

MOBILE HOME RESIDENTS FORUM

Monday 10 September 2012

Present:-

Councillors Bull, Hannaford, D J Henson, Leadbetter and Morris

Also Present:-

Assistant Director Environment and Member Services Officer (HB)

Also Present:-

Val Ewings	-	Exonia Park
Jan Grundy	-	Exonia Park
Geoff Threlfall	-	N.A.P.H.R
Wendy Threlfall	-	N.A.P.H.R.
Alan Southard	-	Newport Park
Dave Heathershaw	-	Ringswell Park
Pam Heathershaw	-	Ringswell Park
Malcolm Thomas	-	Rngswell Park
Julie Wale	-	Ringswell Park

Also Present – Cornwall County Council

Councillor Derris Watson

Mark O'Brien

Tony Turner – Chair of St. Dominick Park Residents Association

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APOLOGIES FOR ABSENCE

These were received from Councillors Baldwin and Haycock, Martin Fisher, Colin Hughes and Keith Williams.

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MINUTES OF THE MEETING HELD ON 23 MAY 2012

The minutes of the meeting held on 23 May 2012 were taken as read and signed by the Chair as correct.

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TIM SELLEY OF CROSSE AND CROSSE

The Chair welcomed Tim Selley of Crosse and Crosse who had significant experience in matters relating to mobile homes. He spoke on legal issues relating to mobile home parks and updated the Forum on current legislation.

He advised that a Residential Property Tribunal had been established which now dealt with the majority of disputes formerly considered by the Courts. The Tribunal was based at Chichester but often sat in the area where the dispute originated. It was often chaired by a Solicitor and with representatives from appropriate organisations including very often a surveyor who might also chair. As it was a new body, cases had only recently started to be considered and the decision making process developed. The decisions of the Tribunal could be viewed online - <http://www.justice.gov.uk/tribunals/residential-property>

The most common issues were pitch fee increases and “sale blocking”, with greater success achieved of late in respect of the latter - compensation of £13,000 had been ordered in respect of a Cambridge property. The site owners, who always ensured strong legal representation at court, invariably sought to recover costs but were rarely successful. In addition, they delayed matters and protracted negotiations as much as possible to extend the length of time in the hope that residents would drop their cases.

A Private Members Bill introduced by Peter Aldous MP was to receive its second reading on 19 October but had not been published yet. The main focus was “sale blocking” and the introduction of stronger licensing conditions. It would also seek to limit the ability of the owners to insist on annual index linked fee increases. Although the Residential Property Tribunal was working well, the Bill sought to tweak its operation. It was hoped that Grant Shapps MP’s transfer from Minister of State for Housing and Local Government in the recent re-shuffle would not impact on the Bill’s journey through Parliament.

It was unclear, at present, which aspects of the Bill would be covered by primary or secondary legislation. The fee to cover a Tribunal case was £150 or less but was expected to rise, possibly even as high as £500.

Responding to a Member who felt that local authorities had insufficient powers with regard to park home sites, he stated that the Select Committee examining the Bill had received representations from many local authorities including Exeter City and Cornwall County Council, Cornwall Trading Standards and other bodies and had recognised that enforcement procedures were largely ineffective and it was hoped that legislative changes would bolster the ability to enforce. One aspect that would, it was hoped, be strengthened would be the ability for Councils to undertake work on site and charge for this work.

The Chair thanked Tim Selley for his advice and update. She remarked that she had contacted the President of the Southern Tribunal Service who was prepared to speak to the Forum but had suggested that this could better be undertaken as a joint presentation with other Forum’s sometime in 2013. By that time the nascent Cornwall Forum should have been established.

TERMS OF REFERENCE/ CONSTITUTION

The Chair introduced the draft terms of reference.

She highlighted that it was proposed that the four Exeter Park Home Sites be allocated up to three representatives and Councillor Hannaford suggested that the respective Devon County Councillors in whose districts the parks were located should also be members of the Forum. It would be up to the park residents themselves, possibly in consultation with their local Councillors, to appoint representatives. Three meetings a year were proposed with each meeting to focus on specific topics as far as possible. The emphasis of meetings should be on general issues rather than individual cases.

Tony Turner of Cornwall’s St Dominick Park Residents’ Association felt that police representation on the group would be beneficial. Because the homes were on private land the Police, in some Force areas, did not visit unless specific problems were reported. Officers trained in diversity matters could be appropriate given that some residents were elderly and vulnerable.

A Member remarked that pressures on Police resources were significant and that attendance on a regular basis could be difficult. The Chair stated that the terms of reference included reference to inviting representatives of other statutory agencies as appropriate but undertook for this request to be considered further.

