

# Communities, Equality and Local Government Committee

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Meeting Venue:

**Committee Room 2 – Senedd**

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Meeting date:

**Wednesday, 11 June 2014**

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Meeting time:

**09.00**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

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## Agenda

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**Private pre-meeting (09.00–09.15)**

**1 Introductions, apologies and substitutions**

**2 Holiday Caravan Sites (Wales) Bill: Stage 1 – Evidence Session 3**

**(09.15–10.15)** (Pages 1 – 33)

Carl Sargeant, Minister for Housing and Regeneration

Alyn Williams, Private Sector Housing Team

Helen Kellaway, Legal Services

**Break (10.15–10.30)**

**3 Holiday Caravan Sites (Wales) Bill: Stage 1 – Evidence session 4**

**(10.30–11.30)** (Pages 34 – 36)

**National Association of Caravan Owners**

Steve Munro, Director

Dan Ellacott, Advice Team

#### **4 Holiday Caravan Sites (Wales) Bill: Stage 1 – Evidence session 5**

**(11.30–12.30)** (Pages 37 – 49)

##### **British Holiday and Home Parks Association**

Ros Pritchard OBE, Director General

Mr Huw Pendleton, National Chairman and Managing Director of Celtic Holiday Parks

##### **National Caravan Council**

Alicia Dunne, Deputy Director General

Judith Archibold, Legal and Corporate Services Director, Parkdean Holidays Limited  
(National Caravan Council member company)

#### **5 Papers to note** (Pages 50 – 55)

#### **6 Motion under Standing Order 17.42 (ix) to resolve to exclude the public from the remainder of the meeting**

#### **7 Holiday Caravan Sites (Wales) Bill: Stage 1 – discussion of evidence sessions 3, 4 and 5 (12.30 – 12.45)**

Document is Restricted

Carl Sargeant AC / AM  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LF/CS/0490/14

Christine Chapman AM  
Chair of the Communities, Equality and Local  
Government Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

28 May 2014

Dear Chris,

**Evidence to the Communities, Equality and Local Government Committee – Holiday Caravan Sites (Wales) Bill**

Thank you for your letter dated 1 April inviting me to provide a contribution to your Committee's scrutiny of Darren Millar AM's Holiday Caravan Sites (Wales) Bill. I am grateful for the opportunity to comment.

I attach my written evidence as requested.

Yours sincerely,

A handwritten signature in black ink that reads "Carl Sargeant". The signature is written in a cursive style with a large, sweeping flourish at the end.

**Carl Sargeant AC / AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

**Communities, Equality and Local Government Committee: Stage 1**  
**consideration of the Holiday Caravan Sites (Wales) Bill – Darren Millar AM**  
**(member in charge)**

**Written evidence from the Minister for Housing and Regeneration**

**Introduction**

I thank the Committee for the opportunity to comment on Darren Millar's Bill.

When I first heard that Darren was proposing to legislate on holiday caravan sites, I was pleased and broadly supportive of his aims. I believed Darren's intervention was timely, coming in the wake of Peter Black's Regulated Mobile Home Sites (Wales) Bill which is now the Mobile Homes (Wales) Act 2013, and would provide us with an opportunity to modernise the law applying to holiday caravans in the same way as we have with those mobile homes used for permanent residence. I was aware, from discussions with Darren, that we shared the same concerns about people effectively using holiday caravans as their permanent residence and the problems this caused. Such an action might breach of planning permission in place in respect of the caravan site but also places additional, unfinanced, burdens on public services and action was needed to stamp out this practice. However, having now seen the Bill and had the opportunity to carefully consider Darren's proposals and the evidence provided by those involved in the tourism sector, including my colleague the Minister for Economy, Science and Transport, I am not persuaded this Bill is either appropriate or proportionate. Therefore I cannot support it.

**Specific questions from the Chair of the Committee**

The Chair has asked for my views on specific aspects of the Bill and I will address each of these in turn:

- **The need for legislation to modernise the regulatory framework for holiday caravan sites in Wales**

The current legislation in respect of holiday caravan sites is the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. This legislation would no longer have any application in Wales if Darren's Bill became law.

There are good reasons to suggest that the 1960 Act is in need of modernisation in respect of holiday caravans, not least to provide local authorities with the ability to better respond to licensing issues and to give them the powers to recover costs of enforcing the legislation. In modernising this Act we could also address the needs of caravan owners to provide them with greater security and clarity. Other factors that need to be addressed are the level of fines that can be enforced when offences have occurred, in

relation to the 1960 Act, which are miniscule by modern standards, and the steps needed to revoke a licence, where possible, which are lengthy and overly bureaucratic. Such issues were, of course, key features of Peter Black's Bill in respect of residential mobile home sites, which the Welsh Government supported and are currently implementing. I would therefore support the need to modernise the legislation for holiday caravan sites subject to further detailed research on the nature of problems and possible solutions being undertaken.

- **The Parts of the Bill, namely: Licensing (Part 2); Residence test (Part 3); Holiday caravan agreements (Part 4); Protection from harassment (Part 5); and, Supplement and General (Part 6)**

Taking these in order:

Licensing (Part 2)

I am surprised to see that the Bill does not require all existing holiday site licences to be revoked, but continues 1960 Act site licences issued under section 3 of the 1960 Act (section 9). The proposal to continue existing site licences has the potential to create confusion. It has previously been suggested that, in some areas, the local authorities themselves are not clear what sites are licensed in their area and which are not – particularly where the site was established prior to the 1960 Act.

The British Holiday and Home Parks Association (BH&HPA) state that they alone represent 423 parks in Wales. While this is a significant number, I understand there are many other sites in Wales who are not members of the BH&HPA. Section 9 of the Bill states that within 12 months of commencement, local authorities will need to assess whether the managers of these sites are fit and proper and, if so, the licence issued under section 3 of the 1960 Act must be modified to ensure compliance with the requirements of the Bill within 12 months and the local authority may attach conditions. Holiday caravan sites are not distributed equally across Wales and some areas have far greater numbers than others. This requirement has the potential to place a significant additional burden on some local authorities.

The Bill does not provide for "mixed use" sites so presumably such sites would need two licences, one under this Bill and another under the Mobile Homes (Wales) Act 2013, which may be perceived as being overly bureaucratic and costly to site owners.

I am not sure the "Fit and Proper Person" Test has been fully thought through. The suggestion is that the same test and criteria will apply which is being introduced for residential mobile home sites. Holiday sites are tourism

businesses and a different test and criteria that is more appropriate for that industry would need to be developed.

#### Residence Test (Part 3)

I appreciate what Darren is trying to achieve – reducing the numbers of people who use holiday caravans as their main residence, but I am not sure the Bill is the best mechanism for achieving this goal. There is a requirement that a site licence contains a condition requiring the site owner to conduct tests to establish that occupiers are not occupying holiday caravans as their only or main residence and occupiers must provide evidence that they are not using the caravan as such. Evidence must include 2 documents listed in Schedule 2. In addition to placing an additional burden on businesses, I am not actually sure how this test would help address his concern. If the occupier of a caravan can demonstrate that the holiday caravan is not their only or main place of residence then nothing will change as regards occupancy. Conversely, if an owner of a holiday caravan site believes that an occupier has failed the residence test, the owner must notify the local authority as soon as practicable. If the local authority believe an occupier has failed the residence test, they must serve the occupier with a “residence test failure notice” and may give the occupier a fixed penalty notice” (section 49). This has the potential to impact upon homelessness, the environment and increase harassment (see Unintended Consequences below).

