



## Belfast City Council

<b>Report to:</b>	Health and Environmental Services Committee
<b>Subject:</b>	<b>Consultation on the Caravans Bill</b>
<b>Date:</b>	4 <sup>th</sup> August, 2010
<b>Reporting Officer:</b>	Siobhan Toland, Head of Environmental Health, Ext. 3281
<b>Contact Officer:</b>	David Elliott, Principal Environmental Health Officer, Ext. 3604

### Relevant Background Information

The purpose of the Caravans Bill is to introduce statutory protections for caravan owners who occupy a caravan as their main residence and caravan owners using seasonal sites.

An officer response was forwarded to the Committee for Social Development on 2<sup>nd</sup> June 2010 by the Director of Legal Services. Whilst broadly welcoming the provisions of the Bill on behalf of the Council, the Director of Legal Services sought clarification with regard to enforcement responsibilities under Part 3 "Protection of residential occupiers from eviction and harassment". In the original Caravans Bill, Part 2, "Provision for Protection of Occupiers of Caravans" it was intended that district councils would have a role in the enforcement of the protection of occupiers of caravans. This has been omitted in the redrafted Caravans Bill and there appears to be no explicit authority for any statutory body to enforce Part 3. Given that such offences within the Private Rented Sector are enforced by district councils (by virtue of the Rent (Northern Ireland) Order 1978 as amended) and that district councils are responsible for licensing caravan sites (under the Caravans (Northern Ireland) Act 1963), it was suggested that the proposed legislation is amended to grant councils the power to investigate and prosecute complaints of harassment and eviction.

Although the Department had stated that the Bill did not give rise to any issues of selectivity affecting any groups listed in Section 75 of the Northern Ireland Act 1998, the Director of Legal Services noted that good practice would dictate that Section 75 should be considered and the Council would urge that a full human rights impact assessment (including an Equality Impact Assessment) be conducted on the Bill as the legislation appears to affect the Traveller Community and potentially the elderly.

### Key Issues

- The purpose of the Caravans Bill is to introduce statutory protections for caravan owners who occupy a caravan as their main residence and caravan owners using seasonal sites.

- The Director of Legal Services forwarded an officer response to the Department on 2<sup>nd</sup> June 2010. A copy of this letter is attached.
- There appears to be no designated enforcing authority for the provisions of Part 3 relating to the protection of occupiers against eviction and harassment.
- The Council would recommend that district councils are given the power to investigate and prosecute complaints of harassment and unlawful eviction given that similar offences are enforced by district councils under the Rent (NI) Order 1978.
- As the Bill appears to directly affect the Irish Traveller Community and potentially the elderly, the Council would recommend that a full human rights assessment be carried out.
- The Director of Legal Services informed the Assembly Committee Clerk that the Bill would be considered by the Health and Environmental Services Committee in August and that any further views expressed by the Council would be forwarded to the Committee for Social Development for their consideration.
- A copy of the Bill and Explanatory and Financial Memorandum can be obtained from the Assembly's website –  
[http://www.niassembly.gov.uk/legislation/primary/2009/nia17\\_09.htm](http://www.niassembly.gov.uk/legislation/primary/2009/nia17_09.htm)

#### **Resource Implications**

As there are no Residential Caravan Sites or Seasonal Sites in the Belfast City Council areas there are currently no resource implications.

#### **Recommendations**

The Committee is asked to endorse the letter of 2<sup>nd</sup> June 2010 from the Director of Legal Services to the Committee for Social Development in relation to the Caravans Bill.

#### **Document Attached**

Letter of 2<sup>nd</sup> from the Director of Legal Services to Mr Peter McCallion, Committee Clerk, Committee for Social Development, Northern Ireland Assembly.