

Consultation Response Form

Your name: [REDACTED]

Organisation (if applicable):

email / telephone number: [REDACTED]
[REDACTED]

Your address: [REDACTED]
[REDACTED]

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019	2019	
2020		
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	NO

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	

August	
September	
October	
November	
December	
January*	JANUARY 2019
February*	
March*	

* The earliest year in which the change can take place if January, February or March are chosen is 2020.

WHY? There is no big deal here. All a Site Owner has to do is charge 9% commission instead of 10% on any private sales. January is usually an un-popular time to sell your Park Home privately, whereas April is much more popular as your garden/the Park will be looking good with all the Spring flowers out. So 1/01/2019 is a GOOD time to introduce this change. January 1st is when CPI increases so our Pitch Fees are applied and has always been considered the start of the PH year. However if the reduction HAS to be delayed then start it in April 2019.

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	YES?
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	OK
Dates of subsequent reductions	OK
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	OK
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	OK

Other (please enter below)

Ensure that in **BOLD PRINT & DOUBLE UNDERLINED** site owners are informed that any pitch fee increases outside the CPI rate, brought in to cover the 1% reduction in their sales commission, can **ONLY** be applied by the strict permission of the **Residential Property Tribunal**.

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	OK
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	OK, but do check what the BH&HPA say.
Communication from local authorities	OK
Other (please enter below) Estate Agents Trade Associations.	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force..

Should you have any comments on this draft please make them below:

Languages OK.

Buying a PH in Wales is now an even better deal.

Provision should be made for all those Site Owners forced into bankruptcy by a 1% reduction in their sales commission!


Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.



What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

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Whilst our site owner is reasonable please DO NOT disclose my personal details to avoid possible repercussions from English UPO's e.g. 


Mae'r ddogfen yma hefyd ar gael un Gymraeg/ This document is also available in Welsh.

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Date	Choice	Comment
2019		
2020	X	To align with reporting
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	X

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	
August	

September	
October	
November	
December	
January*	
February*	X
March*	

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Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below)	
Details of any Exceptions/exemptions	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below)	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

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Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

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2019	X	A.S.A.P
2020		
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	X
No	

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	
August	

September	
October	
November	
December	
January*	
February*	
March*	

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Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below) All site owners must be informed they are not allowed to increase pitch fees to compensate for any loss. And only be applied by permission of R.P.T as a last resort.	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below) Local Estate Agents	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

A five % reduction over 5 years is only half way , there should be no commission charge at all.

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☒ X

I do not wish my personal details to be made public.

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Your address: [REDACTED]

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2019	X	We need action as residents are all elderley
2020		
Other (please enter a year)		

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Yes	X
No	

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	
August	

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October	
November	
December	
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February*	
March*	

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Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below)	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, <u>National Association of Park Home Residents</u> , Independent Park Home Advisory Service etc.)	X
Communication from local authorities	
Other (please enter below)	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

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Documents have always been in Welsh & English so don't see any problems

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

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X

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Date	Choice	Comment
2019		
2020	X	Would like to know how much site fees will raise in time to relocate if necessary
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	X
No	

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	

August	
September	
October	
November	
December	
January*	
February*	
March*	

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Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below)	
What % cap if any is put on landlords right to raise rents to compensate for lost commission.	

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Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below)	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

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No effect

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

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Please enter here:

I understand landlords will be able to raise rents by way of compensation is there a 5age cap on how much and is this increase only on the year of implementation or does it roll on in perpetuity?

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg/ This document is also available in Welsh.

I understand Landlords will be entitled to raise rents by way of compensation, is there a cap on how much and is this increase only on the year of implementation or does it role on ?

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Date	Choice	Comment
2019	X	The sooner the better for everybody
2020		
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	X
No	

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	
August	

September	
October	
November	
December	
January*	
February*	
March*	

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Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below)	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below)	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

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Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

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Please enter here:

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☐

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Your name: [REDACTED]

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Date	Choice	Comment
2019	X	Don't see what preparation is required so unaware of any problem instigating it in 2019.
2020		
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	X
No	

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	
August	

September	
October	
November	
December	
January*	
February*	
March*	

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Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	
Other (please enter below)	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below)	

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Date	Choice	Comment
2019	3rd	This is too soon. It gives us little chance for the planned improvements and repairs.
2020	2nd	As above
2023	1st	To enable us to accumulate funds for future improvements and repairs.
Other (please enter a year) 2023		2023 should be considered as we must organise future improvements and repairs necessary for our park.

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	<input type="checkbox"/>
June	<input type="checkbox"/>
July	<input type="checkbox"/>

August	
September	
October	
November	
December	
January*	
February*	
March*	

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Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below) I propose that there should be a transparent system in place to ensure that the price paid for a park home is genuine. The present system allows the outgoing tenant and the new incoming tenant the means to fix a price not known by the landlord. I have come across monies being agreed by tenants and paid outside the agreed price stated on the signed agreement issued by the Welsh Government. There could be something like the Land Registry to prevent money laundering.	

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Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below) As mentioned already, I believe that a governing body should be in place to oversee sales and not just left between the old and new tenants, the present system is left wide open to promote fraud and money laundering.	

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Please enter here: The question that I have is, “what does the Welsh Government propose that I do as a micro business in Wales to create extra income to enable me to help repay my loan”.

I purchased [REDACTED] after presenting a business plan to Lloyds bank showing the income generated from sales and rental income. There are just [REDACTED] There were on average 1.5 sales per annum generating between £[REDACTED] and annual rent income of [REDACTED] with annual rent reviews based upon the RPI. This averaged a turnover of approx [REDACTED] pa. Our loan repayments are [REDACTED] pa which leaves us with approx. £12,144 pa with the new 5% commission this will drop to approx. £8,394.00 pa and with rent reviews based on CPI there is no hope of generating any extra income for repairs or improvements.

[REDACTED] during the consultation period and was impressed with the high standards we kept, and the quality of affordable housing being enjoyed by our elderly tenants. [REDACTED] also remarked upon the fact that not all Residential Parks were to the high standards [REDACTED] and that there were a few 'rouge landlords' and maybe a different approach was needed! [REDACTED]
[REDACTED]

With the new regulations we will be unable to afford quality improvements or repairs to any of the infrastructure such as roads, sewers, street lighting, recreational areas or security. We fear that these new measures will have a detrimental and damaging effect on our Park, our elderly residents and on the industry.

With the reduction in commission rates, there should be a review of the pitch fee. Our present pitch fee is [REDACTED] per week. Does the Minister for housing consider this amount of pitch fee extortionate?

