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National Assembly for Wales

Communities, Equality and Local Government Committee

Holiday Caravan Sites (Wales) Bill

Response from: Hobourne Ltd

Communities, Equality and Local Government Committee

National Assembly for Wales

Cardiff Bay

CF99 1NA

12th May 2014

Holiday Caravan Sites (Wales) Bill – Inquiry response.

Please accept this letter as the formal response of Hobourne Ltd.

By way of background, Hobourne is a family business which has been providing holiday accommodation since the 1930's. At present, the Hobourne group of companies control 8 caravan sites across Hampshire, Dorset, Devon, the Cotswolds, Cornwall and Somerset. Of these, one is completely dedicated to mobile homes whilst the use of another is split between holiday and residential caravans. The remainder are given over to a mixture of privately owned holiday static caravans, company owned holiday static caravans and touring caravan pitches.

Whilst we do not, at present, have any commercial interests in Wales, we respond on the basis that if the above is enacted it could influence future legislation relating to caravan parks in England.

Accordingly, our comments are as follows: -

General principles

The Mobile Homes (Wales) Act 2013 and its English equivalent were introduced in order to address serious and well publicised problems within the mobile home park industry; however nobody ever claimed that such problems were widespread. In the case of holiday caravan owners, there appears to be even less evidence of malpractice, so we feel justified in asking what problems the draft legislation is intended to solve.

We would submit that very few, if any, of the Public Policy considerations that resulted in the passing of the Mobile Homes (Wales) Act 2013 apply to holiday caravans that, by definition, are not meant to be occupied by anyone as their main residence.

We would also argue that, rather than introducing further regulation, consideration should first be given to the reasons why local authorities and other enforcement bodies appear not to be using the extensive powers already available to them. The main issue is likely to be the availability of resources and we are obviously concerned that the draft legislation could result in the many reputable operators in the sector subsidising the cost of enforcement action against the very small minority whose business practices may be questionable.

We submit that any new legislation should not only address a specific problem but should also be proportionate. As mentioned above, we feel that any problems that do exist could be addressed by the use of existing powers. If these are felt to be insufficient then it may be proportionate to introduce some of the powers included in the 2013 legislation but the draft Bill attempts to introduce the vast majority of them. In our view, this is clearly not proportionate.

If enacted, the Bill would cause numerous very real problems for holiday caravan site owners in Wales. The principal reason for this is because it is based upon legislation developed for a very different industry sector and does not amend the donor legislation sufficiently to take account of that fact. To give just one example, we believe that the majority of section 42 of the 2013 Act is inappropriate in the context of a holiday caravan site.

Site Licensing

We question the need for a 'fit and proper person' test for site owners and managers as a matter of principle. So far as we are aware, such tests currently only apply to certain persons in the banking, insurance and financial services industries, holders of Consumer Credit licences and holders of personal licenses granted under liquor licensing legislation. We would submit that all of these persons are capable of causing significant harm to society, which is presumably why they are subject to such checks. The same cannot be said for operators of holiday caravan parks any more than it can be said in respect of hoteliers, or shopkeepers.

Residence test

We would need to see far greater detail before giving a definitive view; however there are clearly some potential problems with what is proposed. For instance, for a local authority to police the occupation of holiday caravans it would require copies of residence tests, which could have data protection implications. Furthermore, due to funding restrictions, local authorities are currently reducing essential services and would not have the resources for what they are likely to view as non essential work.

We already undertake residence checks in order to ensure compliance with our site licences; however we do not consider it necessary or indeed reasonable to do so every 12 months and instead concentrate on cases where there is some evidence of abuse. If the extent of such tests is laid down in regulation, the requirements must be within the resource of the operator.

Holiday Caravan Agreements

Whilst we accept that there are Public Policy considerations that make it desirable to impose certain terms into agreements for the siting and occupation of mobile homes, which by definition are used as permanent residences, we cannot see that the same considerations apply in the case of holiday caravans. On that basis, we would resist this proposal.

A requirement for statutory consultation with caravan owners regarding operational matters, many of which will have absolutely no bearing on them at all, is simply unjustified in the absence of a clear evidence base.

Protection from harassment

We submit that ample powers are already available under existing legislation.

Conclusion

Whilst we have no objection in principle to a review of the existing holiday caravan park legislation, we do not believe that there is sufficient evidence of harm being caused to holiday caravan owners, or indeed to local authorities, to justify the introduction of such sweeping regulatory powers.

Without such evidence, we submit that it would be disproportionate to introduce legislation that would increase the fixed costs faced by the holiday caravan park industry in Wales. In addition, the imposition of such a burden would inevitably distort competition within the wider Welsh tourism industry.



For and on behalf of Hoburne Limited