The Explanatory Memorandum (para 75) states that “...the test is unlikely to apply to most people who stay in holiday caravans which they do not own”. I am concerned that this provides a loophole that the less trustworthy in society will exploit – particularly those who are cash rich but asset poor and are happy to rent a caravan for long periods.

#### Holiday Caravan Agreements (Part 4)

I would support this measure. The provision of written agreements setting out the key terms agreed between the consumer and park business is already seen as best practice in the industry and I believe that this should become the norm.

#### Protection from harassment (Part 5)

Again, I would support any measure that seeks to protect people from harassment, but I am not sure that the measures contained in the Bill add to the safeguards that already exist under current legislation (e.g. the Caravan Sites Act 1968). In addition, the additional responsibilities offered to site owners in relation to residence tests, might actually increase harassment (see Unintended Consequences below).

#### Supplemental and General (Part 6)

These seem appropriate and I have no comments to offer.

- **Any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them**

The Bill creates new rights of appeal to the Magistrates Court and one to the County Court. An assessment of these new rights of appeal needs to be undertaken to ensure they are within the legislative competence of the National Assembly for Wales.

Local authority resources – the Bill will place a significant amount of additional work on local authorities, some more than others that will need to be completed within a set timeframe. Local authorities will, at the same time, be dealing with the implementation of the changes introduced in respect of residential mobile home sites and, if passed, the Housing (Wales) Bill. I have concerns about their ability to further deliver a new, licensing regime for holiday caravan sites and enforcement of that regime.

- **Whether there are any unintended consequences arising from the Bill**

The biggest unintended consequence of the Bill is that identified by my colleague the Minister for Economy, Science and Transport, and others, namely that the Bill would make Wales less competitive in terms of tourism than other parts of the UK. The Minister, I believe, has clearly set out the implications from a tourism and economy perspective in her evidence to the Committee so I will not dwell on them here. From a wider perspective, some of the other unintended consequences could be:

- The impact on homelessness – there is little evidence to suggest that the issue of “illegal occupation” is as widespread as Darren suggests but, even so, every person identified as failing the residence test would need to be rehoused. In certain areas, this could place a significant additional burden on the authority at a time when budgets are tight. A more reasoned approach to this problem might be to allow “dual licensing” of an offending site (e.g. granting a temporary or partial residential licence covering only the units that are used as sole residence that will expire with the tenure of the occupants.
- Environmental impact – the Bill as currently drafted provides for the removal of caravans where the owner fails the residence test. Such relocation does not come cheaply and is dependent on another site agreeing to take the caravan knowing the home owner is “problematic”. Some units will not be worth the expense of relocation which might lead to illegal dumping etc resulting in additional costs for local authorities.
- Increased harassment – the proposed Residence Test provides the site owner with an opportunity to influence whether an owner stays on the site. This power could be abused by the less scrupulous site owners.

- The additional burdens on the Courts - the Bill proposes that, in the main, the Courts will decide on any disputes arising from this legislation. No estimate is given on the likely cost to the Courts or their ability to cope with the likely additional demand. These costs could be quite significant and will need to include the cost of guidance/training to Magistrates.
- **The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum (EM), the Regulatory Impact Assessment (RIA), which estimates the costs and benefits of the Bill**

I have several points to make on the EM and RIA:

- The RIA correctly states that at the time the Bill was prepared, it was not possible to accurately estimate the costs to the Welsh Government without knowing the detail. We still do not have an accurate estimate but, given the greater number of parks, we can reasonably expect the total cost to the Welsh Government to be in excess of the £270,000 costs estimated to be incurred as a result of implementing the Mobile Homes (Wales) Act 2013.
- It is unclear from the EM/RIA what the scale of the current problem is and whether this legislation is actually needed. The information presented on permanent residents is not conclusive and the relatively low response rates to the consultations (e.g. 2 responses from LAs to the first consultation and 6 to the second) could suggest that the problem is not significant. This begs the question of whether the Bill is a proportionate response to the problem.
- Is there a further 'Do Minimum' option around amending the existing legislation or ensuring that the existing legislation is enforced by local authorities? Judging by the consultation summary, this seems to be the preferred approach from the industry's perspective and is therefore likely to be raised during the scrutiny process. Has this option been fully considered and explored?
- The RIA only presents an assessment of the costs and benefits of the preferred option. It would be helpful if there was an assessment of each of the identified options to enable an informed decision to be taken on the relative costs and benefits of each option.
- Linked to the above point, are all of the costs identified under Option 3 additional?
- Para 199 states that the design of licensing fee regimes will be left for each individual local authority to determine. Whilst this approach is consistent with that outlined in the Mobile Homes (Wales) Act 2013, this Bill applies to far more sites. The proposal raises the potential for differing fee levels across Wales and may impact on competition (see also below). There is also an additional cost to local authorities in having to design, consult (presumably) and communicate the fee regime in their area.
- The EM/RIA makes a number of references to enforcement action/appeals being taken through the courts, however, the RIA makes no assessment of the additional cost being imposed on the non-devolved (or devolved)

justice system. While Ministers, and I am sure the National Assembly, will naturally wish to see a clear focus on Welsh impacts, the cost benefit analysis should cover any impact on the UK economy, including UK Government Departments. It is unclear whether the Ministry of Justice has been contacted by Mr Millar in relation to this Bill.

- While the cost of the preferred option to industry is not insignificant, it is not clear from the RIA that the benefits of introducing the legislation justify these costs. This is linked to the first point re: what the scale of the current problem actually is. However, the RIA would also be strengthened by the inclusion of evidence that the requirements/activities in the legislation have been effective in addressing the problems elsewhere.
  - It would be helpful if the RIA included a competition assessment. This legislation could place caravan sites in Wales at a disadvantage relative to sites in England by imposing additional regulatory burdens and costs on them – this would be the case whether the costs are passed on to occupiers or not.
  - The RIA has a section on Equality Considerations but it would be helpful if the impacts on other important areas, such as human rights or the Welsh language, were set out
  - The RIA rightly identifies that a number of the quantified costs are illustrative at this stage. This makes it difficult for me to understand the exact financial impact of the Bill and if it should be supported. Further work will therefore be required if the powers in the Bill are implemented.
- **The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Part 1 of the Explanatory Memorandum, which contains a table summarising the powers for Welsh Ministers to make subordinate legislation)**

I am reasonably satisfied that the subordinate legislation powers are appropriate. Many of the powers enabling Welsh Ministers to make subordinate legislation do not immediately require action.

## Communities, Equality and Local Government Committee

### CELG(4)-18-14 Paper 2

#### **Introduction**

1. Since forming in 1996, NACO's aim has been to provide a voice for static holiday caravan owners throughout the UK. We want to see an acknowledgement of the special relationship that exists between these caravan owners and the owners of the parks on which the caravans are sited. We want a fair contractual arrangement, reflecting the unique nature of the purchasing of a static holiday caravan and proper redress for those caravan owners who fall victim to unscrupulous behaviour.
2. NACO's membership currently sits at 10,373. Our membership is very well distributed across the UK with representation at 2565 parks nationally. We have NACO members at some 616 parks in Wales.
3. NACO has, in general, been very supportive of Mr Millar's bill and its objectives. We have canvassed our entire membership via our member publications, our website and social media. Our member magazine which has a circulation figure of 20,000 per issue has published numerous articles including one with a questionnaire to encourage 'grass roots' involvement with the consultation process.
4. NACO acknowledges that there is a need to re-evaluate the Caravan Sites and Control of Development Act 1960. This includes providing local authorities with appropriate policing mechanisms. For us, as an organisation, a key piece of interest within the proposal is the requirement for a written licence agreement to be issued to holiday caravan owners. Additionally, the protection of caravan owners from harassment is welcomed.

