

HCS35A

National Assembly for Wales

Communities, Equality and Local Government Committee

Holiday Caravan Sites (Wales) Bill

Response from: Andy Walker, Tree Tops Caravan Park

# Holiday Caravan Sites (Wales) Bill

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**Communities, Equality and Local Government Committee**

**Consultation on Holiday Caravan Sites (Wales) Bill**

**Evidence of Tree Tops Caravan Park, Gwespyr, Flintshire, CH8 9JP**

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## About us

Tree Tops Caravan Park is situated in Gwespyr, Flintshire. The park was developed in 1960 and remains in the ownership of the same family. Tree Tops is licensed for 166 caravans and lodges plus 2 Wardens units. We are active members of the British Holiday & Home Parks. We are also members of local tourism and business groups. We promote and support local businesses through our website and our various social media channels.

Our Park has held a 5 star Visit Wales rating for more years than we can remember. We have also won our category in the Wales in Bloom competition for the last 21 years. We aim to provide a quality experience for our customers and promote Wales as a destination.

We have a permanent staff of 6 plus 3 directors. We prefer permanent employment over seasonal work to give both them and us a sense of stability. We have a policy of using local craftsmen whenever possible. The majority of our contractors are based within 10 miles of the park.

## BH&HPA Evidence

We support the evidence submitted to the Committee by the BH&HPA.

## In General

Whilst we are not against new legislation, we are against this bill as it does little other than create paperwork and red tape. It will potentially damage the all-important relationship between park owners and caravan owners.

Tourism is hugely important to Wales, it benefits our country by capitalising on the natural beauty with which we are blessed. Tourism has the capacity to grow if encouraged, but can also be damaged through the unintended consequences caused by the likes of this bill.

We feel that this Bill will give unfair advantage to parks in England and may, through its excessively bureaucratic nature be a deterrent for customers to buy in Wales.

We hope that Welsh Government will be verifying the statistics and costings used in this bill. Figures obtained from a report on Lincolnshire is a poor basis on which to create legislation. Some of the costs in the EM seem to be guess work, they certainly don't add up. If, however, the residential misuse figures are correct, 95% of all caravans in Wales are problem free and generate economic contribution.

We would recommend that you talk to park owners in Northern Ireland who are still suffering from the implementation of new legislation. We know a good park owner, based Northern Ireland, who says the application of a new law has badly impacted their businesses. The bill hoped to address a small number of rogues, but it would seem the bill painted the whole industry as rogues, as in Wales this is clearly not the case.

## Residency Test

One of the bills main aims is to tackle the residential misuse of Static Caravan Holiday Homes. We are very much against residential misuse of holiday caravans and we make this clear on our website ([http://www.treetopscaravanpark.co.uk/company/more/caravan\\_usage](http://www.treetopscaravanpark.co.uk/company/more/caravan_usage)). In our experience residential misuse is a problem limited to a small number of parks who habitually abuse the system. They could be dealt with under existing legislation. Most parks are properly run and their owners realise that those who wish to live in their caravans have a negative impact on the "holiday feel" of the park and anecdotally "livers" do not change their caravans as frequently so are less profitable to parks.

The proposed residency test is designed to check that people have a home by requesting 2 pieces of documentary evidence; it does not work because it's all too easy to get an address of convenience. By this we mean, the address of a friend or a relative. It only proves that the caravan owner has a correspondence address.

The original concept of collecting addresses was designed to detect people living on parks, but now consumers can use it against park owners by ensuring that they meet the "meet the criteria". The Bill could strengthen their position and may legitimise the use of the caravan as a home by those who can prove residence as specified in the bill.

As long as caravan owners have a documented address they can use the caravan in any way they want, but it does not necessarily mean they have home in the true sense of the word, neither does it mean they are on holiday in their caravan. This makes it very difficult for parks to detect and evict them. We could carry out an in depth investigation, but it's hard to see what additional information we could gain and what we could do with any information we find. There could also be a point at which investigations could be seen as intrusive and possibly even harassment.

In the past we have had several generation of the same family who live in the same household own a caravan. This happens for various reasons including economics and childcare or care of elderly relatives. In situations such as this it could be hard for people to prove residency.

Under the Bill we would have to report customers failing a residency test. We don't have people living on Tree Tops, but we do have people who are elderly / forgetful / busy with their jobs and businesses. If they failed to produce documents, we would have to report them to the council. If only 10% of our customers failed, this would be around 17 cases I would have to raise. If this were the case across all Welsh parks, would the local councils cope with some 7000 residency test failures? Would the fallout be good for the reputation of Welsh Government?

Reporting customers simply because they fail to provide documents, would cause a breakdown in our relationship with them, especially as we know they do not live on the park.

The reason Government wants to stop people living on parks is to stop local resources being accessed by those who are not entitled to use them and are not contributing through council tax. There is a simple way to stop this, make the Councils and other Government bodies act professionally and accountably when giving access to services and handing out benefits. Jocelyn Davies summed this up beautifully in the Senedd when asked why the Bill was attempting to make park owners the "gatekeeper of public services". As soon as you remove access to benefits and services the attraction of living in a caravan evaporates and the problem should largely go away with it. If a Council Department receives a request from a caravan occupier for a benefit they are not entitled to, this should surely be passed onto the relevant enforcement officers. The fact that Council Departments are not sharing such intelligence is shocking.

