

HCS60
National Assembly for Wales
Communities, Equality and Local Government Committee
Holiday Caravan Sites (Wales) Bill
Response from: Vale Holiday Parks

Communities, Equality and Local Government Committee

Consultation on Holiday Caravan Sites (Wales) Bill. Evidence of Vale Holiday Parks Ltd.

By email: CELG.committee@wales.gov.uk

Contact: Thomas Scarrott, Director. Email: thomas@valeholidayparks.com

21 May 2014

About Vale Holiday Parks

Vale Holiday Parks is a family run business that owns 8 caravan holiday parks in Wales and 1 in England. Our parks range in size from 35 to 370 pitches. Our parks in Wales are located in Carmarthenshire, Ceredigion, Denbighshire and Pembrokeshire respectively. During peak times of the year our parks in Wales employ more than 100 people. We currently have a total of 884 static caravan owners, 760 of which are located on our Wales parks. We provide static, touring and camping pitches as well as various types of accommodation for hire.

Our opening times vary between from 10.5 months to 12 month holiday use. As a family, we first entered the Holiday Park industry in 1983. Vale Holiday Parks was established in 2003. Our customers are provided with standard BH&HPA licence agreements and we promote and follow industry best practice

Statement of Support for BH&HPA Response

We fully support the written evidence provided by the BH&HPA.

Concerns and Further Comments About the Bill

1. The opening statement of the Explanatory Memorandum states that the Bill aims to tackle the *'minority of site owners and caravan occupiers'*. Paragraph 41 reinforces this statement *'the majority of site owners act responsibly and comply with their legal obligations...'* Why is such radical reform of the existing regime needed if we are only dealing with a minority of law breakers?
2. One of the main objectives of the Bill is to prevent holiday caravans from being illegally used as a sole or main residence. Therefore, why use a Bill that is designed to protect people that are **legally** living on residential sites (Mobile Homes Act Wales) as a platform to prevent people from **illegally** living on caravan holiday sites?
3. Paragraph 126 of the Explanatory Memorandum states: *'In one example from a site owner, invoices for pitch fees were sent to the caravan owners's permanent residential address rather than the caravan.'* This is standard industry practice. I have never known or heard of a site owner that sends pitch fee invoices direct to the caravan.

4. One of the main places where the Bill doesn't work is the residency test. I am able to provide the following scenarios to demonstrate this:

Scenario 1

- (a) Parents have a large house and are retired.
- (b) Their son and his wife have recently had a baby and need a larger house.
- (c) Mum and dad buy a caravan and produce the documents required to pass the residency test.
- (d) Parents use the caravan as their main residence whilst renting their house to their son and daughter in law.

Scenario 2

- (a) Parents buy a caravan and produce the documents required to pass the residency test.
- (b) Unbeknown to the owner of the park the intention is for the son and daughter in law to use the caravan as their main residence.
- (c) The son and daughter in law don't have an alternative residence but can '**get around**' the residency test by staying in the caravan for periods just short of 6 weeks.
- (d) As the day of the 6th week approaches, they leave the park for 24 hours. This breaks the continuity of the 6 week period that requires them to take a residency test.

In my opinion, a residency test will legitimise caravan misuse. If a person passes the test, they will be deemed as not living in the caravan. However, as the scenarios above show, the test is not fit for purpose and has loopholes that are easy to exploit.

5. I believe the most effective way to combat the issue of caravan misuse is to deny access to public services and benefits to those illegally living in caravans instead of placing the responsibility on the park owner through licensing measurers. This point was raised by Jocelyn Davies AM. ¹*If access to public services is the issue, why place the onus on the site owner to police it and why should they be the gatekeeper of public services in Wales?*
6. I have experienced varying degrees of consistency and competence when dealing with the 5 local authorities in which we operate in Wales. The Bill provides the local authorities with more powers than the existing act. However, these powers will not help to improve the current situation.
7. Many parts of the Bill are ambiguous. An unintended consequence of this is that local authorities will not consistently apply the legislation. For example, one local authority's view on what constitutes the appointment of an interim manger or the implementation of emergency action may be different from its neighbouring authority.

¹Jocelyn Davies AM, National Assembly for Wales, 19 March 2014

8. I have on one occasion been contacted by Ceredigion County Council to ask for assistance in providing caravan accommodation for council tenants. I was asked if I could provide a caravan for an unspecified period of time because the council tenant had broken his leg and was unable to access his flat. This example demonstrates that there is a lack of communication within the local authority which makes it easy for services and benefits to be accessed whilst illegally living in a caravan.

