



Northern Ireland
Assembly

**COMMITTEE FOR THE
ENVIRONMENT**

**OFFICIAL REPORT
(Hansard)**

**Caravans Bill – Briefing by John
McCallister MLA**

1 July 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)

Mr Roy Beggs

Mr Jonathan Bell

Mr John Dallat

Mr Danny Kinahan

Mr Brian Wilson

Witnesses:

Mr John McCallister MLA

Ms Annette Holden

The Chairperson (Mr Boylan):

Mr John McCallister MLA will brief the Committee on the Caravans Bill. I welcome John McCallister and Ms Annette Holden.

Mr Beggs:

As a touring caravanner each summer, I declare an interest.

The Chairperson:

Mr Beggs has declared an interest once again. He has declared an interest in every subject that we have talked about in the past 12 months.

Mr McCallister, you are very welcome. We shall open the floor to you for five or 10 minutes to make your presentation, after which members will ask questions. However, we will give you some latitude, and I assure you that you will not get the same grilling that you got in the Chamber.

Mr John McCallister (MLA):

Thank you, Mr Chairman and members. It is good that Mr Beggs has an interest in so many issues. I heard that the Committee has a very busy day ahead of it, so I shall try to make this quick and painless. Thank you for affording me the opportunity to brief the Committee.

Caravan legislation in Northern Ireland lags significantly behind that in the rest of the UK. In Great Britain, if a caravan is an individual's primary or only residence, the owner is protected by the Caravan Sites Act 1968, as amended, and the Mobile Homes Act 1983, as amended. No similar provisions are available in Northern Ireland, where there are approximately 14,000 static caravans, the majority of which are holiday caravans. It is estimated that 300 caravans, spread over three or four sites, are used by their owners as their primary residence. Those caravans are generally referred to as mobile homes or park homes. However, for the purposes of the Bill, they are referred to as "caravans".

Existing caravan legislation in Northern Ireland is limited to the Caravans (Northern Ireland) Act 1963, which makes provision for the licensing and control of caravan sites, giving the power to provide and operate site licences to district councils. There is no statutory requirement for site owners to provide a written agreement to caravan owners, and many owners appear to rely on verbal agreements that were often made a number of years ago. In some instances, the lack of a written agreement has caused problems, particularly when the ownership of a caravan site has changed hands. As a result, over the years, a number of disputes have arisen.

An imbalance of power exists between site owners and caravan owners. Some site owners, although, I stress, not all, have been unscrupulous in exploiting that imbalance to the detriment of caravan owners. The situation was brought to my attention in 2007, when I was called to

arbitrate on behalf of disgruntled caravan owners in my constituency. Indeed, the Chairperson's colleague Willie Clarke also attended that meeting, which was about the imposition of conditions without prior notice or consultation.

When we researched the subject, it came to light that the problem is common across Northern Ireland. Some issues highlighted were as follows: an absence of formal agreements, which made it difficult to enforce basic consumer rights; no basic tenant rights for people whose caravans were their permanent residence; no protection from harassment by site owners, for example, through withholding services such as heating and water; and caravan owners were having to sell caravans back to site owners at a much reduced market value. Site owners were also taking as much as 40% commission on sales; they were retaining full annual pitch fees that had been paid in advance, despite termination of the agreement shortly into the new licence term; and caravan owners were having to use workmen provided by site owners to carry out work, possibly at inflated prices.

In 2008, I consulted widely with stakeholders, including the caravan industry's trade organisations and permanent, residential and seasonal site owners. The initial consultation generated an overall positive response to my proposals to implement a statutory written agreement containing prescribed clauses that would protect rights and provide the basis for negotiation for caravan owners and site owners. Most of the responses from caravan owners drew attention to the key areas of concern that I have just outlined. It was clear from the responses that there was overwhelming support for the implementation of a statutory written agreement and for the introduction of legislation in Northern Ireland similar to that which exists in GB to protect the permanent residential sector.

The Caravans Bill is designed to afford protection to two groups of caravan users. The first group comprises those who use their static caravan, which is permanently based on a caravan site and is licensed for holiday use. These are referred to in the Bill as "seasonal sites". The second comprises those for whom the caravan is their only residence, the so-called "park home", which is on a site licensed for year-round occupancy and which the Bill refers to as "protected sites".

The Bill will also bring the definition of the word "caravan" into line with the definition that is applied in the rest of the UK. I assure Mr Beggs that his touring caravan will be completely unaffected by the Bill, so he is free to go wherever he likes and hold up traffic or whatever.

Mr Beggs:

Good.

Mr McCallister:

The Bill comprises five Parts, totalling 17 clauses, and has one schedule, which is divided into three parts. Parts 1, 3 and 4 reflect existing legislation that has been in place in England since December 2009.

Part 2, which applies to the holiday static caravan site, is unique to Northern Ireland. Part 5 deals with supplementary elements of the Bill. Parts 1 and 3, which provide protection for those whose caravans are their only or main residence, fall under the remit of the Department for Social Development. Part 2, which requires written agreements between site owners and caravan owners, will be under the wing of the Department of Enterprise, Trade and Investment, mainly through enforcement powers that would be granted to its Trading Standards Service.