Under proposed bill the register containing Proof of Residence will be inspected by the Council to ensure that it is in place. We have 166 units, would a folder with 332 documents proving residence be meaningful? What tests can you carry out that you can't carry out with the addresses that we hold in our customer database? We would point out that it is normal practice in the parks industry to mail all correspondence such as bills to the caravan owner's home address. The fact that customers are receiving our invoices and paying their bills is as much proof that they have a valid address as holding 2 pieces of documentation.

Mr Millar commented at a conference we recently attended that he believes people living in caravans should be evicted. In theory this is fine, but the stated 5% of 70,000 caravans being misused is 3500 units. Does Welsh Government have 3500 homes ready to house these people when they arrive in the local housing office? I can also imagine there will be more than a little bad publicity. We do believe residential misuse is wrong for all kinds of reasons, but you must consider the impact of your actions. In other areas of the country, various strategies have been employed to deal with residential misuse. BH&HPA would no doubt be able to share some of its experience in this area.

## **Fixed Penalties**

£500 per breach seems excessively high. The Bill is vague where the issuing of Fixed Penalties is concerned. Given the inconsistent way in which councils work this could lead to a very unfair and unbalanced system across Wales. Parks are complex businesses and it is conceivable that even the very best could have breaches found. At the rate set in this bill I suspect it could in some cases be cheaper for us to go to court. It seems unfair that holiday parks are to face higher penalties than the owners of residential park home sites.

## **Fit and Proper Person Tests**

It is difficult to see what the implementation of a FPPT would achieve; it seems unfair and possibly unworkable. We are a family business, our customer know us and we would like to consider ourselves respected in the business environment. We are already subject to some degree of testing through our FCA Credit License, the requirements of being company directors and we are also rigorously audited as we act as an agent for an insurance broker.

The record of our business will speak for itself; you will find no court cases, no issues with the council and no complaints with trading standards. I know many parks that are like us. Surely a park which has regular issue with the police or trading standards could have its licence changed at any time under the current system.

We are a family business the rigors of a fit and proper person test would seem onerous and as we share responsibility it's not clear who we would nominate to sit the test. Larger businesses would also struggle as staff changes would require them to regularly re-apply for the fit and proper person test which would be time consuming and costly. It would also be a burden on the administering body.

Given that there are some 70,000 caravans in Wales, there is very little evidence of wrong doing which would indicate the need for fit and proper person test.

## **Interim Manager**

Given the complex and varying nature of parks, we would be interested to know where you plan to recruit Interim Managers from. An Interim Manager could make a bad situation worse. It would be considerably more sensible for councils to issue notices to address specific problems on parks to be undertaken by the current owners.

## **License Charges**

We already pay £14,569.60 in business rates. Charging an additional amount for licenses would seem excessive given the difficult business environment we currently face.

## **Estimated Costs**

There are a number of costs listed in the bill. It is very difficult to make costs in the bill add up. This makes this bill very hard to accept as we have no way of knowing the true implications. Additional costs put us on an uneven footing with our competitors over the border in England. Please remember that tourism spend is important and dwarfs any money raised from licensing. Do not kill the golden goose!

With an EHO costing £38,100pa and a Technical officer costing 27,100 some counties such as Flintshire are unlikely to have sufficient parks to cover the cost.

Reading point 198 of the EM which states:

*Local authorities will be responsible for setting a level of fees with the intention that these fees will recover the costs of the licensing, monitoring and inspection of sites over a 5 year period.*

Does this mean that we could be paying a different license fee to a park 2 miles away in Denbighshire? If that is the case how could that ever be seen as fair to parks across Wales? Not only could we be at a disadvantage to our English competitors, we could also be at a disadvantage to parks in other regions of Wales. Welsh Government should be making Wales an environment in which businesses thrive and beat our English counterparts.

Point 205 in the EM suggest that the residency test will cost £100 per park in the 1<sup>st</sup> year. I would estimate the cost to be between £25 and £50 or more per unit or £8400 pa for our park. You may feel that our estimate is excessive, but the process would involve: writing to the customer, which would incur the cost of postage, stationary and time. When a customer arrives at the office with documents, we would need to photocopy and store them. As customers leave the park we would need to find destroy documents. Should customers change address we would need new documents. We would undoubtedly have to remind some customers who forget to provide the documentation, more postage, stationary and time. Some customers will post their proof and we will have to post back original documents, more postage stationary & time. Should a customer fail to provide documents or fails the test then we will have to report them to the council, again more postage, stationary & lots more time.

We have a policy of offering our staff the security of permanent contracts, the costs associated with this bill may force us to cut back on staffing and consider short term seasonal contracts. Costs associated with this bill will be passed onto caravan owners, this will undoubtedly impact their spending in the local economy. This bill will have a negative impact on many businesses, not just parks.

One final cost which this Bill does not recognise, the cost of training for park owners and their staff to get to grips with this bill. We are not lawyers, there is much in this bill which does not make sense to us and therefore we will face considerable costs taking advice and attending training courses.

We need more people in Visit Wales and Council Tourism Departments, not enforcement officers. Invest your efforts into developing tourism and Welsh Government will benefit through employment and tourism spend which will dwarf anything this bill will generate.