#### **Licensing (Part 2)**

5. We question why section 10(5) provides for a fixed penalty notice in a case of breach of condition at level 2 on the standard scale, when level 1 applies to the residential sector.
6. We welcome the new requirement for local authorities to inspect holiday caravan sites at least once every three years. This pro-active stance should assist in maintaining licence conditions.
7. **Fit and Proper persons** We understand that this would be unpopular in the industry and difficult to administer. However, given that such a test exists in the residential sector, our concern is that a person deemed to fail the 'fit and proper' requirements in the residential sector would seek to pursue park operating in the holiday sector to the detriment of holiday caravan owners. The question of what happens to a holiday caravan site if/when the operator fails the 'fit and proper' test is also troubling and could, again, be detrimental to holiday caravan owners.
8. The provision for local authorities to charge holiday caravan site operators for their licence is understandable, but our members have expressed concern that this will be passed on to them via an increase in their pitch fee.

**Residence test (Part 3)**

9. We have received numerous enquiries regarding the residential use of holiday caravans and our consistent advice has been that this should not be undertaken. However, the scale of the problem is difficult to gauge without structured analysis. We feel that the annual check of residence is too onerous and that the requirements of the act could be satisfied if the check were to be carried out when the caravan is purchased – either from the park or as a second-hand unit. We would note that various local authorities in England are already requesting a residence test be carried out, following increased site licence periods being granted and generally. Once again, we note that any cost implications of the test would ultimately be borne by caravan owners.

**Holiday caravan agreements (Part 4)**

10. Buying a static holiday caravan normally means a substantial outlay, and it's vitally important that caravan owners are provided with written terms that offer security of tenure. The terms of any pitch licence agreement offered should reflect the complex relationship between park owner and caravan owner.
11. At present there is nothing, in law, which means people buying static holiday caravans are obliged to be provided with written terms. The major park operators in the industry have realised the importance of good written terms and most offer good agreements with security of tenure and fair terms. This is helped by the efforts of their representative bodies – The NCC (National Caravan Council) & The BH&HPA (British Holiday & Home Park Associations). However, most parks in the UK are smaller, family-run type parks, typically under 100 units.
12. This often has the impact of 'legacy' terms and conditions and in some instances sales and obligations are dealt with either verbally or by annual agreements. Annual agreements are just that, you pay your pitch fee, you stay for the year and either party can elect not to renew. NACO believe that annual agreements are not appropriate to govern the use of a static holiday caravan. This view is shared by the OFT.
13. One of our major concerns is that the caravan owner has so much more to lose. Ordinarily, the purchase price will be representative of a 'package price'. The caravan - on a pitch, on a park. If the agreement is ended after only a season or two, the caravan owner's financial losses will be severe.
14. Much like the reform in Northern Ireland, it would be better to have a number of things that are required from a contract as a minimum, and allow operators to adopt their own favoured terms. Pinning down to say, one industry model, has its own complications.
15. However, this said, we feel that the stipulations in the Northern Ireland model don't really go far enough with regard to the specific requirements of the contractual terms. Things like minimum tenure and maximum private sale commission or 'transfer fee' are really key.

**Protection from harassment (Part 5)**



***Supporting static caravan owners across the UK***

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

Evidence of the National Association of Caravan Owners (May 2014)

16. We applaud the inclusion of this section as we feel that a specific instrument for the protection of holiday caravan owners from harassment and aggressive eviction behaviour is overdue.

***financial implications of the Bill***

17. Once again, the cost of implementation will ultimately be borne by holiday caravan owners. Whilst this is not of itself desirable for our members, we feel that the benefits of the act should be considered.

# Agenda Item 4

Communities, Equality and Local Government Committee  
CELG(4)-18-14 Paper 3

Contact: Ros Pritchard, Director General, Email: [r.pritchard@bhHPA.org.uk](mailto:r.pritchard@bhHPA.org.uk)

**Communities, Equality and Local Government Committee, National Assembly for Wales**  
By email: [CELG.committee@wales.gov.uk](mailto:CELG.committee@wales.gov.uk)

## **Consultation on Holiday Caravan Sites (Wales) Bill** **Evidence of the British Holiday & Home Parks Association**

19 May 2014

1. The British Holiday & Home Parks Association (BH&HPA) is the representative trade body of the parks industry in the UK. 1,877 BH&HPA members own and manage 2,922 parks accommodating 385,056 pitches across the UK, including 423 parks with 53,912 pitches in Wales<sup>1</sup>.
2. Over 70% of Wales' tourist bed stock is provided by camping/caravanning (touring and static) establishments: 399,124 tourist beds in 1,322 establishments<sup>2</sup>. The turnover and visitor expenditure as a result of Wales' holiday and touring park industry is some £727m per annum. Its economic impact to Wales has been calculated as a GVA contribution of £317m per annum, supporting 10,645 direct and indirect jobs in Wales, with further employment sustained in other areas of the UK<sup>3</sup>.

### **General principles**

3. The industry has given qualified support to Mr Millar AM's objectives. Mr Millar AM has engaged with us in the development of his Bill and whilst the requirements now proposed are more pragmatic than the earlier version upon which we were consulted, considerable grave concerns remain.
4. For example, the industry recognises 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 rather than modernising the system, the Bill proposes radical reform.
5. Such sweeping change creates 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. 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.

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<sup>1</sup> BH&HPA database, April 2014

<sup>2</sup> Welsh Government Bedstock Data : Situation as at March 2013 -

<http://wales.gov.uk/docs/drah/publications/Tourism/bedstock2012en.pdf>

<sup>3</sup> Economic Impact Assessment of the Holiday Park Industry in Wales, British Holiday & Home Parks Association / VisitWales study September 2011

6. The Bill modifies and applies the requirements of the Mobile Homes (Wales) Act 2013 to holiday and touring parks. However, protections designed for housing vulnerable elderly residents are inappropriate when applied to tourism businesses and would create a disproportionate burden.
7. Whilst residential parks trade in a relatively stable market, consumers of and investors in tourism businesses can simply decide to take their custom and/or investment elsewhere. Flexibility is essential to respond to the volatility of the holiday market. Tourism is price sensitive and regulation should not disadvantage Welsh park businesses' ability to compete.
8. Despite incorporating elements of industry best practice amongst its proposals, when viewed in the round, the whole is greater than the sum of its parts. Combined, the measures would create a disproportionate burden of uncertain cost and unknown impact.
9. The regime for residential parks upon which the Bill is based will not be commenced until October, so its costs and consequences for residential parks are as yet unknown. If the Bill is enacted, Wales's holiday and touring parks would be unique in the UK to be trading under such a complex regulatory regime as is proposed. There is considerable potential for unintended consequences – and therefore high risk - in applying such an untested, burdensome system to the sector which is central to Wales' tourism economy. In the absence of evidence, we also question the justification for such a complicated – and therefore costly - regime.