Part 4 contains provisions that are particularly relevant to the Department of the Environment and updates the definition of “caravan” and brings clarity to a subject in which a variety of terms are often used to describe what is, essentially, a caravan. For example, the terms “mobile home”, “park home” and “static caravan” are all covered in Part 4. The existing definition is contained in section 6 of the Caravans Act (Northern Ireland) 1963, under the section that deals with district council caravan site licences. Despite being challenged through judicial review, that definition remains unclear.

There is particular confusion about permanent residential park homes, which are transported in sections and assembled on-site, where they will remain with a certain degree of permanence. To all intents and purposes, once assembled, it looks like a luxury chalet-type home, although it remains a caravan. Clause 13 will clarify the matter and bring the definition into line with that in the rest of the UK.

Clause 14 applies that new definition of “caravan” to the 1963 Act. As there are planning implications for structures that are regarded as caravans, clause 13(5) of the Bill, as drafted, gives the Department of the Environment the power to amend the maximum dimensions of a caravan, should it be necessary to do so in the future; for example, should a manufacturer be required to

revise standards in a way that will affect the overall dimensions of a caravan. This is advantageous to the Department with respect to planning control. For example, a caravan's dimensions may change if insulation specifications are changed. The clause will future-proof the Department and the Committee, in that the dimensions can be changed without the need to bring forward new legislation.

In summary, the permanent residential caravan is rising in popularity. It is being seen more and more in Northern Ireland as a positive lifestyle choice. Currently, no regulatory framework is in place to protect those individuals and give them the same rights enjoyed by their counterparts in Great Britain. The Caravans Bill will redress the imbalance by providing similar provisions to the Mobile Homes Act 1983. With regard to holiday caravan owners, a statutory requirement for site owners to issue written agreements will provide the necessary mechanism to prevent abuse from either party and to contact and enable Trading Standards Service to deal effectively with complaints that arise. From the Committee's perspective, bringing the definition and dimensions of a caravan into line with the rest of the UK will enable caravan parks to purchase with confidence units that meet the required industry standard, which can be transported and sited anywhere in the UK.

I stress that the caravan sector is a home-grown industry. As regards some of the units that are termed park homes, and the Committee's remit concerning changing dimensions, we visited a leading manufacturer in Coalisland to meet him and see the structures that he deals with. The industry is quite contained, so we need to make sure that we get the regulations right. They need to be flexible so that all of its sectors can continue to flourish. Thank you very much, Chairman.

The Chairperson:

Thank you very much for your presentation. I have a couple of quick points before I open up the session to the members. The Department seems happy with clause 13. For clarification, will you go over again how that will proceed? You said that the responses to the consultation were positive. If the Bill is enacted, what will be its major benefits and what major changes will there be for caravan owners? I was in a caravan only once, so, unlike Mr Beggs, I do not think that I have to declare anything in that respect.

Mr McCallister:

Clause 13 is the primary focus of the Committee. There is no definition of a caravan or a caravan

structure in Northern Ireland. The Bill will bring touring caravans, park homes, which look almost like mobile homes but for the purposes of the Bill will be defined as caravans, and static holiday caravans into line. Most of our regulations in that regard tended to be stuck, and the Road Traffic Regulation Act 1984, defines a “caravan” as being that which could be moved on a road, which is out of line with the definition in the rest of the UK. That is not satisfactory for people such as the manufacturer in Coalisland: it defines a caravan as something that can move on the road rather than the product that he makes and tries to sell. Although the Bill will define Mr Beggs’s caravan as a caravan, that will be excluded from site licensing, timing and periods etc. The Bill will exclude anybody with a touring caravan from the requirements of a contract.

As I said earlier, should specifications change, the Minister and the Department will have the power, with the Committee’s backing, to change them.

It has been beneficial to spend close to three years consulting and meeting manufacturers and users. The initial responses to the consultation were that something needed to be done, and the industry pointed out that a definition of “caravan” was required and that better regulations were needed to deal with the two areas that I outlined. Significant protection is needed for the park home sector, because a park home is someone’s main or permanent residence — it is their home — so a very high level of protection is built into the Bill for that category of people. The park home sector in Northern Ireland has grown without a regulatory framework, which is dangerous for consumers and the industry. Park home estates are based mainly in Mr Bell’s constituency of Strangford, with some in North Down and South Down. As families grow up, people make a lifestyle choice to release equity from their home in order to go into a smaller home. Consequently, those who bought into the unregulated park home sector were mainly retired couples. The situation is most unsatisfactory, and the Bill will afford strong legal protection to people whose park home is their main residence.

Legal protection for seasonal sites, containing static holiday caravans, will not be as strong, because those caravans are not people’s main residences; they are holiday homes and, therefore, are used only a set times of the year.