We earn less than the minimum wage, yet we are being punished for our hard work by the housing minister. There should be a much fairer system in place to reward Parks on their achievements and bring the 'rouge landlords' to book!

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☒ X

Mae'r ddogfen yma hefyd ar gael yn Gymraeg/ This document is also available in Welsh.

Dear Sirs,

We own and manage [REDACTED], the development of which my [REDACTED] and I have carried out at our sole expense.

We are British Holiday and Home Parks Association members and confirm our full support for the Association's submission made on our behalf.

Yours faithfully

[REDACTED]

Sir/Madam,

We own the residential site [REDACTED] in [REDACTED]

Please take this email as confirmation of our support of the submission relating to the consultation on Park Home regulations made by the BH&HPA. We are members of the BH&HPA and fully support the submission made on our behalf.

Regards,

[REDACTED]

Consultation Response Form

Your name: [REDACTED]
[REDACTED]

Organisation (if applicable): [REDACTED]
[REDACTED]

email / telephone number [REDACTED]
[REDACTED]

Your address: [REDACTED]
[REDACTED]

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		
2020		
Other (please enter a year)		Not before 1 May 2021 Please refer to submission made by BHHPA upon behalf of members.

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	X

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May (2021)	X Please refer to submission made by BHHPA upon behalf of members.
-------------------	---

June	
July	
August	
September	
October	
November	
December	
January*	
February*	
March*	

** The earliest year in which the change can take place if January, February or March are chosen is 2020.*

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	x
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X

Other (please enter below)

Please refer to submission made by BHHPA upon behalf of members.

Any guidance needs to be explicit in relation to:-

- (1) the fact that park owners are permitted by law to propose an increase in pitch fees to compensate for loss of income resulting from the decision; and
- (2) the process by which agreement about the new pitch fee can be agreed, or the question determined.

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	x
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	x
Communication from local authorities	x
Other (please enter below)	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force..

Should you have any comments on this draft please make them below:

Please refer to submission made by BHHPA upon behalf of members.

It is crucial that park owners are given the best possible opportunity to adapt their business models so as to minimise the negative financial impact of the changes – without this we are likely to go out of business.

It is inequitable to allow the change to apply retrospectively to current agreements – particularly when the terms of these agreements are themselves the product of statute, and have been fairly agreed between the parties at commencement of the agreement

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Unable to identify any

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

No observations

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

The related issues have already been reported to Welsh Government by the BHHPA, of which we are members. We would like to confirm that we support in full the submission that has been made by the BHHPA upon our behalf.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☒

Mae'r ddogfen yma hefyd ar gael un Gymraeg/ This document is also available in Welsh.

Consultation Response Form

Your name: Alicia Dunne

Organisation (if applicable): National Caravan Council
(NCC)

email / telephone number: policy@thencc.org.uk

Your address: Catherine House, Victoria Road,
Aldershot, Hampshire, GU11 1SS

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		<i>The NCC does not support the early delivery date of April 2019, as proposed in the consultation and calls for a later implementation no earlier than April 2020.</i>
2020	X	<i>The NCC believes the proposed implementation date of April 2019, as set in the consultation, will not give enough time for representative bodies or the Welsh Government to inform businesses of the change, but more importantly, will not provide Residential Park operators with the time they need to amend their operational budgets and business plans as a result of this loss of income.</i> <i>Also, we understand that a new written statement will need to be produced and published for all new sales of park homes (mobile homes) by the park owner after the commencement date of the</i>

		<i>Regulations. This will allow the implied terms to be changed and relevant information sent to all parties about timescales ahead of the implementation date.</i>
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	X

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	
August	
September	
October	
November	
December	
January*	
February*	
March*	
APRIL*	X

** The earliest year in which the change can take place if January, February or March are chosen is 2020.*

Question 3: The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
<p>Other (please enter below)</p> <p><i>There should be further information included about the sales process and the forms which should be completed at each stage, especially about the form of assignment and notice of assignment. It is these two forms which will indicate the date of the assignment of the agreement under the Act which will be relevant for the rate of commission to be applied.</i></p> <p><i>There should also be the standard information about disputes and the Tribunal process.</i></p> <p><i>Separate guidance should be considered as to the options available to the park owner to address loss of income and how this should be approached with residents, together with information about what to do if any review is not agreed.</i></p>	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X

Other (please enter below)

The NCC believe that a coordinated communications approach will target the largest audience and would therefore welcome further dialogue with the Welsh Government to ensure that our membership base is fully engaged with at the earliest convenience.

The NCC believe that all information should be published on the Welsh Government's website.

We would also welcome support from other advice agencies such as Citizens' Advice.

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

In the consultation paper there is no suggestion as to how the park owner may deal with any proposed increase to the pitch fee to take into account the loss of income arising from the reduction in the rate of Commission.

The Minister has already said that this will be something for the Tribunal to deal with on an application of either party.

In terms of the practicalities of the change to the law as it will affect pitch fee reviews, if this were to coincide with the start of each financial year, this could cause some practical difficulties for those park owners who review their pitch fees on 1 January. In such circumstances, consideration should be given to reviewing the pitch fee either before the change to the law takes effect or afterwards and before the next reduction in which the rate takes effect.

In terms of the draft Regulations, the schedules to the 2014 Regulations may need to be reviewed to take into account the change to the law and to help disseminate information about the change which we have referred to in Question 4.

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

N/A

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

N/A

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please click here:

Mae'r ddogfen yma hefyd ar gael un Gymraeg/ This document is also available in Welsh.

Dear Sirs

I own and manage [REDACTED] in [REDACTED]

I am a BH&HPA member and confirm my support for the Association's submission made on my behalf.

Yours sincerely,

[REDACTED]

Dear Sir/Madam

We own and manage [REDACTED] in [REDACTED], we are also BH&HPA members and confirm our support for the Association's submission made on our behalf.

We were opposed to the changes that the Welsh Government plan to implement but at least feel the BH&HPA's proposals will help to mitigate the initial impact..

We would ask that you kindly consider adoption of their proposals prior to implementing the changes.

Please find attached our completed full submission as further support to the proposals.

Yours sincerely,

[REDACTED]

Consultation Response Form

Your name: [REDACTED]

Organisation (if applicable): [REDACTED]

email / telephone number: [REDACTED]

Your address: [REDACTED]

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		
2020		

Other (please enter a year)		Not before 1 May 2021 See question 3

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	X

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May 2021	X
June	
July	
August	
September	
October	
November	
December	
January*	
February*	
March*	

* The earliest year in which the change can take place if January, February or March are chosen is 2020.

