

HCS104

National Assembly for Wales

Communities, Equality and Local Government Committee

Holiday Caravan Sites (Wales) Bill

Response from: North Wales Tourism

Consultation Response to the Holiday Caravan Sites (Wales) Bill by North Wales Tourism – May 2014

Background

North Wales Tourism (NWT) is a not for profit private company limited by guarantee which was formed in January 1991. NWT is a regional membership organisation representing in excess of 1,000 tourism businesses across all sectors of the industry. Our remit includes liaising with business on an on-going basis and working on their behalf at a local, regional and national level.

Our membership includes owners of Holiday Caravan Parks and Touring Caravan and Camping Sites which represent in excess of 15,000 pitches/bed spaces in North Wales.

As an organisation we also work closely with other membership bodies including the British Holiday & Home Parks Association, Caravan & Camping Club and Caravan Club. In addition we are members of the Wales Tourism Alliance and contribute to their activity in support of the industry in Wales.

Response

Our members have grave concern about the introduction of the proposed legislation and NWT fully supports the representations which have been made by the British Holiday & Home Parks Association and the Wales Tourism Alliance and reiterate the following:

NWT gives qualified support to Darren Millar AM's objectives. We recognise the need to modernise site licensing for holiday parks under the Caravan Sites and Control of Development Act 1960 including in order to provide local authorities resources for their licensing work.

However, we are in agreement with our Holiday Caravan Park Membership, particularly the BH&HPA that "rather than modernising the system, the Bill proposes radical reform".

The proposed change creates a risk for the industry and its contribution to the Welsh economy. Given the magnitude of the changes proposed, they should not be enacted in the absence of an evidence base for the problems the Bill seeks to address, nor without proper evaluation of their costs and impact. We believe a more cautious approach is necessary to give knowledge and experience to safeguard the economics of the industry and the employment it sustains, whilst ensuring a regulatory system to safeguard the industry and its consumers for the future.

Furthermore we are particularly concerned about the position of the Tourism Caravan and Camping sites which in our opinion should be excluded from this Legislation completely particularly as there is no specific research to suggest that these sites give rise to abuse.

NWT also supports the following points raised by the sector:

We note that the draft Bill states at Part 1, Paragraph 3(4), that 'Schedule 1 provides for certain sites not to be holiday caravan sites for the purposes of the Act'. In that Schedule, we note that sites **owned**, supervised and approved by exempted organisations, along with meetings organised by exempted organisations, are included at Paragraphs 4, 5 and 6. Whilst we understand that the Bill is not intended to affect the status of exempted organisations, the change in terminology at Schedule 1, Paragraph, 4 from 'Sites occupied' (under the 1960 Act) to 'Sites owned' (under the proposed Bill) offers no reassurance, because it introduces uncertainty and requires interpretation (as emphasised by the need to define 'owner' in the Introduction to the Bill), because many of the sites occupied by exempted organisations are leased, not necessarily owned. In addition, our Paragraph 4 exemption is used for holiday rallies by our members for periods of between 120 hours and no more than 28 days with the permission of the landowner. In all cases, The Caravan Club occupies and supervises these sites, but does not necessarily own them.

Duration of site licences – We support that the Bill does **not** propose time-limited site licences.

Fixed Penalty Notices - For residential parks the maximum penalty is set at £200 whilst for holiday and touring parks the Bill proposes a £500 penalty which seems unfair and a disproportionate penalty for a minor breach of a site licence. Also given the inconsistent way in which local authorities work this could lead an unfair system across Wales as we have experienced in the past (for example liquor licencing) due in the main to lack of clear and specific guidance from Government.

Fit and Proper Person Licensing – There is no evidence to justify a fit and proper person regime for micro tourism businesses. This is an unfair burden.

Residence Test - In the absence of a clear evidence base, the regulatory burden the Bill proposes and the enforcement approach in relation to a Residence Test is an un-substantiated burden which may raise issues with regard to homelessness and the rehousing for the consumers it targets. Based on discussions with our colleagues in the sector we believe that in its current form the Residence test is flawed.

Local Authority Responsibility - It would appear that the onus for regulation is being placed on the park owner; where Local Authorities identify breaches of planning/site licence holiday-use requirements, they

should employ the enforcement tools already available to them, on a case by case basis.

Contractual Agreements - We agree that the requirements of the Bill in providing customers with written agreements setting out terms agreed between consumer and park business is good practice. However, we have concerns that the Bill's specification for how these proposals will operate needs to be re-assessed.

Unintended consequences

Competitive disadvantage - The single most important unintended consequence could be the competitive disadvantage created by the Bill, the costs of the proposals could drive customers and investment elsewhere.

Homelessness - In the absence of an evidence base, the impact of the Bill's proposals on any consumers unlawfully occupying their caravans is impossible to assess, but any consumers made homeless should nevertheless be a consideration for the Assembly.

It is likely that whilst there will always be the potential for rogue operators and this is indeed who this legislation is aimed at, this could be a case of the many being penalised by the few. It is very likely that in an economic climate where small operators are struggling to survive this will simply be 'the straw that breaks the camel's back'. We are therefore likely to see some legitimate well run holiday businesses fail when we desperately need the jobs, growth and contribution to the local economy.

Whilst modernisation of the current regulatory regime is likely to receive industry support, the Bill's proposals to introduce a complex regulatory burden could place Wales's holiday and touring parks at competitive disadvantage, risking the jobs they sustain.

Future involvement

NWT would like to be part of any future consultation in relation to this bill and would be grateful if you could include me on your mailing list for information in order that we can in turn liaise with our members within the static caravan holiday park and caravan & camping sectors.

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