## **Licensing (Part 2)**

10. As above, the Bill tailors the licensing regime for residential parks to the industry. Yet, there is no justification for the application of, for example, £500 fixed penalty notices, fit and proper person licensing and interim managers to a microbusiness - say a husband-and-wife team - receiving holidaymakers on a touring park for short breaks. It is the market rather than regulation which ensures standards as their business survival depends on their park infrastructure and customer service. However, regulation could increase their prices making them less competitive, or uncompetitive.
11. To address some aspects of the licensing regime proposed:
  - 11.1. **11 Duration of site licences** - We are greatly relieved that the Bill does **not** propose time-limited site licences as this would severely undermine lenders' confidence and therefore jeopardise industry investment, as well as remove customers' access to credit.
  - 11.2. **21 Fixed Penalty Notices** - Both the Mobile Homes (Wales) Act 2013 and the Bill refer to Local Authorities' use of fixed penalty notices where a breach of site licence condition is identified. For residential parks, the maximum penalty is set at £200, for holiday and touring parks, the Bill proposes £500. This is a disproportionate penalty for a minor breach of a site licence. The rationale for Fixed Penalties is to provide the putative offender the opportunity to avoid prosecution by payment of the penalty. However, this principle falls down when the level of penalty is set at up to £500. Natural justice dictates this level of fine should only be levied following independent judicial scrutiny (a fair hearing) and that there should be an appeal mechanism. A £500 fee is open to abuse as it creates too much of an incentive for councils to maximise revenue, whilst being sufficient to cripple a small business. In addition, setting the penalty at such a high level means that many businesses would opt for prosecution, thereby defeating the object.
  - 11.3. **33 Fit and Proper Person Licensing** – There is neither evidence of the efficacy of a fit and proper person regime for tourism businesses, nor of the need for one. The same regime must be applied to micro-businesses, say managing a tiny family touring park with pitches for six touring units and a corporate business running many parks across the UK with thousands of pitches. For a husband-and-wife team managing a micro-business, there is no evidence to justify a fit and proper person regime. Equally staff changes within corporate business would necessitate frequent re-testing of the fitness of park managers,

creating cost, unnecessary work for local authorities and reducing the flexibility of corporate groups to deploy their management staff across parks within their group.

12. Without evidence in justification and whilst parks in Wales compete with those across the border and with all other tourism businesses in Wales, we fear the proposals can only place Wales' parks industry at a competitive disadvantage. For example, there is no suggestion there should be similar licensing requirements on the providers of bed and breakfast accommodation or holiday villages, whilst self-catering holiday properties are specifically to be exempted from the licensing requirements of the Housing (Wales) Bill.

### **Residence test (Part 3)**

13. The Bill's primary objective is to 'address unlawful occupation of caravans'. However, there is **no** authoritative research as to the extent of residential misuse of holiday parks across Wales. The only research study of the issue was conducted by Sheffield Hallam University relating to the East Lindsey local authority area in Lincolnshire<sup>4</sup>. The report makes clear that the circumstances in East Lindsey are unique and so its findings cannot be extrapolated to the whole of Wales.
14. Anecdotal reports indicate that there may be a problem away from tourism 'honeypots' in Wales, and particularly in areas of both over-supply of caravan pitches and the presence of multiple deprivations (see appendix). In these circumstances, economic and social factors may drive individuals to seek the cheapest forms of residential accommodation. However, in the absence of a clear evidence base, we question both the regulatory burden the Bill proposes and the enforcement approach which may raise issues with regard to homelessness/rehousing for the consumers it targets.
15. The Residence Test outlined in Part 3 reflects industry best practice in that park owners check and maintain an up-to-date register of their customers' home addresses. However:
- a good park would **not** seek proof of residence every 12 months from all customers as is proposed by the Bill (46.). For example where the customer is evidently absent and responds to correspondence at their home address, an annual demand for paperwork is clearly superfluous and contrary to the principles of good customer service.
  - equally, a good park owner would **not** 'whistle blow' a good customer to the local authority in the case of a short term 'failure' of the Residence Test, particularly if there were extenuating circumstances such as a family bereavement.
16. Further, both consumers and park owners could 'pass' the Residence Test proposed, despite residential mis-use of the park. For example, the consumer could simply register with a financial institution and on the electoral roll at a relative's address in order to provide the evidence required, despite residing in their holiday caravan. This could be with, or without, the collusion of the park owner.
17. The Residence Test proposed by the Bill would not therefore achieve its objective, but its repeat every year would create considerable cost and would generate bad feeling between Welsh holiday parks and their customers (customers who would have the option to take their business elsewhere).
18. Instead of a requirement on the park owner to serve as '*gatekeeper of public services*'<sup>5</sup>, 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.

### **Holiday caravan agreements (Part 4)**

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<sup>4</sup> 'THE CARAVAN COMMUNITIES OF THE LINCOLNSHIRE COAST', Centre for Regional Economic and Social Research, Sheffield Hallam University with East Lindsey District Council <http://www.shu.ac.uk/research/crest/sites/shu.ac.uk/files/caravan-communities-lincolnshire-coast.pdf>

<sup>5</sup> Jocelyn Davies AM, National Assembly for Wales, 19 March 2014

19. The requirements of the Bill reflect industry best practice in providing customers written Agreements setting out the important terms agreed between consumer and park business.

20. However, the terms the Bill proposes to imply into all such agreements are wrong:

20.1. 56 (3)(d) proposes that the park should provide copies of the most recent utility bills to the consumer, **whether or not** the consumer has any interest in those bills. Whilst the law already requires the provision of such evidence where utilities are recharged to the consumer, the Bill goes further in requiring the business to divulge commercially-sensitive information **whether or not** those utilities are recharged to consumers. This is wrong.

20.2. Industry members are also concerned that the requirement of 56(3)(e) for statutory consultation on operational matters would create unnecessary cost, bureaucracy and an incentive for litigation and so impact on their flexibility in developing their business. It could also drive down standards and act as a barrier to investment. Without the necessary flexibility, the industry in Wales would be trading at a disadvantage to their English competition as well as other holiday providers in Wales.

### **Protection from harassment (Part 5)**

21. Whilst the industry wholeheartedly embraces protections against harassment for park customers, we do not understand why the Bill seeks to duplicate the protections against harassment which are already in place for park customers under the Eviction Act 1977.

### **Barriers to implementation**

22. Perhaps the greatest barrier to implementation of the Bill would be a shortage of local authority human resources to implement the complex licensing regime. It seems the new law could be introduced during the early days of commencement of the Mobile Homes (Wales) Act 2013, as well as the licensing of private rented sector landlords under the proposals of the Housing (Wales) Bill.

23. Scarcity of resources to implement licensing (based on a housing model) to 1,322 tourism businesses would create a considerable barrier. Are there sufficient competent enforcement officers available in Wales?

### **Unintended consequences**

24. Only with hindsight can a clear picture of unintended consequence be established. However, the following may be envisaged:

24.1. **Competitive disadvantage** - The single most important unintended consequence would be the competitive disadvantage created by the Bill's requirements for holiday and touring parks in Wales. The costs and red tape of the proposals are both sufficient to drive customers and investment to competition in England.

24.2. **Unfair competition** – Like the 1960 Act, parks operated by local authorities and the recreational parks operated by the Exempted Organisations (such as the Caravan Club and Camping & Caravanning Club) are excluded from the Bill's requirements. Given the unknown costs and impact of the regime proposed, this creates potential issues of unfair competition between the public and private sector and between commercial and consumer-operated recreational parks. An expensive licensing regime applied to parks would also create unfair competition with other tourism businesses, e.g. chalet parks, holiday villages, self-catering, B&B, hotels etc.

24.3. **Disadvantage for small business** - Further, the costs of the licensing regime would create a disproportionate burden on small parks businesses. For example, the costs to evaluate whether a park manager was 'fit and proper' would be the same, whether that manager was responsible for six or 600 pitches.

24.4. **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 made homeless should nevertheless be a consideration for the Assembly.

24.5. **Market/Reputational damage** – There are also concerns that caught in the cut-and-thrust of Welsh politics, the publicity surrounding the passage of the Bill may damage the reputation of Welsh holiday parks. There is a responsibility on the Assembly and its Members to protect Welsh jobs and businesses.