In communicating her Decision to the Welsh Assembly on 5 June 2018, the Minister for Housing and Regeneration made the public commitment that “*Reducing the commission rate gradually will help reduce the risks to the viability of some sites by providing site owners the time to adjust their business models to reflect this change, and I do accept that this adjustment may include increases in pitch fees for some.*”

If park owners are to be given any chance at all of making that adjustment, then it is essential that any pitch fee increase does not take place later than the commission reduction which it is designed to mitigate.

It is also essential that the timing of the commission reduction does not undermine community cohesion by forcing the parties into tribunal proceedings to determine the new pitch fee prematurely, whilst there is any possibility that these proceedings may be avoided.

Pitch fees are adjusted annually. Paragraph 17(3) of Chapter 2 of Schedule 2 of the Mobile

Homes (Wales) Act 2013 requires the park owner to give at least 28 clear days' notice of the proposals for the new pitch fee in advance of the review date. This means that the first reviews which will be able to take account of Regulations taking effect on 1 April 2019 are those taking place on or about 1 May 2019. Only by 30 April 2020 will park owners have had the opportunity to propose reviews for all agreements which would be affected by the first commission reduction.

The occupier does not have to take any steps in response to the proposal. Often the park owner will learn that a proposal has not been agreed only because the increase has not been paid. To avoid community cohesion being undermined more than necessary in these difficult circumstances, the timing of the change should give the parties a reasonable opportunity to establish whether there has been a misunderstanding and/or discuss the possibility of reaching an agreement before tribunal proceedings must be issued. As the park owner must apply to the tribunal for an order determining the amount of the new pitch fee no later than 3 months after the review date, the time for doing so in respect of pitch fee review dates in April 2020 will end in July 2020. We then estimate that proceedings would take between 6 and 9 months to determine, subject to any appeal. This means that pitch fee reviews which take the first adjustment proposed by the Regulations into account may not be determined until April 2021, subject to any appeal.

Accordingly, the first adjustment should not take place until May 2021.

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

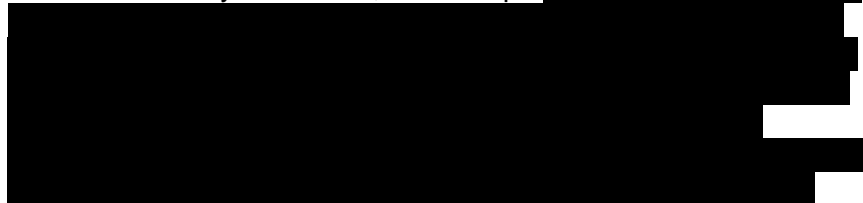
Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X

Other (please enter below)

Guidance should explain the effect on pitch fees, how the law allows the site owner to propose an increase in pitch fees to compensate for loss of income resulting from the decision and the steps which the parties may take to reach agreement about the new pitch fee, or for the question to be determined.

This is necessary to counter, for example



Such guidance should provide the greatest possible clarity to avoid acrimony and referrals to the Tribunal where compensatory pitch fee increases are proposed. It would also close the door to any rogue park owners seeking to exploit the change by proposing reviews which do not comply with the statutory guidelines.

For example, the guidance might show possible ways for calculating compensatory increases by reference to the commission income which the particular park is likely to lose.

See also our reply to question 5. If our suggested amendment applying this change to “new commission agreements” is agreed, then an explanation of that term should be given.

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below)	
Communication by Welsh Government via all possible media.	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

Allowing the change to apply retrospectively to current agreements is particularly likely to fundamentally undermine the business model of many parks and to deprive them of any chance of adjusting this model to stay in business. Consequently, as with the new sales procedure introduced in 2014, we recommend that this change is focused on new agreements - by which we mean:

- new agreements issued by the park; or
- under current agreements, for the second sale under the new Regulations

This could be done by substitution the following amendment for the version which is currently proposed:

Amendment of Regulation 8 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014:

a) The Mobile Homes (Selling and Gifting) (Wales) Regulations 2014 are amended as follows:

For regulation 8 (maximum rate of commission payable on the sale of a mobile home) substitute-

“(8) (i) Where the agreement is a new commission agreement, the rate prescribed for the purposes of paragraph 9(4) and 10(8) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act is:

- a) 9% of the purchase price of the mobile home from xxx*
- b) 8% of the purchase price of the mobile home from xxx*
- c) 7% of the purchase price of the mobile home from xxx*
- d) 6% of the purchase price of the mobile home from xxx*
- e) 5% of the purchase price of the mobile home from xxx*

(ii) Where the agreement is not a new commission agreement, the rate prescribed is 10% of the purchase price of the mobile home

(iii) In these Regulations, “new commission agreement” means an agreement:

- (a) which was made after the commencement of these Regulations, or*
- (b) which was made before, but which has been assigned after, that commencement.*

A corresponding amendment will be required to the explanatory note.

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

None identified.

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on

opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and
no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

No suggestions to make.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

The related issues have already been reported to Welsh Government.

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

Mae'r ddogfen yma hefyd ar gael yn Gymraeg/ This document is also available in Welsh.

Dear Sir/Madam

[REDACTED] owns [REDACTED], and
[REDACTED].

We are members of the British Holiday & Home Parks Association; we confirm our fervent support of the Association's submission in the above subject, which is made on our behalf.

Yours faithfully

[REDACTED]

[REDACTED]

Consultation Response Form

Your name [REDACTED]

Organisation (if applicable): [REDACTED]

email / telephone number: [REDACTED]

Your address: [REDACTED]

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		
2020		

Other (please enter a year) Never	Not to happen at all! It will not benefit the home owners, nor the industry.
--	--

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	

Not Applicable

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

Not Applicable

May	
June	
July	
August	
September	
October	
November	
December	
January*	
February*	
March*	

** The earliest year in which the change can take place if January, February or March are chosen is 2020.*

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	
No	X

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

N/A

Please choose all that apply:

Date of first reduction	
Dates of subsequent reductions	
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	
Other (please enter below)	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply: **N/A**

Information leaflet	
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	
Communication from local authorities	
Other (please enter below)	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

The Assembly should reconsider the wisdom (lack of) of their decision. The Assembly will create a non-viable industry and sub-standard homes.

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

The language of the United Kingdom is English

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

Scrap the proposed regulations

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here: **Reverse the decision and leave the commission at 10%**

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

Mae'r ddogfen yma hefyd ar gael yn Gymraeg/ This document is also available in Welsh.

