able to get any definitive numbers at all, no matter how many hours of research or resources that they threw at the task. What we do know, however, is that where we have an industry that is the size of the industry in Wales, and where we have densities similar to those that have been clear on the Lincolnshire coast, it is a problem that needs to be addressed and it is one that I believe has the ability to jeopardise the future of the holiday caravan industry in Wales and I think that we ought to lead on this, frankly, which is why I brought this Bill forward.

[184] **Mick Antoniw:** Where individuals have been in breach, but have made somewhere their home and have done so over a long period of time, do you not consider that a legislative change that, I suppose, pushes the enforcement forward and results in them potentially being evicted, might be a breach of human rights legislation?

[185] **Darren Millar:** As I mentioned earlier on, if they have knowingly been in breach of the law by making that holiday caravan their main home, I do not believe that they have

recourse through human rights legislation to be able to stay there. That said, there may be some holiday caravans in Wales that have been occupied for beyond the 10-year planning rule, which may give an opportunity for individuals in some holiday units to be able to ask for their situation to be regularised in terms of their occupancy; I accept that.

[186] **Sim on Thomas:** A yw'r Aelodau'n iawn? Jest ar y pwynt hwnnw, rwy'n gwybod nad y bwriad y Bil hwn yw ymwneud â safleoedd Sipsiwn/Teithwyr o gwbl, ond ym mha ffordd y gallwch chi fod yn siŵr fod y ffin yn glir ac nad yw'r hyn sy'n cael ei gynnig yn y Bil hwn yn effeithio ar y bobl hynny, sy'n byw, yn aml iawn, ar safleoedd carafannau?

Simon Thomas: Are Members content? Just on that point, I know that it is not the intention of this Bill to deal with Gypsy/Traveller sites at all, but in what way can you be sure that that boundary is clear and that what is being put forward in this Bill does not affect those people, who live, very often, on caravan sites?

[187] **Darren Millar:** They are specifically exempted, as I understand it. May I just check with Gareth, in terms of legal advice?

[188] **Mr Howells:** Let me just check.

[189] **Darren Millar:** I am pretty confident.

[190] **Simon Thomas:** Are they exempted by reference to another Act, or simply within this Bill?

[191] **Darren Millar:** Just one second. I may need to drop you a note on it. However, first, there is certainly no intention to have any impact on Gypsies/Travellers in Wales. Secondly, as I understand it, we have already ensured that they are exempted from any of this; unless, of course, they are staying on a holiday caravan site, like anybody else who might stay on a holiday caravan site, for a short period of time. If they go beyond the six weeks, then, of course, a residence test would still apply to them, as it would to anybody else who was travelling around.

[192] **Simon Thomas:** Many Gypsy and Traveller families run these parks. It will be interesting, but that is probably a policy field, into which I will not stray. However, if you could say what you have done in legislative terms for the committee to look at, it would be useful.

[193] **Darren Millar:** As far as I understand it, Gypsy/Traveller sites are exempted.

[194] **Mr Howells:** I do not think that they are actually exempt, but it is a question of fact—are they a holiday caravan site or not, basically?

[195] **Darren Millar:** If they are on a holiday caravan site, obviously they will come within the licensing regime. If they are a Gypsy/Traveller site, they are not a holiday caravan site.

[196] **Simon Thomas:** Iawn, edrychwn ar hynny eto. Os caf ddilyn i fyny ar gwpwl o bwytiau i gloi, roedd y Gweinidog, pan oedd ger bron y pwyllgor gynnu fach, yn bryderus ynglŷn â'r ffaith fod system apelio newydd yn y gyfraith hon—neu yn y Bil hwn, yn hytrach—a fydd yn arwain at ddefnyddio llysoedd barn ac ati. Roedd yn gwneud y pwynt nad oedd ef, yn sicr, wedi

Simon Thomas: Right, we will look at that again. If I could just follow up on a few points to conclude, the Minister, when he appeared before us earlier, was concerned about the fact that there was a new appeals system in this legislation—or Bill, rather—that will lead to the use of courts. He made the point that he certainly had not consulted the Ministry of Justice in London about these

ymgyngori â'r Weinyddiaeth Gyfiawnder yn Llundain ynglŷn â'r posibilrwydd hwn. A ydych chi, fel yr Aelod sy'n gyfrifol, wedi ymgynghori â'r adrannau yn Llundain ynglŷn â'r Bil?

proposals. May I ask whether you, as the Member in charge, have had any consultation with the departments in London?