The minutes of meetings would be published on the City Council website and the park representatives advised of their publication.

The Assistant Director Environment, in response to Malcolm Thomas, confirmed that an article on the creation and remit of this forum could be included in a forthcoming edition of the Citizen.

RESOLVED that:-

- (1) the terms of reference and constitution of the Mobile Homes Residents Forum be adopted;
- (2) Councillor Morris be appointed Chair for the two year period commencing from the date of this meeting; and
- (3) Councillor DJ Henson be appointed Deputy Chair for the two year period.

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UPDATE OF PORTFOLIO HOLDER FOR HOUSING AND COMMUNITY INVOLVEMENT - COUNCILLOR HANNAFORD

Councillor Hannaford reported on his meeting with the Council's Assistant Director Environment and legal staff to increase the inspection regime and seek to take further legal action where sufficiently robust evidence is obtained.

The Assistant Director Environment referred to previous instances where legal action had been taken against site owners. The process was often protracted and the use of licensing powers was not straightforward. There were other enforcement measures which often resulted in greater success such as action under the Health and Safety at Work etc. Act 1974.

Mr Turner referred to advice he had received from Cornwall County Council Trading Standards that local authorities had no control over the requirement for site owners to obtain and display copies of public liability insurance. He referred to a specific case which had received no response from a site owner and which had now been referred to Crosse and Crosse. He also referred to wider but less obvious illegal activities by site owners which were not challenged.

Mr Thomas mentioned the lack of parking spaces at Ringswell Park and he also referred to a recent rat problem.

The Assistant Director Environment confirmed that a site inspection at Ringswell would take place.

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UPDATE ON CURRENT LEGISLATION

The Assistant Director advised that it was hoped that legislation would support a more robust licensing regime and that it would become more self financing. In addition, the introduction of Improvement Notices such as was commonly used by Environmental Health Officers in dealing with poor private sector housing, would be of great assistance – such notices allowed prosecution for non-compliance within a time-scale and for the un-complied works to be carried out in default and costs recovered. Additionally, there was a proposal that a 'fit and proper' person

requirement could be introduced on a similar basis as legislation relating to licensed premises and houses in multiple occupation, should the need arise in future.

Model conditions had been introduced and these could be applied to Exeter's parks to improve standards, where appropriate. The current conditions required updating in some cases, those of Exonia, for example, having been provided by Teignbridge District Council prior to boundary reorganisation. Conditions for all four Exeter Sites would be reviewed in consultation.

In response to Mr Thomas who advised that rubble, rubbish etc was being left to accumulate on one of the pitches he emphasised the importance of robust evidence being needed to pursue a prosecution for a licence breach. This may rely on evidence from a witness such as a resident in order to prove a breach beyond reasonable doubt. Often people were reluctant to give such evidence for fear of retribution. Where the Council had good evidence then it was not afraid of taking enforcement action.

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VIEWS OF REPRESENTATIVES FROM CORNWALL

Councillor Watson referred to housing initiatives undertaken at Cornwall County Council arising from the recommendations of a housing task group which reported to the Overview and Scrutiny Committee. These included a pilot for providing insulation at Park Homes as park of Green Cornwall.

Mr O'Brien reported that there were 1,000's of park homes in Cornwall in some 30 parks, some better run than others. The Overview and Scrutiny Committee had initiated the formation of a Park Forum which he was co-ordinating at corporate level through the Chief Executive Office to bring together the various departments and Council services as well as the voluntary and community sector.

The forum was in the early stages of formation and current issues included:-

- fuel poverty;
- joint procurement;
- sharing of resources by using skills of residents themselves;
- development of a community resilience plan to combat, for example, harsh weather conditions; and
- the publication and circulation by the end of the year of a residents' guide - the draft would be forwarded to Exeter City Council.

Mr Thomas stated that Ringswell Park provided a welcome pack to all new residents.

The Chair thanked the Cornwall representatives and suggested that, after the initial meetings of the new Cornwall Forum, representatives of the Exeter Forum could sit in on one of the subsequent meetings. This could be linked to the proposed presentation by the President.

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ITEMS FOR FUTURE MEETINGS

The Chair invited suggestions for topics for consideration at future meetings. The following were suggested:

- Trading Standards presentation. Councillor Leadbetter undertook to ensure that Devon County Council Trading Standards were in contact with Mr Thomas of Ringswell; and
- Representative of the Police.

FUTURE MEETINGS

Meetings for 2013 have been arranged for:-

Monday 28 January 2013;

Monday 27 May 2013

Monday 23 September 2013

starting at 2.15pm in the Civic Centre.

(The meeting commenced at 2.50 pm and closed at 3.50 pm)

Chair