

MOBILE HOME RESIDENTS FORUM

Wednesday 23 May 2012

Present:-

Councillors R M Hannaford, D J Henson, Leadbetter and Morris

Also Present:-

Environmental Health Manager, Member Services Officer (HB)

Also Present

Geoff Threlfall	- N.A.P.H.R
Wendy Threlfall	- N.A.P.H.R.
Val Ewings	- Exonia Park
Colin Hughes	- Exonia Park
Alan Southard	- Newport Park
Malcolm Thomas	- Ringswell Park
Graeme Guy	- Ringswell Park

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APPOINTMENT OF CHAIR

Councillor Morris was appointed Chair of the Forum.

She stated that there were four sites within the Council's jurisdiction, Exonia, Newport, Ringswell and Rydon and that all possessed similar concerns and problems.

It was noted that Rydon had not sent a representative and that Newport Park, although with a resident in attendance, did not possess a Residents' Association.

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PORTFOLIO HOLDER FOR HOUSING AND COMMUNITY INVOLVEMENT

Councillor Rob Hannaford as Portfolio Holder stated that the Council was keen to bring together the residents of the parks to discuss ongoing problems and to seek solutions. He touched on issues such as rockfalls and poor maintenance and referred to previous attempts by the Council to seek redress through the courts.

It was noted that both the City Council and Ben Bradshaw MP had made representations to the Communities and Local Government Committee which had been asked by the Government to identify key concerns and, where it feels necessary, examine the need for change to current legislation in relation to Mobile Park Homes and Park Sites.

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PRESENTATION BY WENDY THRELFALL, ACTING CHAIR OF THE NATIONAL ASSOCIATION OF PARK HOME RESIDENTS ABOUT THE WORK OF THE NAPHR

Wendy Threlfall reported widespread difficulties in respect of mobile home parks. Those parks which had been sold on by family interests to corporate owners were often those experiencing the greater difficulties. There was a need for further

legislation to help protect these residents. It was hoped that the current review being undertaken would help tighten procedures and Brian Dioch, the president of the National Park Home Residents' Association, was providing valuable evidence at Westminster. A Lib Dem MP had introduced a motion on this issue during the previous Labour Government who had been supportive as was the current Government. There was therefore all party support for tightening regulations and Grant Shapps, the Minister for Housing, was backing the need for change. Gary Streeter, her local MP was also closely involved. She also stated that support from the more reasonable park owners would be of significant help.

There was an ongoing disregard for licence conditions from the more disreputable owners some of whom used unacceptable tactics with many residents feeling intimidated. If kept under close scrutiny, maintenance works etc. were undertaken but, in some cases, little goodwill was experienced by residents.

She urged joint action by local Councils as the best way forward to ensure that licence conditions were met. There were a number of sites in the south west including Bickleigh North Devon, Swindon, Hereford, Chudleigh Knighton, Taunton and Okehampton. However, site licence conditions differed between local authorities.

She referred to her home at a Park in Plymouth where on going maintenance problems such as pot holes, uncut grass etc. had led to the residents undertaking their own works and submitting a bill of £13,500 to the site owners. This had been ignored. Owners often undertook expensive legal action to prevent residents succeeding in their action even though the costs would sometimes exceed the actual costs of remedial works.

In Exeter, there had been a long standing issue in respect of Mr Small, the owner of Ringswell Park. He was an example of a large scale concern, owning a number of other parks in the South West. Malcolm Thomas of Ringswell confirmed that the licence conditions were ignored to a large extent and also referred to Mr Small's conduct in challenging the integrity of a Trading Standards Officer in court. At Ringswell, the owner had decided to utilise the square, currently used for parking, for two additional homes which would lead to the loss of five parking spaces. Additional parking spaces were to be provided by hard surfacing part of the existing green area. Only 19 car parking spaces remained out of the 50 initially provided.

He reported that the site boundary fence was in a poor state of repair. He also referred to the owner's intention to introduce a one way system in the Park which he felt was unworkable. He referred to a number of breaches of site licence conditions such as a failure to display the name and address of the licence holder and the public liability being out of date.

Cornwall County Council was pursuing legal action against Mr Small under the Enterprise Act 2002, in respect of a Park in their area in conjunction with Trading Standards and had offered to take on prosecutions other Council's wished to pursue against Mr Small, subject to sufficiently robust evidence being provided.

Although site owners had proved obstructive in the past towards visits by both Council officers and Councillors, it was noted that Mr Small had agreed to meet Councillors Morris and D Henson on site. Councillor Leadbetter also undertook to meet Mr Small.