### **Financial implications**

25. The Bill proposes complex requirements to be applied to over 1,300 park businesses, providing over 70% of Wales tourist beds. We consider the figures outlined in the Explanatory Memorandum considerably underestimate these costs.

26. For example, Para 203 of the Explanatory Memorandum suggests the cost for the fit and proper person checks can be based on the costs of Criminal Record Checks. However, the Fit and Proper Person test is a more subtle assessment, requiring the exercise of discretion, rather than a search of a criminal conviction database. The Criminal Record Check would be the first step before the local authority should identify and assess '*all matters which it considers appropriate*' and any trading standards and housing (including caravans) '*contraventions*' (which are not stored on a single database). It would require liaison with each local authority in Wales (and perhaps across the UK) in order to establish whether any relevant enforcement had been undertaken against each applicant. To suggest that such work could be achieved for between £25 and £44 is either to propose that the test is meaningless, or that local authorities would not follow the requirements laid out in the Bill. (See also 24.3 above which describes the disadvantage to small businesses from the fixed costs of the licensing regime.)

27. Para 204 of the Explanatory Memorandum suggests the average cost of conducting the first residence test would be £100 per park. This £100 would need to cover staff time and costs in contacting all customers to request two 'proof of residence' documents, explain the need for these documents, chase where no response is received, then copy these documents to establish the register. £150,000 is the estimate for the cost of this work across the industry in contacting, chasing, and then following up with some 70,000 caravan owners. The figures simply don't add up!

28. Further, in the absence of an evidence base, the Explanatory Memorandum cannot evaluate costs to Local Authorities in enforcement against caravan owners, nor of supporting any made homeless through the application of the Bill's requirements.

### **Subordinate legislation**

29. 21(3)(b) states Ministers '*may*' regulate to restrict the application of fixed penalty notices. Given the proposed maximum penalty of £500, we consider it essential Ministers *must* regulate to prevent abuse (see 11.2 above).

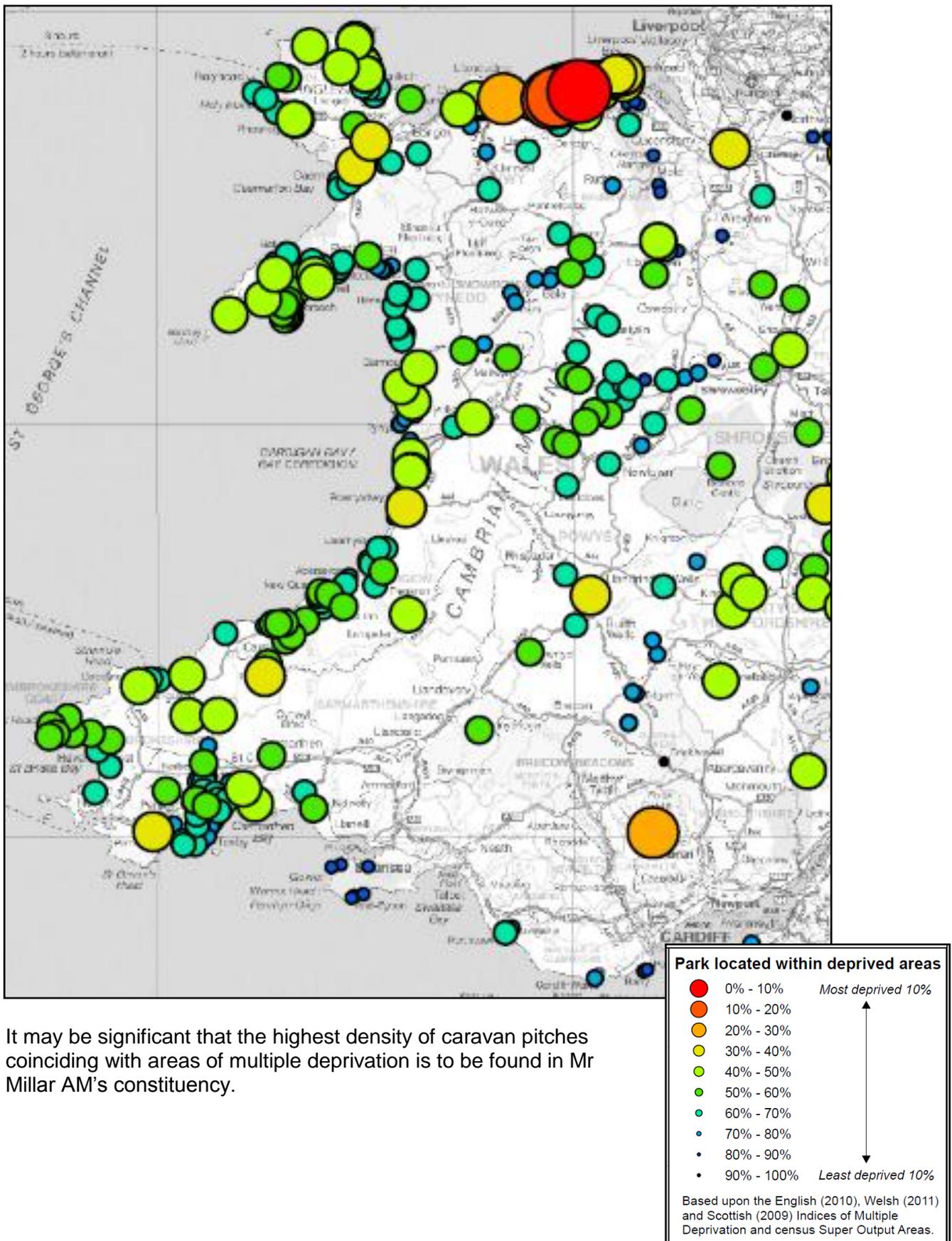
### **Conclusion**

30. As indicated above, the industry has given qualified support to the objectives of the Bill and appreciates that it contains many elements of industry best practice. However the Bill also seeks to tailor a regime designed to provide protections to vulnerable residents in their homes, to a tourism business and does so in the absence of an evidence base.

31. Whilst modernisation of the current regulatory regime would be likely to give benefit and receive industry support, the Bill's proposals to introduce a complex and inappropriate regulatory burden would place Wales's holiday and touring parks at competitive disadvantage, risking the jobs they sustain. Therefore, we underline our grave concerns at the un-costed regulatory burden the Bill proposes. The principles of better regulation should apply.