Consultation Response Form

Your name: Alan Savory

Organisation (if applicable): Independent Park Homes
Advisory Service

Email alan@iphas.co.uk
[REDACTED]

Your address: [REDACTED]
[REDACTED]

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		
2020	2020	Time for preparation
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	yes
No	

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	

August	
September	
October	
November	
December	
January*	
February*	
March*	

** The earliest year in which the change can take place if January, February or March are chosen is 2020.*

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	yes
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	Y
Dates of subsequent reductions	Y
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	Y
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	Y

Other (please enter below)

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	Y
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	Y
Communication from local authorities	Y
Other (please enter below) LEASE, Park Home magazines	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force..

Should you have any comments on this draft please make them below:

I suggest that the regulations be amended as follows:
Add a new paragraph:
Amendment of Chapter 2 of Part 1 of Schedule 2 of the Mobile Homes (Wales) Act 2013.
Paragraph 18 (1) (d) of Chapter 2 is amended as follows:
After "since the last review date" add "except an Order made under paragraph 9(4) of this chapter."

(This would have the effect of avoiding any disputes over the effect on pitch fee reviews.)

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐

Mae'r ddogfen yma hefyd ar gael un Gymraeg/ This document is also available in Welsh.

To whom it may concern.

We own the [REDACTED].

We are BH&HPA members and confirm our support for the Association's submission made on our behalf.

We are in total agreement with the points raised and would also like clarification on how much pitch fees may be increased in order to help the impact of the reduced commission.

Yours sincerely

[REDACTED]

Consultation Response Form

Your name:

email / telephone number:

Your address:

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		
2020		.
Other (please enter a year)		To allow time to adjust business model and consider alternative options that may require planning applications.
2021		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	x

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

January 2020	X
	See question 3.

** The earliest year in which the change can take place if January, February or March are chosen is 2020.*

COMMENT:

To align with our Company's financial year.

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below)	
Options available to park operator to compensate for lost income such as amendments to pitch fee, alternative options for parks such as traditional housing or holiday options.	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below)	
Park home and holiday caravan magazine.	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force..

Should you have any comments on this draft please make them below:

Amendment of Regulation 8 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014:

a) The Mobile Homes (Selling and Gifting) (Wales) Regulations 2014 are amended as follows:

For regulation 8 (maximum rate of commission payable on the sale of a mobile home) substitute-

“(8) (i) Where the agreement is a new commission agreement, the rate prescribed for the purposes of paragraph 9(4) and 10(8) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act is:

- a) 9% of the purchase price of the mobile home from xxx*
- b) 8% of the purchase price of the mobile home from xxx*
- c) 7% of the purchase price of the mobile home from xxx*
- d) 6% of the purchase price of the mobile home from xxx*
- e) 5% of the purchase price of the mobile home from xxx*

(ii) Where the agreement is not a new commission agreement, the rate prescribed is 10% of the purchase price of the mobile home

(iii) In these Regulations, “new commission agreement” means an agreement:

(a) which was made after the commencement of these Regulations, or

(b) which was made before, but which has been assigned after, that commencement.

A corresponding amendment will be required to the explanatory note.

We are concerned that these changes will be applied retrospectively and therefore completely change the Agreement between our homeowners and the park owner. In our view the changes should only apply to new Agreements whereby that new buyer is given options to enter into an agreement which either retains the commission at 10% or gives them the opportunity for a reduced commission and a higher pitch fee.

In essence our Company feels it is fundamentally wrong to simply take away an important part of our income without proper measures in place to compensate for that. We feel that the whole process has ignored the advice and findings of the various surveys carried out on behalf of the Welsh Assembly and also those conducted by our trade association. Our Company remains extremely concerned that our parks in Wales are not going to make sufficient income for them to remain viable and may become a parasite to the English parks. Moreover, we are concerned England will feel compelled to follow suit in which case this would be the state of the decline of the whole industry and the quality of the parks provided to our customers.

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

As far as we can establish we cannot see that there would be any impact on the Welsh language or opportunities for Welsh speaking people as part of the legislation.

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

No comment

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Consultation Response Form

Your name: [REDACTED]

Organisation (if applicable): [REDACTED]

email / telephone number: [REDACTED]

Your address: [REDACTED]

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		
2020	X	Time to prepare
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	X
No	

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	
July	
August	
September	

October	
November	
December	
January*	
February*	
March*	

** The earliest year in which the change can take place if January, February or March are chosen is 2020.*

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below)	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below)	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force.

Should you have any comments on this draft please make them below:

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

☒

Mae'r ddogfen yma hefyd ar gael yn Gymraeg/ This document is also available in Welsh.

Dear Sir/Madam,

As owners of [REDACTED], we hereby provide our responses to the Welsh Government's consultation on commission on sales of Park Homes.

We are Members of the BH&HPA and fully support their submissions.

Yours faithfully,

**Consultation
Response Form**

Your name: [REDACTED]

Organisation: [REDACTED]
[REDACTED]

email / telephone number: [REDACTED]
[REDACTED]

Your address: [REDACTED]
[REDACTED]

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		
2020		
Other (please enter a year)		Not before 1 st May 2021 See question 3

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	X

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May 2021	X See Q3

** The earliest year in which the change can take place if January, February or March are chosen is 2020.*

COMMENT:

The Minister for Housing and Regeneration made a public commitment to the effect that site owners would require time to adjust their business models to reflect the commission changes and that these adjustments may include increasing pitch fees.

It is essential that any pitch fee increase does not take place later than the commission reduction which it is designed to mitigate.

It is also essential that the timing of the commission reduction does not undermine community cohesion by forcing the parties into tribunal proceedings to determine the new pitch fee prematurely, whilst there is any possibility that these proceedings may be avoided. Pitch fees are adjusted annually. Paragraph 17(3) of Chapter 2 of Schedule 2 of the Mobile Homes (Wales) Act 2013 requires the park owner to give at least 28 clear days' notice of the proposals for the new pitch fee in advance of the review date. This means that the first reviews which will be able to take account of Regulations taking effect on 1 April 2019 are those taking place on or about 1 May 2019. Only by 30 April 2020 will park owners have had the opportunity to propose reviews for all agreements which would be affected by the first commission reduction.

To avoid community cohesion being undermined more than necessary in these difficult circumstances, the timing of the change should give the parties a reasonable opportunity to establish whether there has been a misunderstanding and/or discuss the possibility of reaching an agreement before tribunal proceedings must be issued. As the park owner must apply to the tribunal for an order determining the amount of the new pitch fee no later than 3 months after the review date, the time for doing so in respect of pitch fee review dates in April 2020 will end in July 2020. Proceedings could take between 6 and 9 months to determine, subject to any appeal. This means that pitch fee reviews which take the first adjustment proposed by the Regulations into account may not be determined until April 2021, subject to any appeal. Therefore we believe the first adjustment should not take place until May 2021.

