

Mobile Homes (Wales) Bill: Summary of changes made at Stage 3

Introduction

This document summarises the main changes made to the Member-proposed **Mobile Homes (Wales) Bill** ('the Bill') at Stage 3, to inform Members in advance of the Report Stage proceedings due to take place in Plenary on **25 September 2013**. **This is the first time the Report Stage has been used in the Assembly. It is an optional additional amending stage. Further details about the procedure are outlined in Standing Order No. 26.45.**

Background

The Bill under its original title, **the Regulated Mobile Home Sites (Wales) Bill**, was introduced by Peter Black AM, who was successful in the legislative **ballot** held on 29 November 2011. He was given leave to proceed with the Bill by the Assembly on **1 February 2012**, and he made a statement on its introduction in Plenary on **7 November 2012**. The Business Committee remitted the Bill to **the Communities, Equality and Local Government Committee** ('the Committee') for Stage 1 scrutiny, and the Committee published its Stage 1 report in **February 2013**. The Constitutional and Legislative Affairs Committee published a **report** on the Bill's subordinate legislation provisions in the same month. The general principles of the Bill were approved unanimously at Stage 1 by the Assembly following a debate in Plenary on **13 March 2013**.

Stage 2 proceedings were held in committee on **13 June 2013**, when significant amendments were made to the Bill, **including changing its name** to the **Mobile Homes (Wales) Bill**. The Constitutional and Legislative Affairs Committee scrutinised the Bill

further after Stage 2, and published a **supplementary report** before Stage 3 proceedings.

Stage 3 commenced on 14 June 2013 and the proceedings were held in Plenary on **10 July 2013**. A total of **199 amendments** were tabled, 185 of which were by the Welsh Government, one by the Member in charge, and the remaining 13 by the opposition parties.

At the end of Stage 3 proceedings, the Member in charge, Peter Black AM, moved a **motion**, which the Assembly agreed, to allow further amendments to be considered at Report Stage.

Amendments agreed at Stage 3

All but three of the Welsh Government's 185 amendments to the Bill were agreed (amendment 41 was withdrawn and amendments 66, 73 and 77 were not moved). Eighty-eight of the Government's amendments were to the Welsh-language version of the Bill only, and 22 were to the English-language version only.

Amendment 135A tabled by the Member in charge, Peter Black AM, was agreed. Of the remaining 13 non-Government amendments tabled, five were not agreed, five were not moved, and a further three fell. The most significant changes made to the Bill are summarised below.

Technical and consequential amendments

- Group 1 was made up of 143 Government amendments, all of which made minor technical changes to the Bill, and all of which were agreed.
- The last group (group 13) comprised largely technical consequential amendments to the Mobile Homes Act 1983, the Town and Country Planning Act 1990, and the Housing Act 2004. All nine amendments in the group were agreed.

Local Authority Gypsy and Traveller Sites

- The second group of amendments made numerous technical changes to the Bill to safeguard local authority Gypsy and Traveller sites. The Bill, if passed, will therefore cover such sites as well as residential mobile home sites.
- **Amendments 61 and 62** inserted a definition of 'permanent pitch' to the English and Welsh versions of the Bill, and **amendments 63 and 64** inserted a definition of 'transit pitch' to the English and Welsh versions.

Site Licence Conditions

- **Amendments 10 and 13** provided that local authorities would be able to set site licence conditions relating to the management of risks from flooding or coastal erosion, which include setting out how a site owner should mitigate those risks and communicate the risks to residents.
- **Amendment 14** provided for public liability insurance certificates to be displayed as a condition of a site licence. This was in response to an earlier commitment given to Jocelyn Davies AM at Stage 2.
- **Amendment 135** (tabled by the Minister, Carl Sargeant AM) provided that local authorities may issue compliance notices to site owners if fixed penalty notices are not paid. Peter Black AM's **amendment 135A** amended the provision so that a fixed penalty notice should be withdrawn before a compliance notice is issued.

Fit and Proper Person Test

- **Amendment 26** was based on a recommendation by the Committee at Stage 2 that the relevant provisions be enhanced. Applicants who fail the fit and proper person test are to be notified of the reason for failure by the local authority, and will also have a right to appeal the decision.

Repayment Orders

- **Amendment 35** deleted the provision in section 33(10) requiring an application to a residential property tribunal for a repayment Order in respect of an unlicensed site to be made only by an occupier of a mobile home.

Responsibility of the Owner

- **Amendment 36** deleted section 36 of the Bill, which provided for a site owner to terminate a tenancy agreement if a tenant committed an offence. It was felt that the section, which had been taken from other legislation, was anachronistic and unnecessary given that protection from eviction is now safeguarded in other legislation.

Definitions and Interpretation

- **Amendments 43, 60, 65 and 75** made minor changes to definitions contained within the Bill.

Qualifying Residents' Associations

- **Amendment 70** deleted section 62(1)(h) from the Bill so that a site owner would no longer be required to give written acknowledgement of a qualifying residents' association, thereby removing the owner's say in the approval of an association. This followed a commitment made by the Minister at Stage 2.
- **Amendment 72** provided that disclosing details about the chairman, secretary or treasurer of a qualifying residents' association would not amount to a breach of confidence by the local authority under the Freedom of Information Act 2000.

Commitments made by the Minister

During Stage 3 proceedings, the Minister, Carl Sargeant AM, gave a commitment to consider and discuss the following issue, ahead of Report Stage.

Definition of 'Family'

- Following a discussion in committee at Stage 2 about the 'outdated' wording used in the Bill, the Minister gave a commitment to revisit the matter and come up with 'more reasonable language' at Stage 3. Amendment 66 at Stage 3 sought to delete the subsection containing the offending terminology (section 56(3) in the Bill as amended at Stage 2), but the Minister said that, after further reflection, he would be seeking to 'do some more work on the definition' ahead of Report Stage, with the Assembly's agreement.

Jocelyn Davies AM had tabled several amendments herself in relation to the matter (in group 8), but agreed not to move them on the strength of the Minister's assurance. The Member in charge of the Bill, Peter Black AM, also stated the following:

'The definition of family that is currently in the Bill as agreed at Stage 2 is 53 years old, and predates many social and legislative developments, not least the legislation currently going through the House of Commons and the House of Lords on equal marriage. So, it is only right and proper that we have a period of reflection on this. The Report Stage offers us the opportunity to do that.'

Next steps

A **version of the Bill as amended at Stage 3** has been prepared by the Legislation Office.

Report Stage began on 11 July 2013 (the day after Stage 3 proceedings were completed). Members have until 6pm on Wednesday, 18 September 2013 to table further amendments to the Bill through the Legislation Office (legislationoffice@wales.gov.uk). Report Stage proceedings will take place in Plenary on 25 September 2013.

Further information

For further information on the Bill, please contact the Legislation Clerk, Helen Finlayson (helen.finlayson@wales.gov.uk).