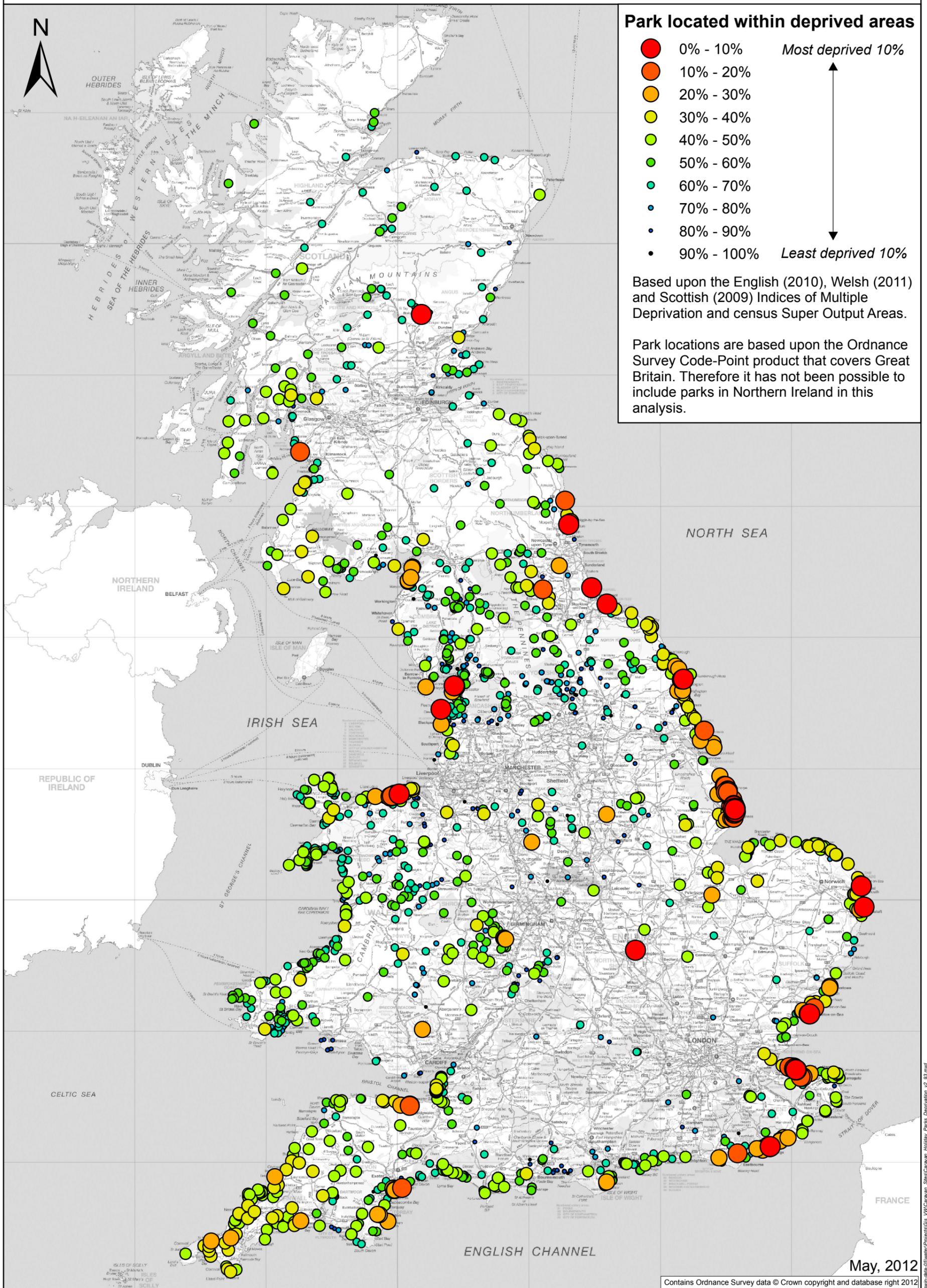
**APPENDIX**

**Holiday parks with static caravan pitches in BH&HPA membership, mapped against areas of multiple deprivation (2012)**



It may be significant that the highest density of caravan pitches coinciding with areas of multiple deprivation is to be found in Mr Millar AM's constituency.

# BH&HPA Member Caravan Holiday Parks related to areas of multiple deprivation



Communities, Equality and Local Government Committee  
CELG(4)-18-14 Paper 4



**Holiday Caravan Sites (Wales) Bill: consultation**

**Response from the National Caravan Council (The NCC) to the Communities, Equality and Local Government Committee inquiry  
23 May 2014**

**Introduction:**

1. The NCC (National Caravan Council) is the UK trade body for the touring, motorhome, holiday caravan and residential park home industries. Formed in 1939, the NCC represents a membership in excess of 550 companies engaged in the industry throughout the entire supply chain; manufacturers, retailers, suppliers and service providers, and operators of both holiday and residential parks.
2. The industry employs in excess of 90,000 people and services 1 million caravanners and over 330,000 holiday caravan owners across the UK. According to the Welsh Government Bedstock data, as at March 2013, in excess of 70 percent of tourism bedstock in Wales is provided by camping/caravanning (touring and static caravan) establishments; 399,124 tourist beds in 1,322 establishments.
3. According to a research study carried out by VisitWales on the holiday park industry in Wales in 2011, the economic impact of the holiday caravan and touring park industry in Wales has been calculated as a GVA contribution of £317m per annum, supporting 10,645 direct and indirect jobs in Wales and further employment sustained in other areas in the UK.

This response focuses on the six terms of reference outlined by the Committee:

**General Principles and the need for legislation to modernize the regulatory framework for holiday caravan sites in Wales:**

4. The NCC recognises and supports measures to modernise and streamline the holiday caravan sector which are relevant, proportionate and achievable. We have worked closely with Mr Millar and his team on the development of this Bill since May 2013 and welcome recent amendments, particularly in acknowledging our representations to present the proposed reforms in this Bill in

a sector-specific 'stand-alone' Bill.

5. Whilst there have been significant, pragmatic changes to the original Bill since its introduction, many serious concerns remain. We maintain it is essential that any regulation of the holiday caravan park sector that may follow:
  - does not attempt to apply to a vibrant and dynamic tourism business sector an inappropriate regulatory burden which has at its core a regime written specifically to address significant concerns in the residential mobile home sector
  - addresses proven evidence of abuse in the sector
  - allows the holiday parks industry to compete effectively and fairly
  - does not create a competitive disadvantage for holiday caravan parks in Wales
6. The NCC recognises the need for modernisation in the licensing regime and the application of existing industry best practice through clear and unambiguous written agreements and standards. The latter reflects the NCC's approach to raising standards and levels of customer satisfaction through its independently assessed *NCC Approved Holiday Park Holiday Home Ownership Scheme*, which has at its core a Code of Practice and clear, concise written agreements.

## **The parts of the Bill –**

### **Licensing (Part 2)**

7. It is recognized that the licensing regime in place for the sector would benefit from some modernization and streamlining to align it with a modern, dynamic tourism proposition. However, some of the measures proposed would, in the absence of an evidence base to justify the stringency of the measures, simply add a level of cost and bureaucracy and uncertainty to those investing and operating in the sector. In particular, the proposed level of fixed penalty notice (£500) for a breach – however minor – of site licence conditions is grossly disproportionate and has the potential to damage the important relationship between operators and local authorities.

### **Fit and Proper Person Test**

8. The NCC strives to raise standards of professionalism and customer care within the industry, and many business operating in the holiday park sector are already subjected to a number of 'tests' imposed by regulatory bodies (FSA) and others to enable them to conduct business. Whilst there is no evidence of the abuses recorded in the residential sector to justify the imposition of a 'fit and proper person' test regime in the holiday sector, recognition of existing mandatory 'tests' together with the NCC Approved Holiday Park Holiday Home Ownership Regime (designed to set standards amongst holiday caravan parks) should be accepted by local authorities without the need for additional testing. This would remove the extra punitive cost to businesses (fees and management time which would far exceed the suggested cost of £100 per park) of applying for approval and re-testing of multiple park managers (particularly in the larger park group businesses), as they are deployed across parks, and as they move and progress within the individual business and group structures.

### **Residence Test (Part 3)**

9. The proposed Residence Test reflects existing best practice in requesting, checking and recording holiday home owners' permanent home addresses. However, as drafted, it also presents a number of additional issues which in the round would not achieve the stated objective of '*addressing unlawful occupation of caravans*'. Insisting that it is performed every year adds unnecessary cost and administrative burden to park operations; requiring parks to report changes in use immediately without the flexibility to take account of extenuating circumstances (divorce or family bereavement) and to act sensitively and effectively through prescribed internal processes risks damaging the relationship between owner occupiers and the business.
10. Crucially the application of the Test to essential specialist and creative team-staff members employed on short-term fixed contracts will impact significantly on a park's ability to compete with other leisure/tourism businesses who already offer accommodation without such restrictions (hotels, cruise ships), and place holiday parks at a serious commercial disadvantage.
11. Such staff teams (comprised of up to 150 seasonal employees at any point in the year) are recruited nationally, and to retain their services and to accommodate the necessary shift patterns required by the business, accommodation on park is key. Employment contracts and HR files invariably carry personal details, including home addresses, so carrying out additional test appears duplicitous and invasive. Furthermore, to expect such staff to find accommodation locally, even if were available, would impose a drain on accommodation resources available to the local community which is both unnecessary and unacceptable.
12. Frequent and invasive testing would also challenge the relationship between holiday park business and their existing holiday home owners and may, in turn, prompt prospective holiday caravan owners to reconsider their options for investing their new-found leisure pound in tourism businesses outside the holiday caravan sector in Wales.