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below) Guidance should explain the effect on pitch fees, how the law allows the site owner to propose an increase in pitch fees to compensate for loss of income resulting from the decision and the steps which the parties may take to reach agreement about the new pitch fee, or for the question to be determined. Such guidance should provide the greatest possible clarity to avoid acrimony and referrals to the Tribunal where compensatory pitch fee increases are proposed.	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X

Other (please enter below)

Communication by Welsh Government via all possible media.

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force..

Should you have any comments on this draft please make them below:

Allowing the change to apply retrospectively to current agreements is particularly likely to fundamentally undermine the business model of many parks and to deprive them of any chance of adjusting this model to stay in business. Consequently, as with the new sales procedure introduced in 2014, we recommend that this change is focused on new agreements - by which we mean:

- new agreements issued by the park; or
- under current agreements, for the second sale under the new Regulations

Amendment would be required of Regulation 8 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014 to take this into account.

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

None identified

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

No suggestions to make

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

-

Please enter here:

We are BH&HPA members and confirm our support for the Association's submission made on our behalf.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☒ X

Mae'r ddogfen yma hefyd ar gael un Gymraeg/ This document is also available in Welsh.

Implementing changes to the park home commission rate

1. Page 1

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice.

						Response Percent	Response Total
1	2019					75.00%	12
2	2020					0.00%	0
3	Other (please enter below)					0.00%	0
4	Other					25.00%	4
Analysis	Mean:	1.75	Std. Deviation:	1.3	Satisfaction Rate:	25	answered
	Variance:	1.69	Std. Error:	0.32			skipped

Other (4)

1	29/09/2018 15:09 PM ID: 95515467	Site owners will attempt to delay implementation for as long as possible,
2	19/10/2018 09:24 AM ID: 97182274	April 2019 seems a sensible time to introduce the change. A drop of 1% in the amount paid, on sale, to site owners is not significant so the earlier the incremental change begins the better.
3	19/10/2018 09:35 AM ID: 97184096	The sooner this is brought in the better
4	03/12/2018 10:06 AM ID: 101184447	Residents are ready for the change now.


Please give a brief explanation of why that is your choice. (14)

1	27/09/2018 09:05 AM ID: 95340467	Understood legislation had gone through for a start date of the 1 April 2019, is this a delaying tactic
2	27/09/2018 20:09 PM ID: 95395829	I think enough time has already passed in order to for sure owners to prepare for these changes
3	29/09/2018 15:09 PM ID: 95515467	Greedy site owners will fight tooth and nail to keep the gravy train running.
4	04/10/2018 16:08 PM ID: 95935082	It has been a long battle just to get to this point. The longer it is delayed the more it will be to the detriment of park home residents.
5	12/10/2018 10:47 AM ID: 96581207	This change needs to be implemented as soon as possible so that residents who wish to sell their homes may benefit reasonably quickly as we have been asking for this unfair charge to be abolished for many years.
6	19/10/2018 09:24 AM ID: 97182274	Park Home owners have fairly restricted rights compared with other home owners in Wales. To begin to redress this balance the earlier an incremental reduction in charges begins the better. A 1% annual drop for 5 years is not significant so should easily be absorbed by site owners. Conversely, the decrease in charge for sellers may make a big difference depending on where and what type of accommodation they may be moving to.


Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice.

			Response Percent	Response Total
7	29/10/2018 21:09 PM ID: 98115911	Cannot understand why time is needed as it only requires an alteration in the commission rate.		
8	01/11/2018 15:11 PM ID: 98383994	We have waited to long as it is for a reduction in this outdated practice which in many case's people who bought these homes were not aware of the 10% payable on the sale of your home how many people would have bought park home had they been told before they had to give away 10% of the sale to a park owner who does nothing at all and no in many cases it does not go to the up keep of the park		
9	01/11/2018 21:39 PM ID: 98435905	The sooner the rate for selling a Park Home is reduced in favour of the Park Home Owner and not the Park Owner.		
10	03/12/2018 10:06 AM ID: 101184447	That is the soonest date that we can have.		
11	03/12/2018 16:33 PM ID: 101233707	The earliest possible date would be helpful to lodge owners (often elderly) who need the benefit of this welcome change as soon as possible. I nevertheless recognise that implementation in 2019 may be difficult, but it should at least be announced and introduced by the end of 2019. I cannot see what objection site owners could realistically have, given your very reasonable 5-year introduction of the reduction.		
12	07/12/2018 18:36 PM ID: 101613005	the full rate reduction would then be available in 2024		
13	08/12/2018 14:37 PM ID: 101646888	This is long overdue and in view if the fact that it mainly affects older people who may have to sell for health reasons it is unfair to penalise them any longer.		
14	11/12/2018 17:34 PM ID: 101939339	If there has been a decision to make a change, there is no sense in delaying that change. That would amount to not making any decision.		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

			Response Percent	Response Total
1	Yes		100.00%	14
2	No		0.00%	0
Analysis	Mean:	1	answered	14
	Variance:	0		
	Std. Deviation:	0	skipped	4
	Std. Error:	0		
	Satisfaction Rate:	0		

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

			Response Percent	Response Total
1	May		100.00%	1
2	June		0.00%	0
3	July		0.00%	0

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

						Response Percent	Response Total	
4	August					0.00%	0	
5	September					0.00%	0	
6	October					0.00%	0	
7	November					0.00%	0	
8	December					0.00%	0	
9	January*					0.00%	0	
10	February*					0.00%	0	
11	March*					0.00%	0	
Analysis	Mean:	1	Std. Deviation:	0	Satisfaction Rate:	0	answered	1
	Variance:	0	Std. Error:	0				skipped

Question 3: The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change. Do you think this would be useful?

