



Northern Ireland  
Assembly

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**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

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**OFFICIAL REPORT  
(Hansard)**

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**Caravans Bill**

24 June 2010

**NORTHERN IRELAND ASSEMBLY**

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SOCIAL DEVELOPMENT**

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**Members present for all or part of the proceedings:**

Mr Simon Hamilton (Chairperson)  
Mr Billy Armstrong  
Mrs Mary Bradley  
Mr Mickey Brady  
Mr Jonathan Craig  
Mr Alex Easton  
Ms Anna Lo  
Mr Fra McCann

**Witnesses:**

Councillor Joan Baird )  
Mr Kieran Doherty ) Northern Ireland Local Government Association (NILGA)  
Mr John Walsh )

**The Chairperson (Mr Hamilton):**

I welcome Councillor Joan Baird from Banbridge District Council, who is vice chair of the NILGA health and environmental working group; Kieran Doherty, director of environmental health at Coleraine Borough Council; and John Walsh, principal solicitor at Belfast City Council. I remind you that the proceedings are being recorded by Hansard. I invite you to give us a brief introduction, and we will ask questions after that.

**Councillor Joan Baird (NILGA):**

I thank the Committee for allowing us to appear before it. We are here to give our presentation

on what NILGA would like to see in the Bill. I hope to be able to highlight the key issues for local government arising from the proposals, and my colleagues will be happy to answer any questions that members may have.

The licensing and maintenance of caravan sites, which are usually monitored and regulated by the environmental health departments in councils, are issues of importance for local government. Many councils already have sites, and many want to develop sites for stationary or touring caravans as part of their tourism development situation. Additionally, a number of councils have a sizeable population from the Travelling community and must take their needs into account as a specified group in race relations and equality legislation.

NILGA welcomes the introduction of legal protections for caravan owners. We want to see those who occupy a caravan as their main residence and caravan owners who are using seasonal sites be protected. The introduction of fair treatment and protection of the property rights of caravan users is positive, and we broadly welcome the provisions in the Bill. The greatest impact of the Bill for local government will be on councils that own and run caravan parks, as they will be required to have a written agreement — dealing with tenure, for example — with each caravan user on their sites. Although there are no clearly identified roles for councils within the Bill, we have a number of concerns.

We have concerns regarding the regulation of caravan sites as outlined in Part 3 of the Bill. The current role of local government in the licensing and regulation of caravan sites will be largely unaffected by the proposed legislation. However, clarity is required regarding the responsibility for dealing with harassment and illegal eviction. Councils currently enforce similar offences within the private rented sector under the relevant legislation. NILGA would be grateful for clarity on Part 3 of the Bill, which is written as though to be enforced by a statutory body, whereas other parts of the proposed Bill are clearly intended to be civil legislation. It is, therefore, quite possible that the enforcement of the proposal to protect caravan owners from harassment and illegal eviction could fall to district councils. It would seem logical to suggest that the proposed Bill be amended to grant councils the power to investigate and to prosecute complaints of harassment and eviction. At the very least, the proposals contained within clause 10 need to be clarified in that regard.

The Travelling community largely lives in caravans on a permanent basis, often on permanent

or transit sites, with the responsibility for the provision placed upon the Northern Ireland Housing Executive. Some sites are provided on a private basis, including some that are owned by Traveller families. Sites provided for Travellers are licensed by local councils. NILGA has concerns that the proposed Bill may impact adversely on Travellers, as it amends the existing legislation and does not appear to enhance the protection of Travellers on publicly and privately owned sites or to grant parity of protection with Travellers who live in social housing. Therefore, we recommend that a full equality impact assessment be carried out to ensure that the Travelling community is not disadvantaged by the Bill in its current form.

NILGA is aware that the National Caravan Council has highlighted a number of issues regarding the application of the Bill's provisions to seasonal sites, whereby some caravan owners may argue for greater protection if they occupy their caravans for more than three months of the year, and others who occupy their caravans for less than three months of the year may have no protection at all. Although that is not an issue for local government, NILGA recommends that the Committee seeks the view of the Trading Standards Service on what seems to be a form of consumer agreement.

Once again, I thank you for taking on our views. My colleagues are happy to answer any questions. Thank you very much.