#### **Holiday Caravan Agreements (Part 4)**

13. The introduction of written agreements within the sector reflects industry best practice and is a core element of the NCC 'Approved Holiday Park' code regime.
14. Whilst we recognize that potential purchasers should have sufficient time to consider their potential investment and the rights and responsibilities of holiday home ownership, the requirement in section 55(3) which denies both the potential 'occupier' and the park owner the opportunity to shorten the period of time before the sale can take place (a mandatory 28 days) will have a devastating impact on holiday parks and their ability to compete effectively.
15. The industry model purchase agreement already provides for a minimum cooling off period (which already exceeds regulatory requirements and is often extended by park operators), and whilst some customers may require a longer period to finalise their decision, many want to complete the purchase at the earliest opportunity having made an informed decision with the benefit of all the paperwork in advance. Imposing a mandatory 28 day period without the opportunity to shorten the period with the agreement of both parties removes the consumer's freedom of choice, and will serve to frustrate and risk the failure of the transaction completely.

16. We do not believe it is Mr Millar's intention to restrict consumer choice, or holiday parks to compete effectively in the tourism/leisure accommodation market. Such a draconian measure will cause irreparable damage to the sector, fails to recognize the distinction between the holiday park sector and the residential sector and imposes a more onerous and prescriptive requirement that the relevant provision enacted in the Mobile Home Act (Wales) 2013.
17. Park businesses remain deeply concerned about the requirement for consultation under Section 56(3) (e) on all 'significant' operational matters, where 'significant' remains undefined. In addition to adding further costs and administrative burden to the operation, lengthy and complex consultations would impact on their ability to evolve and develop their businesses at the speed required by modern business.

#### **Protection from harassment (part 5)**

18. Appropriate measures to afford protections against harassment for 'occupiers' are applauded and supported. They should be clear, unequivocal and proportionate, and not duplicate or contradict existing provisions in earlier legislation (Protection from Eviction Act 1977).

#### **Potential barriers to the implementation of the Bill**

19. Effective and efficient implementation of the provisions will be determined by the level and availability of resource at local authorities who will be required to both implement and enforce a challenging and comprehensive licensing regime within a relatively short period of time alongside other equally challenging legislative changes in both the mobile home sector and the housing sector.

#### **Any unintended consequences arising from the Bill**

20. If the proposals were to be enacted caravan holiday and touring parks in Wales would be the first in the UK to trade under such a complex regulatory regime. As drafted there is considerable potential for unintended consequences in applying the basis of an as yet untested legislative regime to a tourism sector which is key to the tourism economy in Wales. In addition we believe the following could follow:

21. Competitive disadvantage

Regulation and added bureaucracy could increase the price of holiday caravan ownership in Wales making it less competitive, risk reducing valuable local employment, and effectively signpost consumers towards the rest of the UK and beyond to seek alternative holiday home options. These burdens of regulation, punitive constraints (including restrictions on consumer choice), and escalating costs of implementation are specific to businesses in this sector; they are not extended to other tourism/leisure businesses across Wales (including hotels, holiday villages, B&Bs etc) which all offer similar accommodation provisions. This places holiday parks at a significant and real competitive disadvantage.

22. Potential risk of Homelessness

We have concerns that in the absence of evidence to support the proposals in relation to residential mis-use of holiday caravans, the proposed enforcement regime may raise issues with

regard to homelessness/rehousing for the consumers it targets. The potential for inadvertent mis-selling of holiday caravans through either poor staff training or consumer stealth, and which in turn may contribute to residential mis-use, appears to have been overlooked. The remedies for victims in such instances are unclear.

23. Anti-business, anti-consumer and unfair competition

The measures highlighted above are not only competitively unfair, and place holiday park businesses at a competitive disadvantage, but are also anti-business and anti-consumer. We have stressed the unintended consequence of potentially restricting a consumer's choice to secure an agreement to purchase when they are ready. Further, the creation of a prescriptive and expensive regime applied exclusively on privately owned and operated holiday parks to the exclusion of parks owned and operated by local authorities, or those listed as exempted (exempted organisations) also creates the potential for an uneven playing field with similar tourism businesses such as B&Bs, small hotels and other self-catering establishments.

**Financial implications of the Bill (Part 2 of Explanatory Memorandum)**

24. Residence Test

Costs related to the administration of an annual residence test for a holiday park operator will be significant. Contrary to the suggested £75 per park per year after year two of implementation, figures closer to in excess of £17,500 per year for a medium sized operator and up to £150,000 for the cost to the industry across Wales has been advised.

25. Fit and Proper Person Test

Assuming the figures for an enhanced check based on the Scottish model cited in the Explanatory Memorandum to be broadly representative, the figure of around £100 per park, which is adding to costs already incurred in meeting existing regulatory requirements (FSA) are severely underestimated, duplicitous and unnecessary.

**Powers for Welsh Ministers to made subordinate legislation**

26. Such powers should be retained to ensure that an appropriate level of flexibility and redress to remedy or reform unintended consequences can be applied.

**Summary**

In summary we reiterate our qualified support for proportionate measures that will help deliver the key objectives outlines in this proposed legislation, but stress that this can only be achieved by ensuring:

- That the key drivers to address issues of residential misuse of holiday caravans are correctly researched, evidenced and properly costed
- Appropriate levels of resource are made available to local authorities to enable them to work positively with the sector to deliver an effective and efficient licensing regime
- There is recognition of existing mandatory tests including the NCC independently assessed and monitored Approved Holiday Park Holiday Home Ownership Scheme to determine whether an owner/licence holder is fit and proper to hold a licence; and that there is a greater

understanding that if required such a test should be workable without undue burden on park operators

- There is a re-evaluation of the appropriate legislative vehicle to help secure these measures and meet stated objectives, and which does not draw on a regime with protections designed purely for housing vulnerable elderly residents rather than a vibrant, dynamic tourism business sector.

# Agenda Item 5

11 June 2014 – Papers to Note

<b>Paper No:</b>	<b>Issue</b>	<b>From</b>	<b>Action Point</b>
5	Participation levels in sport report	Sport Wales	The Chief Executive of Sport Wales has written to the Chair following the publication of the Committee's report on participation levels in sport.

17 May 2014



Christine Chapman AM  
Chair  
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Dear Christine

We wanted to write to provide yourself and the rest of the committee an update on developments since you published your report into *Participation levels in sport*. We welcome the report and the opportunity it provides to extend the debate on the role that sport plays in Welsh national life and how we can improve the way in which we work together to deliver a healthier, more active Wales.