						Response Percent	Response Total	
1	Yes			<div></div>		100.00%	15	
2	No					0.00%	0	
Analysis	Mean:	1	Std. Deviation:	0	Satisfaction Rate:	0	answered	15
	Variance:	0	Std. Error:	0				skipped

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain? Please choose all that apply:

				Response Percent	Response Total			
1	Date of first reduction			<div></div>	100.00%	16		
2	Dates of subsequent reductions			<div></div>	93.75%	15		
3	Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).			<div></div>	87.50%	14		
4	Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom			<div></div>	100.00%	16		
5	Other (please enter below)				0.00%	0		
6	Other (please specify):			<div></div>	6.25%	1		
Analysis	Mean:	9.88	Std. Deviation:	14.62	Satisfaction Rate:	120	answered	16
	Variance:	213.72	Std. Error:	3.65			skipped	2

Other (please specify): (1)

1	12/10/2018	Please inform both parties that the rate is "up to" % it is not compulsory to have to pay the full
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Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain? Please choose all that apply:

			Response Percent	Response Total
	10:47 AM ID: 96581207	percentage. Also that it should be very precisely spelled out to park owners that any pitch fee increases they may wish to impose to cover their loss can only be applied by permission of the RESIDENTIAL PROPERTY TRIBUNAL.		

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)? Please choose all that apply:

			Response Percent	Response Total
1	Information leaflet	<div></div>	100.00%	16
2	Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	<div></div>	81.25%	13
3	Communication from local authorities	<div></div>	75.00%	12
4	Other (please enter below)	<div></div>	12.50%	2
5	other	<div></div>	31.25%	5
Analysis				
	Mean:	6.94	Std. Deviation:	8.3
	Variance:	68.94	Std. Error:	2.08
	Satisfaction Rate:	98.44		
			answered	16
			skipped	2

other (5)

1	04/10/2018 16:08 PM ID: 95935082	In past consultations many park home residents, (some without computers), failed to receive any communication. It is vital that consultations be distributed through the 'COUNCIL TAX' lists as other bodies such as Council Licensing do not have the names and addresses of ALL park home residents.
2	12/10/2018 10:47 AM ID: 96581207	All parties that have anything to do with park homes should be advised, too many people are not "aux fait" with legislation.
3	03/12/2018 16:33 PM ID: 101233707	Maximum possible use of public media (TV, radio/local radio, newspapers and magazine articles) and social media.
4	07/12/2018 18:36 PM ID: 101613005	All assembly members and members of parliament
5	11/12/2018 17:34 PM ID: 101939339	Direct communication from site owners through the regular channels they communicate with their tenants

Question 5: The draft regulations will need to be agreed by the Assembly before any change in the commission rate comes into force. Should you have any comments on this draft please make them below:

	Response Percent	Response Total
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Question 5: The draft regulations will need to be agreed by the Assembly before any change in the commission rate comes into force. Should you have any comments on this draft please make them below:

			Response Percent	Response Total
1	Open-Ended Question		100.00%	7
1	29/09/2018 15:09 PM ID: 95515467	Residents have waited many years for a revision to the commission rate, do not allow Bureaucracy to bog down and delay the implementation process.		
2	04/10/2018 16:08 PM ID: 95935082	The current 10% rules are specific in stating "Up to 10%". The 'Draft proposal' currently states "5%". This must be changed to "Up to 5%". These changes will mean that local Councils will benefit in cases where a home is sold because the owner will have more equity should they require support in a Care home for instance.		
3	12/10/2018 10:47 AM ID: 96581207	It should be pointed out that anyone buying a park home in Wales is now getting an even better deal because we have superior legislation for residents. It has to be said that park owners who do go "bankrupt" because of this reduction should be provided for.		
4	01/11/2018 15:11 PM ID: 98383994	This question is somewhat misleading we are lead to believe that the unfair practise had already been pass by the Welsh government and was in agreement that this 10% is grossly unfair How many people in the Welsh government would like to give some one 10% of there home price for nothing		
5	01/11/2018 21:39 PM ID: 98435905	I think that it's very important that this regulation comes into force as soon as possible. I know there are a large number of affected parties so time has to be given for all parties to adjust to this new change.		
6	07/12/2018 18:36 PM ID: 101613005	the draft gives hope to thousands of Welsh pensioners.		
7	08/12/2018 14:37 PM ID: 101646888	No doubt this can be expedited in view of the length of time this has already taken?		
			answered	7
			skipped	11

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English. What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

			Response Percent	Response Total
1	Open-Ended Question		100.00%	13
1	27/09/2018 09:05 AM ID: 95340467	No effect		
2	29/09/2018 15:09 PM ID: 95515467	Purchasing a park home in Wales and living with Welsh speakers will develop a healthy understanding and respect for the language.		
3	04/10/2018 16:08 PM ID: 95935082	No views.		
4	12/10/2018	Quite a number of people who have moved from England to Wales take up the opportunity		

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English. What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

			Response Percent	Response Total
	10:47 AM ID: 96581207	of learning the Welsh Language so I think it could have a positive effect on Welsh Language knowledge.		
5	19/10/2018 09:24 AM ID: 97182274	I think there will be negligible if any effect on the Welsh language. An annual drop pver 5 years of 1% sales fee paid to site owner will neither encourage non-Welsh speaking buyers, nor discourage Welsh speaking buyers. As WG will be producing all material - digital and print - bilingually then both site owners and park home owners will be able to be fully informed in the language of their choice.		
6	19/10/2018 09:35 AM ID: 97184096	It should not effect it at all		
7	29/10/2018 21:09 PM ID: 98115911	No effect .		
8	30/10/2018 14:07 PM ID: 98179802	none		
9	01/11/2018 21:39 PM ID: 98435905	My main concern is the cost of the multilingual policy that is being adopted in Wales, I confess I do not care of any effect on the Welsh language at all and if this adds to the cost of adopting this or any policy in Wales I am very much against it. I wonder if there is an ethnic cleansing going on in modern-day Wales that all that have lived in Wales and whose language is English will be regarded as second-class citizens within the next decade. Discriminated against for work, business, health care and social care.		
10	03/12/2018 10:06 AM ID: 101184447	Makes no difference		
11	03/12/2018 16:33 PM ID: 101233707	Not within my competence to comment.		
12	07/12/2018 18:36 PM ID: 101613005	all will benefit		
13	08/12/2018 14:37 PM ID: 101646888	Why is there going to be any effect? ?		
			answered	13
			skipped	5

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

			Response Percent	Response Total
1	Open-Ended Question		100.00%	11
1	27/09/2018	No mileage in this		

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

			Response Percent	Response Total
	09:05 AM ID: 95340467			
2	29/09/2018 15:09 PM ID: 95515467	Our residents' association has opportunities for all languages learners to embrace the Welsh history and way of life.		
3	04/10/2018 16:08 PM ID: 95935082	No views		
4	12/10/2018 10:47 AM ID: 96581207	I have made my comment above.		
5	19/10/2018 09:24 AM ID: 97182274	See above.		
6	19/10/2018 09:35 AM ID: 97184096	There is too much emphasis on the Welsh language when only a minority of the population use it.		
7	29/10/2018 21:09 PM ID: 98115911	I cannot see how there would be any effect on the Welsh Language.		
8	01/11/2018 21:39 PM ID: 98435905	Very simple check with the population what their communication preferences are English or Welsh could save the Welsh Government so much money and also Businesses, Local Authority's, NHS as well. I am curious why do you think the Welsh Language is treated no less favourable than English?		
9	03/12/2018 10:06 AM ID: 101184447	makes no difference		
10	03/12/2018 16:33 PM ID: 101233707	Not clear to me how this is relevant. I assume all your published information would and must be bi-lingual.		
11	07/12/2018 18:36 PM ID: 101613005	The majority of residents are [REDACTED] they are mainly responsible for the bill arriving at this stage.		
			answered	11
			skipped	7

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the space below to report them.