**The Chairperson:**

Thank you very much. You raised the issue of enforcement. If it was possible for councils to take authority for enforcing some of the provisions in the Bill in respect of legal eviction from residential caravan sites, would local government be keen to take on that power?

**Mr John Walsh (NILGA):**

Under the Rent (Northern Ireland) Order 1978, councils already undertake that enforcement activity in the residential sector. The powers in the Bill are an extension of that, so it seems logical that they should sit with district councils. Clause 10 should be amended to make that absolutely clear.

**The Chairperson:**

I thought that the evidence was in favour of councils taking on those powers. However, I was seeking clarity because I would not want to take forward something that the Committee thought

was a good idea if local government would balk at it.

**Mr Craig:**

Thank you for your presentation, Councillor Baird. I will always welcome a Banbridge councillor here, as Lagan Valley takes in part of your constituency.

I am very interested in what you said about giving enhanced powers to councils to aid in the prosecution of some of the sharp practices that a very small minority take part in. I am the first to admit that I am not an expert on the issue. In the whole of Lagan Valley, we have one caravan site, and there are no permanent pitches on it, so we are not experts in the field. What power does the existing licensing scheme give to councils? Has any assistance or change been made to that to give you the enhanced powers that you are after?

**Mr Walsh:**

Under the Caravans Act (Northern Ireland) 1963, the licensing powers and the conditions that can be imposed are quite broad. The powers that it is intended be given under the Bill will sit very well with those that exist already and will allow for a better enforcement regime generally.

**Mr Kieran Doherty (NILGA):**

It is fair to say that the existing provisions within the Caravans Act are largely aimed at health and safety issues and the protection of the public health of residents on such sites, whether they are for residential purposes or for seasonal and holiday purposes. As members will be aware, the thrust of the Bill is very much more to do with the business and contractual arrangements. Although, as John has rightly said, there is a crossover in relation to harassment and illegal eviction, the pieces of legislation deal with two very different aspects of the industry.

**Mr Craig:**

Kieran, do you find that the fear factor exists even with health and safety issues? I think that the fear factor is going to be the biggest issue. People who invest a large part of their family's fortune into these facilities are fearful to report things. Is that an issue where health and safety is concerned? If it is, it is going to become a bigger issue with regard to any other type of enforcement.

**Mr K Doherty:**

The fear factor that Mr Craig refers to exists because there is little action that the Trading Standards Service or the district council can take in relation to contractual issues raised by a caravanner. The same does not necessarily apply to health and safety issues, because the Caravans Act, and a raft of legislation and guidance underneath it, gives councils a fair degree of authority and power to deal with those issues. District councils are not reticent in implementing those powers.

The difficulty with contractual issues arises insofar as the ability of any statutory organisation to take effective action runs up against a bit of a dead end. Coleraine Borough Council provides upwards of 1,000 pitches in two sites on the north coast. Wearing that hat, I listened carefully to the view expressed by the trading standards officer in the previous evidence session. We concur with the view that there is a fear factor. However, the advantage is that the industry — the site provider and, to a large extent, the caravanner — is well informed. It is a small, close-knit community that communicates very well and effectively among itself. Once the word gets out about what is and is not considered to be a fair term and the remedy available, I think that the fear factor will quickly start to ease considerably, particularly if there are a number of early wins from the point of view of the Trading Standards Service.

**Ms Lo:**

I am a bit confused. My understanding from the earlier session with the Department of Enterprise, Trade and Investment (DETI) is that it has the enforcement power. However, you are saying that that is unclear and that you would like to take on that power —

**Mr Walsh:**

There are two different parts to the proposed legislation. DETI would be responsible for the enforcement of one part, and district councils would be responsible for enforcing the unlawful eviction and harassment side of things.

**Ms Lo:**

You would like to have that power.

**Mr Walsh:**

Yes.

**The Chairperson:**

DETI has power for the seasonal sites. Local government is saying that it would like to have power of enforcement in respect of the permanent, residential caravans — the park homes.

**Ms Lo:**

I understand now. Thank you.

**Mr F McCann:**

You are welcome and thank you for your presentation. My understanding is that there are two clear specifications that guide the different sites — those in permanent use and those for holiday use. The permanent ones have higher standards of health and safety regulations. Some sites have planning permission. How do councils go about ensuring that caravans that do not meet the specifications are not sold on for permanent use?