### Active Adult Survey 2012

We recently published the results of our 2012 Active Adult Survey, which identified that 262,000 more adults (aged 15+) were taking part in regular sporting activity, meaning three or more instances a week. This means 39% of the population in 2012 were undertaking sport more regularly, compared with 29% in 2008/09. We also identified that across the board participation in sport had increased, including figures for all the main sports, bucking the long term trend that had remained broadly static for around ten years. Volunteering in sport had also doubled from 4.6% in 2008 to 10.4% in 2012. Sports club membership has increased from 16% in 2008/09 from 16% to 27% of population in 2012, but it continues to be male dominated. A full state of the nation paper can be downloaded via:

[www.sportwales.org.uk/activeadults](http://www.sportwales.org.uk/activeadults)

Whilst these are positive figures that demonstrate an upward trend, we are not complacent about the need to continue to invest and develop our offer so that every child, young person and adult can benefit from a lifelong participation in sport.

### Sport Wales Calls4Action programme

Both our School Sports Survey and our Active Adult Survey continued to identify that despite increases across the board, there remains gaps in participation. As we said in our evidence to the committee, we do not believe that the barriers to participation are either inevitable or insurmountable.

In order to tackle this in April we launched the next round of our Calls4Action funding programme, making available £3million of national lottery funding to tackle the participation gap and create a sporting environment where everyone has an equal opportunity to access sport.

We will be looking to invest in projects and organisations that can deliver increased participation from young women, BME communities, those with a disability or children and young people living in poverty. We have deliberately put very few conditions in place in order to not stifle the creativity of organisations and we have been pleased with the overwhelming response from a wide variety of partners, old and new. We have organised a series of road show events as well to enable organisations to discuss ideas. The first stage for applications closes on 20<sup>th</sup> June and we would welcome any support that committee members can provide to encourage organisations to consider applications. More information can be found via this link:

<http://www.sportwales.org.uk/calls4action>

### **Sport Wales Survey Methodology**

We acknowledge the recommendation relating to the way in which we carry out our two large scale surveys. It is part of our standard practice to regularly review both the methodology and content of our surveys to ensure that they adhere to good practice and meet both Sport Wales' and Welsh Government's needs.

As a supplier of Official Statistics we have a duty to comply with the Code of Practice of Official Statistics. This Code includes a duty on us to use "*scientific methods to collect statistics and basing statistical advice on rigorous analysis of the evidence*". If we did not have confidence in the methodology or the results of the Survey we would not publish the data. With all of our published data we provide guidance on how precise the data is. This method of reporting is standard practice across Government. Depending on what the measure is and the level of disaggregation will determine whether the data is robust enough to publish.

For examples some of our key measures from our Active Adults Survey 2012, *hooked on sport* and *sports club membership*, the data is not robust enough (due to small sample sizes) to publish by BME groups. Whereas our long-term measure of participation in sport (any participation in sport in the last 4 weeks) we are able to report by some BME groups. In contrast, all of our key measures are robust when we disaggregate by household income level. The published data tables and associated guidance can be found via: [www.sportwales.org.uk/activeadults](http://www.sportwales.org.uk/activeadults).

In terms of the *School Sport Survey 2013*, and due to the size of the sample, we are able to disaggregate and provide robust data on a range of population groups, including BME.

We have regular bilateral meetings with the Welsh Government's Chief Statistician – where he, and his statistical team, work with us and advise us on our compliance with the Code. When we released the School Sport Survey 2013, we received positive feedback from the Chief Statistician on how we delivered the survey.

Whilst we recognised that the non-statutory nature of the School Sport Survey means participation is voluntary, and reliant to a large extent on the goodwill of schools and partners towards the survey, through the production of a series of sampling weights we correct for imperfections in the sample of responses collected that might lead to bias and other departures between the sample and the population. The sampling weights compensate for these imperfections and can be used to produce accurate estimates of population characteristics of interest and their associated sampling errors.

In addition to adjusting for non-response, the distributions of gender, year group and free school meal (FSM) entitlement are also accounted for in the weighting. Weighting data is standard practice in population surveys.

In terms of the Active Adult Survey, our methodology is very robust. We changed the sampling frame in 2008/09, on the advice of Welsh Government statisticians, from a quota sample to a random probability sample. Essentially what this means is that we now use the methodology most government surveys use. This method allows us to measure the accuracy and precision of the data. Again, this is what is expected by government surveys and particularly those with the Official Statistics label. We have also recently been involved in conversations with Welsh Government around how we can bring the surveys we run closer together in order to maximise the questions asked and the sample size.

It is important to note here as well that we stress that our partners, governing bodies included, should not be solely reliant on the data we provide in order to develop their plans. They need to be asking the same questions of their own membership so that they have a picture of who is playing their sport. To this end we funded specific research/data posts in a number of governing bodies to build their capacity to understand their own membership. We have also arranged to meet with the Football Association of Wales to discuss the specific points that they raised in their written and oral evidence.

We feel that the recommendation is already being delivered through the formal processes that we have in place.

### **BME Communities**

We were pleased that our School Sport Survey sample was large and diverse enough for us to be able to provide BME data for the first time. It will come as no surprise that the data revealed that participation in those communities is at a lower level, with Asian / British Asian girls among some of the lowest. Unfortunately due to the smaller sample size, our Active Adult Survey we are only able to provide very limited data on participation by BME. As a result of this and in response to the committee recommendation we have committed to undertake a specific piece of research looking at the barriers to sport participation in BME communities in Wales. This should build on the work that has already been undertaken in Wales and elsewhere, providing us with a picture on what more we as a sector need to be doing to make sport more accessible.

This is further to any investment into specific BME projects through Calls4Action and other Sport Wales funding streams. We continue to work with the BME Sport Network to identify opportunities to work in partnership and invest into suitable projects to drive participation.

We will continue to develop our work in this area through our Equality Action Plan and our Community Sport Strategy.

### **Child Poverty Strategy**

We are in the final year of our first child poverty strategy and we will be producing a report on progress for Welsh Government in due course. We recognised that our first strategy was very much focussed on ensuring that the foundations were in place for the sector to tackle the barriers to participation that children and their families living in poverty face. Whilst we are pleased that our School Sport Survey and Active Adult Survey have both shown an increase in the number of children and young people from these communities participating in sport, we acknowledge the need to close the gap in participation with their peers at a quicker rate. We will identify appropriate outcomes and measures as part of the process of developing our new strategy, ensuring these also link into our overall Community Sport Strategy.

### **Sport and the Welsh Language**

Whilst there was no specific recommendation made on this issue, we recognise that it was an area raised and discussed at the committee. The Active Adults Survey identified that 46% of those aged 15 and over who speak Welsh are *hooked on sport* compared with 37% who don't speak Welsh. They are also more likely to be a member of a sports club. Whilst these are promising statistics as part of our on-going work, we will be undertaking further analysis in this area to better understand the interrelationships between sport and Welsh language.

However we and the sport sector recognise that there is more we can do. We recently held a joint seminar with the Welsh Language Commissioner for national governing bodies of sport looking at examples of good practice in sport and to promote the use of Welsh within sport settings. We are looking at taking this work forward in partnership with the Commissioner's Office and our partners, with a view to developing some outcomes as part of the process of renewing our Welsh Language Scheme following the introduction of the Standards.

We are continuing our discussions with colleagues in health and education and welcome the recent commitment by the Welsh Government to providing £1.78million towards their Physical Literacy Programme for Schools, which we will work with them to deliver. We are making positive progress in our discussions with health organisations, including Public Health Wales, and hope to be able to present a number of developments in the coming months.

We agree with the committee that whilst progress is generally positive we would want to see a step change in pace. We strongly believe that the foundations for increasing participation in sport in Wales are strong, but to go to the next level we need to generate buy in from across the public sector to delivering a set of shared outcomes. This is the goal that we are working towards to ensure every child, regardless of their background, has the opportunity to benefit from a lifelong involvement in sport.

Yours sincerely



Sarah Powell  
Chief Executive