			Response Percent	Response Total
1	Open-Ended Question		100.00%	5
1	29/09/2018 15:09 PM ID: 95515467	PLEASE GET ON WITH IT.		

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the space below to report them.

			Response Percent	Response Total
2	12/10/2018 10:47 AM ID: 96581207	Personally I would prefer you to keep my details confidential as there could be repercussions from various UPO's and fraudulent use of my identity. Careful not cowardly.		
3	01/11/2018 21:39 PM ID: 98435905	I think I have covered all I want to say.		
4	29/11/2018 11:23 AM ID: 100854744	For any change to be effective all Politicians and any one else paid by the public need to demonstrate better management and better service delivery I suggest ISO standards are used to achieve and maintain those essential outcomes		
5	03/12/2018 16:33 PM ID: 101233707	The Minister's decision and presentation of her arguments are excellent and it is difficult to see how there could be any reasonable opposition, given the long lead time which allows full scope for site owners to cope without adverse effect on their business. I myself question why the decision should be expected to lead to a rise in site fees, and I am not sure site owners should be encouraged to think this. This effectively sanctions a rise in site fees as an offset to the reduction in commission charge, which shifts the commission burden from relatively few sellers to all lodge owners as annual fee payers, thus cancelling out the potential benefit of the reduction !		
			answered	5
			skipped	13

2. Submit your response

You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

			Response Percent	Response Total
1	Name		100.00%	18
1	27/09/2018 09:05 AM ID: 95340467	[REDACTED]		
2	27/09/2018 20:09 PM ID: 95395829	[REDACTED]		
3	29/09/2018 15:09 PM ID: 95515467	[REDACTED]		
4	01/10/2018 15:57 PM ID: 95636225	[REDACTED]		
5	04/10/2018 16:08 PM ID: 95935082	[REDACTED]		
6	12/10/2018 10:47 AM ID: 96581207	[REDACTED]		
7	19/10/2018 09:24 AM	[REDACTED]		

You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

			Response Percent	Response Total
	ID: 97182274			
8	19/10/2018 09:35 AM ID: 97184096			
9	29/10/2018 21:09 PM ID: 98115911			
10	30/10/2018 14:07 PM ID: 98179802			
11	01/11/2018 15:11 PM ID: 98383994			
12	01/11/2018 21:39 PM ID: 98435905			
13	29/11/2018 11:23 AM ID: 100854744			
14	03/12/2018 10:06 AM ID: 101184447			
15	03/12/2018 16:33 PM ID: 101233707			
16	07/12/2018 18:36 PM ID: 101613005			
17	08/12/2018 14:37 PM ID: 101646888			
18	11/12/2018 17:34 PM ID: 101939339			
2	Organisation (if applicable)		22.22%	4
1	29/09/2018 15:09 PM ID: 95515467			
2	01/10/2018 15:57 PM ID: 95636225			
3	04/10/2018 16:08 PM ID: 95935082			
4	29/11/2018 11:23 AM ID: 100854744			
			answered	18
			skipped	0

If you want to receive a receipt of your response, please provide an email address. Email address

			Response Percent	Response Total
1	Open-Ended Question		100.00%	12
1	27/09/2018 09:05 AM ID: 95340467	[REDACTED]		
2	29/09/2018 15:09 PM ID: 95515467	[REDACTED]		
3	01/10/2018 15:57 PM ID: 95636225	[REDACTED]		
4	04/10/2018 16:08 PM ID: 95935082	[REDACTED]		
5	12/10/2018 10:47 AM ID: 96581207	[REDACTED]		
6	19/10/2018 09:35 AM ID: 97184096	[REDACTED]		
7	30/10/2018 14:07 PM ID: 98179802	[REDACTED]		
8	01/11/2018 15:11 PM ID: 98383994	[REDACTED]		
9	01/11/2018 21:39 PM ID: 98435905	[REDACTED]		
10	29/11/2018 11:23 AM ID: 100854744	[REDACTED]		
11	03/12/2018 10:06 AM ID: 101184447	[REDACTED]		
12	03/12/2018 16:33 PM ID: 101233707	[REDACTED]		
			answered	12
			skipped	6

Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

			Response Percent	Response Total
1	Keep my response anonymous	<input checked="" type="checkbox"/>	100.00%	10
Analysis Mean: 1 Std. Deviation: 0 Satisfaction Rate: 0			answered	10

Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

	Response Percent	Response Total
Variance: 0 Std. Error: 0	skipped	8

Consultation Response Form

Your name:

Mrs Ros Pritchard, OBE, Director General

Organisation (if applicable):

British Holiday and Home Parks Association Limited

email / telephone number:

enquiries@bhHPA.org.uk / Tel: 01452 526911

Your address:

BH&HPA, Chichester House, 6 Pullman Court, Great Western Road, Gloucester GL1 3ND

Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		
2020		.
Other (please enter a year)		Not before 1 May 2021. See question 3.

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	x

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May 2021	X
	See question 3.

* The earliest year in which the change can take place if January, February or March are chosen is 2020.

COMMENT:

In communicating her Decision to the Welsh Assembly on 5 June 2018, the Minister for Housing and Regeneration made the public commitment that *“Reducing the commission rate gradually will help reduce the risks to the viability of some sites by providing site owners the time to adjust their business models to reflect this change, and I do accept that this adjustment may include increases in pitch fees for some.”*

If park owners are to be given any chance at all of making that adjustment, then it is essential that any pitch fee increase does not take place later than the commission reduction which it is designed to mitigate.

It is also essential that the timing of the commission reduction does not undermine community cohesion by forcing the parties into tribunal proceedings to determine the new pitch fee prematurely, whilst there is any possibility that these proceedings may be avoided.