**Mr K Doherty:**

In real terms, the safety of the caravan is not something that the existing site licence can deal with. Councils have power over the repair, condition or otherwise of the caravan only where it is let for third party use. In other words, if I have a caravan on a site, and I let it out for the summer months so that anyone can use it. However, if it is my holiday home for my own use, the repair and condition of that caravan is largely outside the control of the council. The caravan site licence is about the provision of health and safety arrangements, largely by the site owner, in relation to issues such as firefighting, access, drainage, water supply, separation distance and so on. As regards the actual condition and repair of the caravan itself, the legislation is very limited in application.

**Mr F McCann:**

I would have expected health and safety measures to be of the highest quality on a site with mixed usage and on which caravans have been sold as permanent homes. Surely, a failure to meet such a standard is a matter for local government, because it is its duty to ensure that those standards are met.

**Mr K Doherty:**

The issue becomes one of whether the caravan is fit for human habitation and a question of its

standard of fitness once it becomes a place of permanent residence.

**Mr F McCann:**

Who do people go to if they believe that they have been sold a caravan that does not meet certain standards? Do they complain to DETI? Is it the local council? Does anybody have the right to declare that the caravan does not meet the required standards and to prosecute the person who sold it?

**Mr K Doherty:**

The Housing Executive is the key enforcing authority when it comes to the fitness standard. Councils will carry out inspections on behalf of and make reports to the Housing Executive. Therefore, where a caravan is a permanent residence that does not meet the fitness standard, the Housing Executive or the council are the points of contact.

**Mr F McCann:**

That is a bit confusing. DETI has given the Committee a presentation. You have given us a presentation, and now the Housing Executive has been brought into the mix. I am trying to find out who takes charge if somebody on a site has been sold a caravan that does not meet the specifications that it is supposed to meet. Does the main responsibility to ensure that people's rights are upheld rest with local government, the Housing Executive or DETI?

**Mr K Doherty:**

It is necessarily complicated because the land on which the caravan sits is in private ownership, which is separate from the ownership of the caravan itself. There are standards for the provisions of the site and amenities that the site owner must provide to the caravan owner. Peculiar factors that do not normally apply to a seasonal site or a traditional residential unit are at play. The traditional residential unit and the land on which it sits are usually owned and occupied by one and the same person. Therefore, I apologise, but, by necessity, the issue is complicated.

**The Chairperson:**

We have heard much about site licensing and the whole regime that that involves. Local government is involved in licensing sites. How does that work in practice? What is the view of local government on the fitness of that regime? Is it working fine? Does it need to be changed? Is NILGA happy with it as it is?



**Mr K Doherty:**

In headline terms, the regime has worked very well. It is administered under the auspices of the Caravans Act (Northern Ireland) 1963. One may be forgiven for thinking that legislation that is more than 40 years old is bound to be out of date. In fact, the Act is enabling legislation, and there are model conditions that are reviewed regularly and are much more flexible than the parent legislation, which drives the standards. The process requires that any site applying to a local authority for a licence will need planning approval, which is the single biggest challenge.

**The Chairperson:**

It is for everything.

**Mr K Doherty:**

Once planning approval is obtained, other approvals are required, including recommendations from the Northern Ireland Fire and Rescue Service. There is a series of layout requirements relating to separation distances and access for emergency vehicles. There are issues in relation to water and electricity supply and sewage disposal. On more modern sites, the piping of LPG gas and the availability of other amenities are becoming increasingly common. The council will set a figure for the number of caravans that a site can cater for, and it will deal with issues relating to open space, play parks, refuse disposal, and other such amenities.

All those issues are included in the site licence, which is issued to the site park owner. One of the conditions is that the site licence must be displayed, so that everyone can easily see what the infrastructural arrangements need to be on the site. There is no timescale for that site licence. However, you will not be surprised to learn that there are a number of inspections, primarily during the peak season, to establish whether there is compliance with the site licence. The site owner can apply at any stage for an amendment. That is the process in a nutshell.

**The Chairperson:**

That gives a large measure of control over what goes on in a site. That information is very useful.

Councillor Baird, John and Kieran, thank you very much. The Committee has limited knowledge of the caravan sector, so these sessions are very informative. Thank you very much for your time, your presentation and your evidence today.