The major benefit of the Bill for caravan owners is that they will now get a written agreement, which will set out in black and white what people are signing up for and have agreed to. We worked with the Trading Standards Service and Minister Foster to determine what would be best

for the holiday sector, which will still not be as highly protected as the permanent residential sector. Nevertheless, its position has advanced significantly. Holiday caravans will not be permitted to be turfed off sites, and people will no longer arrive to find that their caravan has been parked at the side of a road or in a neighbouring field.

Written agreements will address many of the problems in the holiday caravan sector. For instance, owners will know up front when workmen are going to be brought on site. As a result of the Trading Standards Service's involvement, unfair terms will not be allowed in agreements, which, because they will be in black and white and will show what everybody has agreed to, will give them teeth. That is the difference.

Initially, we looked at increasing the level of protection for the holiday sector, but it was deemed, particularly having worked with Minister Foster, that we were in danger of becoming too prescriptive. To summarise, the permanent sector needs to be regulated heavily; whereas, the holiday sector does not need quite so much protection. Nonetheless, the Bill is a significant step forward for both categories of caravan owners.

The Chairperson:

It will certainly be of benefit.

Mr Dallat:

I notice that Coleraine Borough Council did not make representations, despite the fact that it is probably the biggest site owner. The Bill is extremely welcome. It has been talked about for as long as I can remember, and it is a great credit to John that he took the matter on board. It was one of those things that nobody wanted to tackle. It has now been done and is extremely welcome. My questions are not designed to pick holes in or belittle the Bill.

There are a plethora of health and safety issues relating to caravan sites, including gas installations and the distance between caravans, over which the caravan owner may have not control. Does the Bill apportion health and safety responsibilities on the site and with respect to those who may come on to the site to, for example, change gas cylinders?

Mr McCallister:

Thanks for your words of encouragement, Mr Dallat. At the start of this process, Annette Holden

asked me why more Members had not introduced a private Member's Bill. We have now worked out why. *[Laughter.]* It has been a long struggle.

The council issuing the site licence is the enforcement body that regulates health and safety standards on the site, including the distance between caravans. That is why defining the size of caravans can have a knock-on effect. My slight worry about Coleraine Borough Council is that it issues site licences and also provides the service. That is not a particularly satisfactory situation. It may be the only council that owns a caravan site. In south Down, Newry and Mourne District Council and Down District Council issue site licences but they do not own the sites.

If a caravan owner wishes to bring workmen on to a site, he or she will have to show the workman's necessary qualifications to the site owner. This is about ensuring that health and safety conditions are met and that a site owner cannot insist that his man is employed to fix something. We also want to make sure that the highest standards are applied when it comes to working with, for instance, gas, which was the example used by Mr Dallat. A qualified electrician would have to carry out electricity work, so there would be a balance of both and that would be set out in the agreement.

Mr Bell:

I congratulate Mr McCallister on an excellent Bill, and I share Mr Dallat's sentiments. The Bill is encouraging and shows the Assembly doing its job by bringing forward legislation that will benefit of everybody in Northern Ireland. Mr McCallister presented his Bill so coherently and intelligently that I will try to keep the surprise out of my voice. *[Laughter.]*

I declare an interest as a member of Ards Borough Council, which has one quarter of both sections of the market. I give the Bill my full, unequivocal support, Mr McCallister. However, one of the concerns raised on the margins relates to cost. Is there a significant cost attached to the Bill with respect to industry operators, caravan owners or site owners, or are potential costs being exaggerated?

Mr McCallister:

Thanks for your support, Mr Bell. I was not sure of that during the Bill's Second Stage.

The Chairperson:

We seem to be friendlier bunch than those you met in the Chamber the other day, Mr McCallister.

Mr McCallister:

I was not sure whether the Assembly was overdoing its scrutiny role at Second Stage.

The costs are exaggerated. For years, there has been what is known as a model contract for the holiday sector, which anyone in the trade bodies should have been implementing. However, of the 13,000 occupied holiday pitches in Northern Ireland, probably no more than 25% or 30% of users have a contract. Therefore, contracts already exist, and the Office of Fair Trading and the industry have been working on them for a number of years. The cost to the industry would be minimal. In fact, we argue that it will do away with some of the need for an annual site licence. Once the system is up and running, it will be less burdensome in some cases.

There will be a slight administrative burden in the first year, but costs will be miniscule. In fact, the Hansard report of last Thursday's Committee for Social Development evidence session shows that David Livingstone said that Trading Standards Service viewed the costs as negligible.

Mr Kinahan:

I congratulate you on the Bill. I enjoyed supporting you last time, and we need everyone's full support.

The Chairperson:

John, there is no doubt that you have the full support of the Committee. We wish you well with the Bill. Perhaps you will send a photograph of a caravan park to Armagh. You could also send one of a train as well as we are not too familiar with both down our way. Thank you very much.

Mr McCallister:

Thank you, Chairperson.

Mr Bell:

In the good old days, Mr Beggs's dad ran a very distinguished constituency service from a caravan.

Mr Beggs:

Indeed.

Mr Bell:

That shows how old I am.