Pitch fees are adjusted annually. Paragraph 17(3) of Chapter 2 of Schedule 2 of the Mobile Homes (Wales) Act 2013 requires the park owner to give at least 28 clear days’ notice of the proposals for the new pitch fee in advance of the review date. This means that the first reviews which will be able to take account of Regulations taking effect on 1 April 2019 are those taking place on or about 1 May 2019. Only by 30 April 2020 will park owners have had the opportunity to propose reviews for all agreements which would be affected by the first commission reduction.

The occupier does not have to take any steps in response to the proposal. Often the park owner will learn that a proposal has not been agreed only because the increase has not been paid. To avoid community cohesion being undermined more than necessary in these difficult circumstances, the timing of the change should give the parties a reasonable opportunity to establish whether there has been a misunderstanding and/or discuss the possibility of reaching an agreement before tribunal proceedings must be issued. As the park owner must apply to the tribunal for an order determining the amount of the new pitch fee no later than 3 months after the review date, the time for doing so in respect of pitch fee review dates in April 2020 will end in July 2020. We then estimate that proceedings would take between 6 and 9 months to determine, subject to any appeal. This means that pitch fee reviews which take the first adjustment proposed by the Regulations into account may not be determined until April 2021, subject to any appeal.

Accordingly, the first adjustment should not take place until May 2021.

Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	X
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?

Please choose all that apply:

Date of first reduction	X
Dates of subsequent reductions	X
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	X
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	X
Other (please enter below)	
<p>Guidance should explain the effect on pitch fees, how the law allows the site owner to propose an increase in pitch fees to compensate for loss of income resulting from the decision and the steps which the parties may take to reach agreement about the new pitch fee, or for the question to be determined.</p> <p>This is necessary to counter, for example, [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Such guidance should provide the greatest possible clarity to avoid acrimony and referrals to the Tribunal where compensatory pitch fee increases are proposed. It would also close the door to any rogue park owners seeking to exploit the change by proposing reviews which do not comply with the statutory guidelines.</p> <p>For example, the guidance might show possible ways for calculating compensatory increases by reference to the commission income which the particular park is likely to lose.</p> <p>See also our reply to question 5. If our suggested amendment applying this change to “new commission agreements” is agreed, then an explanation of that term should be given.</p>	

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	X
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	X
Communication from local authorities	X
Other (please enter below)	
Communication by Welsh Government via all possible media.	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force..

Should you have any comments on this draft please make them below:

Allowing the change to apply retrospectively to current agreements is particularly likely to fundamentally undermine the business model of many parks and to deprive them of any chance of adjusting this model to stay in business. Consequently, as with the new sales procedure introduced in 2014, we recommend that this change is focused on new agreements - by which we mean:

- new agreements issued by the park; or
- under current agreements, for the second sale under the new Regulations

This could be done by substitution the following amendment for the version which is currently proposed:

Amendment of Regulation 8 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014:

a) The Mobile Homes (Selling and Gifting) (Wales) Regulations 2014 are amended as follows:

For regulation 8 (maximum rate of commission payable on the sale of a mobile home) substitute-

“(8) (i) Where the agreement is a new commission agreement, the rate prescribed for the purposes of paragraph 9(4) and 10(8) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act is:

- a) 9% of the purchase price of the mobile home from xxx*
- b) 8% of the purchase price of the mobile home from xxx*
- c) 7% of the purchase price of the mobile home from xxx*

- d) 6% of the purchase price of the mobile home from xxx
- e) 5% of the purchase price of the mobile home from xxx

(ii) Where the agreement is not a new commission agreement, the rate prescribed is 10% of the purchase price of the mobile home

(iii) In these Regulations, "new commission agreement" means an agreement:

(a) which was made after the commencement of these Regulations, or

(b) which was made before, but which has been assigned after, that commencement.

A corresponding amendment will be required to the explanatory note.

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

None identified.

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

No suggestions to make.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

The related issues have already been reported to Welsh Government.

Consultation Response Form

Your name: [REDACTED]

Organisation (if applicable):


email / telephone number: [REDACTED]

Your address: [REDACTED]


Implementation of the Commission Rate

These questions relate to the timing of the change to the Commission Rate and what accompanying information is needed.

Question 1: So that site owners and residents have enough time to prepare for the change, which year would you prefer the first percentage reduction in the commission rate to occur? Please indicate your preferred option and a brief explanation of why that is your choice:

Date	Choice	Comment
2019		Should be as soon as is possible
2020		
Other (please enter a year)		

Question 2: It is our view that bringing in a change to the rate in April to coincide with the financial year would be the best approach. Do you agree with this?

Yes	
No	

Question 2 (a): If no, then which month would you prefer the new rate to come into force? Please indicate your preferred option:

May	
June	

July	
August	
September	
October	
November	
December	
January*	
February*	
March*	

** The earliest year in which the change can take place if January, February or March are chosen is 2020.*





Question 3: What The Welsh Government is also considering producing non-statutory guidance to ensure all parties are clear about the change?

Do you think this would be useful?

Yes	
No	

Question 3 (a): If you said yes, what should the guidance which accompanies the reduction in the rate contain?




Please choose all that apply:

Date of first reduction	
Dates of subsequent reductions	
Clarity on which maximum rate applies depending on when a sale goes through (potentially including worked examples).	
Further clarification, for sellers, buyers and site owners, on who pays the commission rate, and to whom	

Other (please enter below)

Question 4: How should any changes to the prescribed commission rate change be communicated to site owners, residents and prospective buyers, as well as any other interested parties who may be involved in park homes (estate agents, solicitors etc.)?

Please choose all that apply:

Information leaflet	
Communication through representative bodies (British Holiday and Home Parks Association, the National Caravan Council, National Association of Park Home Residents, Independent Park Home Advisory Service etc.)	
Communication from local authorities	
Other (please enter below) This must be communicated ONLY from the Welsh Government and local authorities. Any communication from representative bodies is likely to be biased and consequently inaccurate.	

Question 5: Attached are the draft regulations which will need to be agreed by the Assembly before any change in the commission rate comes into force..

Should you have any comments on this draft please make them below:

Question 6: We would like to know your views on the effects that the Mobile Homes (Selling and Gifting) (Amendment) (Wales) Regulations 2019 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

What effects do you think there would be? How positive effects could be increased, or

negative effects be mitigated?

I do not envisage any problems with the use of the Welsh language provided that the regulations are accurately translated.

Question 7: Please also explain how you believe the proposed regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

As for my answer to Question 6, I see no difficulties language-wise.

Question 8: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Mae'r ddogfen yma hefyd ar gael un Gymraeg/ This document is also available in Welsh.