At present the only recourse available to local authorities in the event of licence conditions being breached was prosecution, the most expensive and time consuming form of enforcement which did not necessarily resolve the issues subject

to the action. Councillor Hannaford and Keith Williams referred to a previous Court case relating to the site licence against Mr Small taken by the City Council which had been expensive and long running, lasting approximately three years. The Council's required conditions had not all been met, especially those in respect of double homes.

It was noted that the adoption of the standard conditions was subject to the willingness of the owner to co-operate.

In response to a query, Keith Williams stated that licenses were granted in perpetuity. A time limit on the licence, would give local authorities a level of control. The need to renew the licence after a certain term would be a positive incentive for site owners to maintain their sites. It was hoped that any new legislation would set a time limit and require the owner to re-apply for a licence after a certain time period.

Councillor Henson identified enforcement of site conditions as a key issue. The introduction of forms of enforcement would provide an incentive for local authorities to enforce standards more actively. Enforcement activity could be seen by site owners as fairer than jumping straight to prosecution. Default provisions associated with the enforcement notices, whereby the local authority could undertake the works specified in the default of the site owner and then recover the cost, would also help ensure that defects are rectified. The current revocation provisions were ineffective and too narrow, with the result that they have never been used. The requirement for two successful prosecutions for breach of conditions before an application could be made was limiting.

Other problems

Colin Hughes stated that the Exonia Park owner was yet to provide netting to prevent further rockfalls even though the remainder of the rock face had been fenced (by Wimpey, as part of the negotiations in respect of the housing development on top of the cliff). He had been advised to record future incidences of rock falls. Similarly, no skip had been provided on site for garden waste etc. disposal, the residents having been advised to tip waste in the field at the top of the site.

Mr Southard of Newport Park expressed concern that prosecutions, whether successful or not, could lead to repercussions for the residents. It was noted that the Police were adopting a more robust approach indicating that the behaviour of some owners could merit taking criminal rather than civil action. Mr Southard had been a fire officer in his last employment and he felt that fire precautions were not sufficiently robust. It was noted that most parks possessed hoses.

Wendy Threlfall advised that owners had been known to discourage residents from seeking insulation grants and from setting up residents' associations. She undertook to circulate leaflets on setting up Park Residents' Associations to residents of both Newport and Rydon Lane Parks. She acknowledged the difficulties facing Councils because of limited funding and insufficiently robust legislation. Increased use was being made of the Residential Property Tribunal Service where a fee of £150 was required in order to put a case. Where the owners failed to abide by Tribunal rulings the matter could be reported to the Courts.

It was agreed that ward councillors and Keith Williams examine evidence to see if prosecutions either by the City Council or Cornwall County Council could be instigated. Councillor Hannaford was keen not to delay matters and hoped that there was sufficient evidence to begin prosecutions, Devon Trading Standards also

to be involved. He stated that the rock fall issue at Exonia was clearly a health and safety matter.

Councillor Morris confirmed that the Council had commented in a lengthy paper to the select Committee and would respond further before the final deadline of 28 May. The timescale for the introduction of new legislation was unclear. In terms of the consultation process it was important for as many residents as possible to respond.

4 **FEEDBACK ON NOTABLE EVENTS SINCE THE LAST MEETING ON 28 NOVEMBER 2011**

The Chair invited comments on issues raised at the inaugural meeting of the Residential Park Homes Forum. These had largely been picked up in the previous minute. Malcolm Thomas stated that at the meeting on 28 November Bob Norley, the Assistant Director Environment, had asked for issues to be set out in order for enforcement measures to be undertaken where appropriate. However, he felt that there had been little change in the position.

5 **CONSIDERATION OF THE BENEFIT OF INTRODUCING MODEL STANDARD CONDITIONS ON ALL PARKS WITH THE EXCEPTION OF RINGSWELL PARK**

The ideal position would be for a set of conditions, containing the absolute minimum requirements, (for example the need to display test certificates, the provision of fire precautions, spacing etc.) to be introduced which could be attached to the licence upon renewal. Consideration was given to the model conditions attached to the agenda which ideally should be introduced into all parks.

Mrs Ewings stated that the introduction of model conditions was the preferred way forward but that, without positive enforcement measures in respect of the more recalcitrant owners, these measures would have little impact. Councillor Henson reiterated that enforcement was the key issue. He also referred to planning controls but it was noted that the parks operated under their own rules and were not subject to planning intervention.

It was suggested that a representative of the Residential Property Tribunal Service be invited to send a representative to address this Forum or, alternatively, a City Council solicitor could address the group.

AGREED that a representative of the Residential Property Tribunal Service be invited to attend the next meeting of this Group.

6 **DATE OF NEXT MEETING**

The next meeting would be held at 2.15 pm on Thursday 20 September 2012.

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

Chair