9. ²Early this year I received an email from Ceredigion County Council asking if I could assist in providing caravan accommodation in the case of an emergency. I applaud the local authority for planning ahead but wonder how this fits in with the new Bill? If people were displaced from their homes for more than 6 weeks, would we have to apply a residency test and give them a written agreement? Would we face a fixed penalty if we failed to test them and issue agreements?

10. I have grave concerns in relation to fixed penalties.³In Aberystwyth, fixed penalty notices have been issued to police cars attending emergency calls. This has been reported twice in the local newspaper recently. If a local authority is prepared to take such action against our emergency services then I'm sure they'll have no concern with issuing fixed penalty notices to holiday park owners to generate revenue. This will lead to park operators appealing fines thus creating more paperwork and expense. Alternatively, some park operators may opt to just pay the fine rather than going through the appeals process.

11. Our customers have the benefit of consumer protection. This view is echoed by conservative MP Peter Aldous who at our recent annual winter conference in London stated:
⁴'Some of you may have a worry that the legislation could be extended to holiday sites. There have been Written Parliamentary Questions regarding regulation of the holiday sector and a call for investigation into its practices. I understand that the Government's response (with which I agree) is that on holiday parks residents already have the benefit of consumer contract regulations which set out their rights and thus there are no current plans to introduce such regulation.'

For Holiday Park operators like us who operate in both Wales and England, the above statement gives us comfort in knowing that our park in England is able to continue to operate under a licensing regime that is not full of red tape and financially burdensome. Therefore, when considering the future growth and development of our business we may decide to concentrate our efforts in England if the Bill is passed and gradually downsize our operation in Wales.

On a wider scale, holiday parks in England will now have a competitive advantage because they will not be incurring the time and costs of becoming *'the gatekeepers of public services'* Instead, they will be able to focus on growing their business and promoting tourism .

² Appendix 1

³ <http://www.cambrian-news.co.uk/news/i/38857/>

⁴ BH&HPA Journal Issue 166, page 34.

12. We have always enjoyed an excellent working relationship with our customers. There may be times when for genuine reasons such as illness or bereavement a customer will be unable to provide the documents required to meet the residency test in the time frame required. The Bill will require us to 'whistle blow' these customers to the local authority.
13. Where will interim managers come from? ⁵This is a question that I put to the local authorities of Ceredigion, Carmarthenshire and Pembrokeshire, to which the answer given by [REDACTED] Pembrokeshire County Council was *'We don't know'*. What is the benefit of appointing an interim manager? If a holiday park was being run to such a poor standard that the appointment of an interim manager was considered, then I am certain that the customers of the park would vote with their feet and move their caravan to another location long before an interim manager was in place. It also seems very unfair that an interim manager could be appointed on a holiday park but not in a similar tourism business such as a holiday village, hotel or B&B.
14. I am totally against the requirement for a park operator to consult with caravan owners about operational matters relating to the park. As a matter of good practice we send out regular newsletters and keep our on-park notice boards up to date. However, the 28 day consultancy period will create more costs, more red tape and the potential for litigation. Why place such unnecessary restrictions on holiday park businesses but not on other tourism businesses? As stated in section 13 above, this is another unfair requirement that is not necessary in other tourism businesses. Why are holiday parks being treated differently?
15. The costs in the Explanatory Memorandum do not add up. For example, a figure of £100 per site to cover extra administration costs would not cover the cost of postage and follow up letters for those that fail to initially respond to the residency test request. To ensure that we are fully compliant with the legislation we would have to task a senior administrator at each park to oversee necessary due diligence is undertaken and that we are not exposed to potential enforcement action. We would also have to spend time discussing the Bill with our customers and explaining the requirements and the consequences of non compliance. This would initially be done by arranging on-site meetings with our customers, which will be a further expense.

Conclusion

In my opinion, this Bill has been developed to tackle a problem that mainly exists in Mr Darren Millar AM's constituency and the proposed legislation is disproportionate. I am not opposed to the modernisation of the existing licensing system but can not support a drastic change that will put park operators in Wales at a competitive disadvantage.

If passed, this Bill will damage tourism, create unemployment and force customers to purchase caravans across the boarder in England. The minority of rogue park operators and illegal caravan

⁵ West Wales BH&HPA Branch meeting held on 21.05.14 at Ocean Heights Holiday Park, Maen-y-Groes, New Quay, Ceredigion. Presentation on both the current and proposed licensing position given by Samantha Hancock, senior EHO, Pembrokeshire County Council.

occupiers that exist will continue to operate in the same way they previously did by exploiting loop holes in the new system.

