

## **CRAIGTOUN MEADOWS LTD**

### **WRITTEN SUBMISSION**

I believe that the Consumer Focus research is flawed ie they spoke to less than 3% of those who live in Park Homes in Scotland, so the percentages subsequently quoted in their findings then become less reliable.

The Social research Report Licensing of Caravan Sites in Scotland - An Analysis of Consultation Responses is also a bit disconcerting when the report states that 55 of the 76 respondents came from 2 park homes. I am sure they mean 2 Parks and in the report it states that all the respondents gave exactly the same response, word for word. The BH&HPA could have done exactly the same thing for each of its' Parks, who would all have signed letters. That would have heavily weighted the findings the other way.

In effective both reports have been slanted in a negative way towards Parks. I do agree that there is a need for a change in legislation to weed out the 'rogue' element that exists in this business as it does in every other, though there is an element here of using a sledgehammer to crack a nut.

It is also worth noting that this legislation will have a knock on effect on Holiday Parks who also have Residential homes, who will now need 2 licences to operate as a result of this. Where our Company only has 3 couples living on a 32 acre Park, it seems excessive that we need a separate licence for facilities that are shared with holiday makers on a site that has been graded as 5 star by Visitscotland for many years. There will be potential for a negative effect on Tourism as a result of some of the implications of this legislation.

#### **Statutory Minimum Application Criteria**

As a Company we have no difficulty whatsoever with this, though it is strange to note that almost 50% of Local Authorities who responded perceived difficulties in applying this criteria.

#### **Fit and proper Person Test**

I'm wholly in favour of this. It would need to be standard across Scotland with no variations available to Councils and a straightforward criminal record check would suffice as the Council would already have a record of non-compliance issues anyway. There should be a specific legal definition of what constitutes non-compliance, with a legal challenge procedure in place. The system should be one which permits only court/ Tribunal findings to be taken into account.

Some of the proposed tests - any reports of antisocial behaviour, any breach of site licence, any complaints that have come to the local authority's attention - are vague, and petty issues could be used without the court/tribunal element.

### **Issue of a Site Licence**

Based on past experience, the administrative burden on a Council to issue a new licence every 3 years would be too much. 5 or 7 years is much more reasonable and practical and any 'action' taken against a Park or change of ownership would justify a re-examination of that Licence anyway. While a fee of £600 is more reasonable than suggested by some councils, there should be something in place to ensure that Mixed Holiday/Residential Parks only need to pay one fee. The presumption should always be in favour of renewal, which is disapplied only in prescribed circumstances which would then require a fuller application. I would also suggest that a 'renewal' would be a smaller fee than a full application.

In 2008 Fife Council attempted to amend our Licence following a Planning Application, but an Appeal to the Scottish Office by ourselves was successful and found that the Council had not followed their own rules. It is important that proper checks are put in place.

### **Failure to comply with formal notices to require works to be done**

This could be useful for catching rogues but can also cause problems for those that are not. I had an 18 month dispute with Fife Council over damage their workmen did at the entrance of our Park. The damage caused great inconvenience to our customers and Residents. For 18 months they argued it was my problem and insisted the Park should deal with it. Given the power they would have enforced this. Eventually with the help of a local Councillor they accepted liability and carried out the repair work.

Fines for non-compliance should also be laid down on a scale for the offence, as with driving licences.

A penalty notice for suspending pitch fee payments etc could be problematic if it relates to a Holiday Park with Residential homes - do holidays get cancelled? There would need to be restrictions on this type of notice. Fees are often paid at the beginning of a year. Removing the right to these in say, April would be meaningless in many cases.

### **Management Order**

It is unlikely that many Councils will have appropriate Staff in reserve with the right skill set to do this. The owners' right of contact with residents has already been all but removed. If the Council were to apply to the Court for a Management Order, where would the funding for running the business come from? How liable would the Council be if they made things worse? Based on potholes in roads, blocked drains etc that isn't as unlikely as it sounds.

### **Ability of the Council to Charge a Fee**

This is inevitable and should not cost a Park more than it costs the Council and must be transparent. It was interesting to note that a majority of Local Councils (social report) thought they should be given the right to exempt certain sites from fees (7.5).

### **Recovering Licence costs from fees**

It has been suggested that Parks can't recover the cost of licences from pitch fees. Are there other businesses who can't recover licence costs from their main source of income? The inference for our Park is that Holidaymakers will effectively pay for the Licence for the 3 Residents.

While very much in favour of change to clear up those that do damage to the industry, I am concerned about giving Local Authorities too much power without recourse to the Courts. The number of extra Staff that Councils would need to employ to justify the fees would probably be prohibitive, as would the cost of training to the level required.

As a simple example of the powers already in play and how they are used - in 2012 the Fife Council Environmental Health Team carried out an unannounced Health and Safety check on our 32 acre Park. It lasted 15 minutes and the 2 staff said 'see you in 5 years' at the end of it. I didn't consider that a 'Fit and Proper' test of our Park.

While there are benefits to be gained from the changes in legislation it is important that changes are not just for the sake of it and do not hurt those Park Owners and the 97% of Residents who were not consulted as part of this exercise.

**Craigtoun Meadows Ltd**  
**15 February 2014**