[197] **Darren Millar:** I have not, and I do not think that there is any need to, frankly. This is an entirely devolved matter. What I will say is that there is no new appeals system; what we have done is to listen to the industry through the consultation process that was undertaken and maintain the existing appeals system under the 1960 Act, which is appeals to a magistrates' court. I think that there will be fewer appeals taken to court as a result of my Bill, because it is much clearer and requires, for example, written agreements between site owners and holiday caravan owners, which do not exist at the moment. So, I think that there will be a reduction in the time taken by the courts system to deal with problems on holiday caravan sites as a result of my legislation. What I do, of course, introduce is this new mechanism of fixed-penalty notices, which will, therefore, also reduce the burden on the courts.

[198] **Simon Thomas:** Ar ôl inni, fel pwyllgor, drafod y Bil tebyg, sef y Bil yn ymwneud â charafannau preswyl, roedd tipyn o ddiwygio a newid sylweddol rhwng yr Aelod a oedd yn gyfrifol a'r Gweinidog. Ar ôl y dystiolaeth yr ydych wedi'i chlywed gan y Gweinidog heddiw, a'r dystiolaeth yr ydych wedi'i rhoi i'r pwyllgor hwn, a ydych yn meddwl bod modd gwella'r Bil hwn sydd gennych mewn ffordd sy'n cwrdd â gofodion y Llywodraeth er mwyn cael ei chefnogaeth?

Simon Thomas: After we, as a committee, discussed the similar Bill, namely the Bill in relation to residential caravans, there was a great deal of amendment and significant changes between the Member in charge and the Minister. After the evidence that you have heard this afternoon from the Minister, and the evidence that you have put forward, do you think that you can amend this Bill in a way that will answer the concerns of the Government in order to have its approval?

[199] **Darren Millar:** I certainly hope so. There are always amendments and improvements that can be made to any Bill, and that is why I think that the scrutiny process that is being undertaken at Stage 1—by this committee and, indeed, the other committee—is incredibly important. However, I do not think that it is going to require the sort of extensive revision that there was to the Mobile Homes (Wales) Bill, largely because the Bill has passported existing pieces of legislation into it. If it is currently fit in the 2013 Act and the 1960 Act, it ought, therefore, to be fit for the purposes of this Bill as well, in terms of the way that the drafting has been done.

[200] **Simon Thomas:** A oes unrhyw gwestiynau eraill? Gwelaf nad oes. Diolch yn fawr am ddod i roi tystiolaeth ar y Bil. Wrth gwrs, byddwn yn rhannu'r cofnod gyda chi i weld a oes unrhyw ffeithiau sydd angen eu cywiro ai peidio. Diolch ichi a'ch swyddog am ddod i mewn i roi tystiolaeth.

Simon Thomas: Are there any further questions? I see that there are none. Thank you very much for giving evidence on the Bill this afternoon. Of course, we will share the record with you to see whether there are any facts that need to be corrected or not. Thanks to you and your official for coming in to give evidence.

[201] **Darren Millar:** Diolch.

Darren Millar: Thank you.

[202] **Simon Thomas:** Mae eitem 5 wedi cael ei gohirio gan nad yw'r Athro Jonathan Bradbury yn gallu bod yn bresennol.

Simon Thomas: Item 5 has been postponed because Professor Jonathan Bradbury cannot be present this afternoon.

14:59

**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**

[203] **Simon Thomas:** Cynigiau fod

Simon Thomas: I move that

*y pwyllgor yn penderfynu gwahardd y
cyhoedd o weddill y cyfarfod yn unol â Rheol
Sefydlog 17.42(vi).*

*the committee resolves to exclude the public
from the remainder of the meeting in
accordance with Standing Order 17.42(vi).*

[204] **Simon Thomas:** Gwelaf fod pawb
yn cytuno, felly symudwn i sesiwn breifat.

Simon Thomas: I see that everyone agrees,
so we will move into private session.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 15:00.
The public part of the meeting ended at 15:00.*