

*The representative body
of the Parks Industry including
Park Homes, Caravans,
Chalets, Tents and all types
of Self Catering Accommodation*

BRITISH HOLIDAY & HOME PARKS ASSOCIATION LTD



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Ref: GAM/DB

Jill McKenzie
Gambling and National Lottery Licensing Division
DCMS
3rd Floor
2-4 Cockspur Street
London SW1Y 5DH

21 February 2006

Dear Ms McKenzie,

Consultation: Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations – Response from BH&HPA

1. The British Holiday & Home Parks Association (BH&HPA) is the national trade body for the parks industry, representing an industry which accounts for a tourist spend of some £3.24 billion each year, accommodating some 22% of all holiday bed nights in the U.K. The industry comprises holiday chalets, caravan holiday homes, lodges, touring caravans, tenting and all types of self-catering accommodation.
2. The BH&HPA membership owns and manages an estimated 80% of the total licensed caravan and self-catering "on-site" pitches in the UK. BH&HPA estimates there to be some 3,500 holiday parks in the UK, geographically dispersed to the coastal and rural areas that are attractive to holiday makers. Research shows that some 50% of the British population took a holiday in some form on a park in their lifetime, and that the typical pattern of park holidays is as a child, parent and grandparent. The industry tends to welcome families during the school holidays and "grey panthers" during the shoulder months.
3. The industry includes well known brands such as Butlins, Haven and Bourne but the majority of the 3,500 businesses in the sector are SMEs or micro-enterprises, usually independently owned and managed as a family concern. The results of a recent survey by NOP serve to demonstrate the degree to which the park holiday is embedded in the fabric of British society. They found that nearly one third of adults in Britain had taken a holiday on a park in the last three years.
4. We welcome the opportunity to comment on the consultation and wish to express our concerns regarding the inherent difficulties with the apparent autonomy provided to local authorities under the proposed regulations.

President:
Professor David Bellamy OBE

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Member,
European Federation of
Camping Site Organisations
& Holiday Park Associations

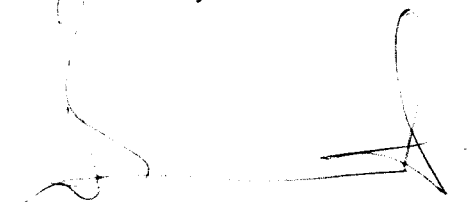


INVESTOR IN PEOPLE

5. The vast majority of our almost 3,000 members are SMEs and micro-enterprises and as such depend heavily on trade associations to provide them with assistance and guidance in complying with the never ending flow of new legislation which impacts their businesses. Fragmented and disparate regulation means that associations such as ours are unable to assist members individually with locally diverse regulation; this means that they are obliged to seek assistance from local legal firms to ensure that they comply with the regulations. This is an expensive process which was clearly illustrated during the introduction to the Licensing Act 2003 and was an important issue when the BH&HPA presented evidence to Sir Les Elton's Licence Fee Review Panel.
6. While SMEs and micro-enterprises incur disproportionate expense with the introduction of regulation at the local authority level, larger operators with holiday parks across the land also face additional cost. Management functions in terms of licensing are often centralised; it therefore follows that local authority variations in the implementation of the Gambling Act will be difficult and expensive to monitor and implement.
7. Not only did park operators have to cope with complex and demanding regulation in the Licensing Act, in some instances guidance ran to over 60 pages, but some local authorities far exceeded their regulatory powers, in a few cases leading to Judicial Review. It is then surprising to see the policy which led to these excesses quoted as a precedent for the introduction of this legislation in paragraph 3.5 of the consultation document.
8. In its introduction to The Principles of Good Regulation, the Better Regulation Task Force recommends that government ensures regulations are necessary, fair, effective, affordable and enjoy a broad degree of public confidence. The Association urges government to reflect these principles in guiding licensing authority policy statements.
9. The preparation of the Licensing Authority Policy Statement Regulations is set against the back drop of the recent implementation of the Licensing Act 2003; the findings of the Independent Licensing Fees Review Panel Interim Report, indicates that:
 - there is some uncertainty and lack of information among licence holders,
 - there was associated disproportionately high expense involved in licence administration among licence holders and local authorities
 - some of the impacts of the new licensing regime imposed a disproportionately heavy burden on small business
10. A repeat of the procedures adopted under the introduction of the Licensing Act 2003 is likely to see BH&HPA Members struggle once again to comply with widely varying regulation at disproportionate cost and to the detriment of their businesses. The cost in terms of time and financial outlay of complying with the introduction of this regulation **for businesses** has not been assessed. Given the timescale for introduction of the regulations, it seems unlikely that this will be considered and once again the local authorities will lack the time and resources to give proper consideration to the needs of the businesses they are regulating.

11. The draft regulations as they are presented serve only to prescribe the administrative procedures required and do not in any way constrain local authorities. Whilst it is argued that the required constraints are provided by the Gambling Act 2005, it seems inevitable that this will lead to a plethora of different interpretations. This observation is made in full recognition of the need for local authorities to be able to reflect local circumstances in their licensing policy statements. However, in the light of recent experience we believe that the balance is wrong.
12. In conclusion, we welcome the assurances given in paragraph 4.10 of the consultation document that key matters relating to each authority's approach will be set out in a consistent manner. Equally, the statement in the same paragraph that the degree of discretion afforded local authorities will increase time and work for the gambling industry foretells just the situation with which small business is already familiar – experience shows they are left with disproportionate cost to comply with regulation and legislation.
13. We look forward to seeing the Gambling Commission guidance on the detail to be provided in local authority policy statements and trust that this will allay some of the parks' industry's fears. We do, however, continue to encourage the both DCMS and the Gambling Commission to pay due regard to the adverse impact on businesses from ill-advised and diverse local regulation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Den Bannister', with a stylized flourish at the end.

Den Bannister
Policy Executive