I would suggest that the Assembly Government focuses on working with the local authorities of the North Wales coast to try and tackle the problems in Mr Millar's constituency by using the existing legislation and planning enforcement.

I would also suggest that there needs to be clearer lines of communication between the many departments within a local authority. For example, licensing and planning departments should be consulted on housing benefit applications that contain the address of a holiday park. This could be extended to applications for GP registrations and other local services and benefits.

I hope that the committee will consider the points I have made. I am willing to discuss my evidence with the committee if required.

APPENDIX 1

Thomas Scarrott

From: thomas.scarrott@gmail.com on behalf of Thomas Scarrott
<thomas.scarrott@valeholidayparks.com>
Sent: 20 May 2014 11:31
To: Thomas Scarrott
Subject: Fwd: Emergency Accommodation

----- Forwarded message -----

From: [REDACTED]
Date: 25 Mar 2014 13:44
Subject: Emergency Accommodation
To: "thomas.scarrott@valeholidayparks.com" <thomas.scarrott@valeholidayparks.com>
Cc:

Good Afternoon Mr Scarrott

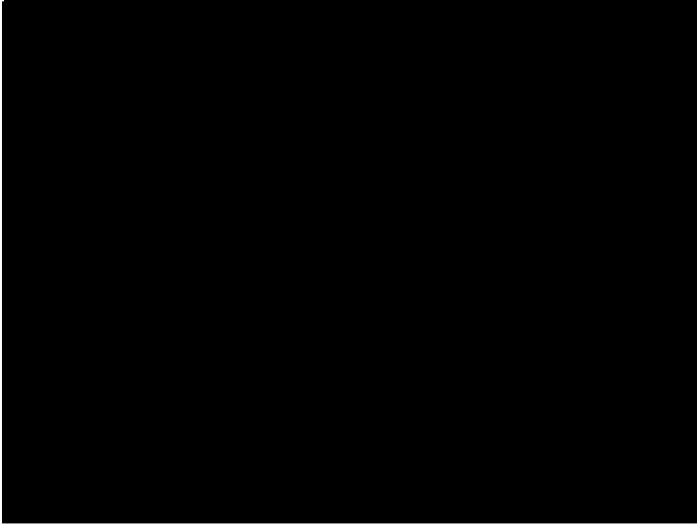
I am currently trying to put together a list of Holiday Parks, Caravan Parks, B&Bs, Guest Houses, Holiday Cottages and Hotels who may be able to help the council by providing accommodation in the case of any emergencies i.e. floods, structural damage etc. ; where we need to find accommodation in a hurry. Obviously it would depend on availability but to know who to contact initially will be a great help.

If you are agreeable to helping out there are a few details I would need clarified

1. Who would be the best person to contact?
2. Do you have other sites in Ceredigion in addition to Clarach Bay?
3. How many caravans do you have that could be rented?
4. Are any for the vans pet friendly?
5. Would Vale Holidays be prepared to invoice the council?
6. Are you open all year and if not when are you closed?

Sorry to bombard you with all these questions. I would be happy to speak with you should you have any questions in regard to this, my contact numbers are below.

Yours sincerely



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Ymwadiad:

Er y cymerir pob gofal posib i sicrhau cywirdeb unrhyw wybodaeth a chyngor a roddir yn yr ohebiaeth hon, ni dderbynnir atebolrwydd am unrhyw golledion a all godi o unrhyw gamgymeriadau sy'n gynwysedig ac fe'ch atgoffir o'r angen i chi ofyn am gyngor proffesiynol eich hun.

Bwriedir y neges ebost hon, ac unrhyw atodiadau iddi, at sylw'r person(au) y'i danfonwyd atynt yn unig. Os nad chi yw'r derbynnnydd y cyfeiriwyd y neges hon ato ef neu hi, neu'r person sydd gyfrifol am drosglwyddo'r neges hon iddo ef neu hi, mi ddylech hysbysu'r anfonwr ar eich union. Oni bai mai chi yw'r person neu gynrychiolydd y person y cyfeiriwyd y neges hon at ef neu hi nid ydych wedi eich awdurdodi i, ac ni ddylech chi, ddarllen, copio, dosbarthu, defnyddio na chadw'r neges hon nac unrhyw gyfran ohoni.

O dan y Ddeddf Amddiffyn Data 1998 a Deddf Rhyddid Gwybodaeth 2000 gellir datgelu cynnwys y negest ebost hon.

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