

EXETER CITY COUNCIL
SCRUTINY COMMITTEE - COMMUNITY
5 MARCH 2013

PARK HOMES FORUM

1. PURPOSE OF THE REPORT

- 1.1 This report informs Members about the establishment of a Forum for residents of mobile home sites in the city giving those residents a voice. The Forum will also assist residents to identify key issues of local concern.
- 1.2 In addition the Forum will provide information and advice to residents which will empower them to develop new initiatives and help them to foster better relationships with site owners.

2. BACKGROUND

- 2.1 The City Council has a duty to license permanent residential mobile home sites (park home sites) under the Caravan Sites and Control of Development Act 1960.
- 2.2 Currently there are four sites licensed by the City Council; Newport Park, Exeter Road, Exonia Park, Dunsford Hill, Rydon Park, Rydon Lane and Ringswell Park, Sidmouth Road. These four parks are licensed for a total of 550 mobile homes.
- 2.3 The licenses are granted subject to conditions imposed by the Council which specify the lay-out of the sites, in respect of minimum spacing between homes, and the provision of facilities, services and equipment. These conditions are broadly based on 'Model Standards' published by central government. The most recent Model Standards were published in 2008.
- 2.4 Enforcement of these conditions is the role of the City Council and is normally achieved through negotiation with site owners. If this fails to achieve compliance with conditions the only sanction available to the Council is criminal prosecution. This course of action has been taken in respect of one site owner in recent years but has not resulted in significant improvements being made to the site.
- 2.5 The sites themselves are privately owned by limited companies, trusts or partnerships. The site owners lease 'pitches' to the residents, the vast majority of whom own their own mobile homes. The residents each have a legal agreement with the site owners which contain terms and conditions
- 2.6 The agreements contain implied terms, which are set out in the law, covering such matters as the duration of the agreement, rights of termination, recovery of overpayment in the event of termination and the rights to sell or gift homes.
- 2.7 The entitlement of site owners to receive commission from the sale of mobile homes on their sites is also covered by the implied terms of the agreement.
- 2.8 The agreements also contain express terms which vary from park to park and will cover such matters as pitch fees, service charges, and details about maintenance responsibilities for the site and the homes.

- 2.9 In addition to these agreements residents are bound by Park Rules set by the site owners which cover matters such as the minimum age of residents, occupation of homes by children, pet ownership etc.
- 2.10 Disputes between the site owners and residents in respect of the terms of the agreements and park rules are outside the scope of the Council's enforcement powers and can only be resolved by means of civil proceedings pursued either by the owners or residents themselves. Council officers would only become involved in these matters if called as witnesses in a civil action.
- 2.11 As a generality the residents of mobile homes are over retirement age and on low incomes. In that respect they can be considered to be vulnerable. In addition many do not fully understand their legal rights and responsibilities. As a result residents could be exposed to sharp business practices by site owners.
- 2.12 This has been acknowledged by the Government which recently gave residents the legal right to form residents associations in order for mobile home residents to negotiate collectively with their site owners in respect of their agreements, increases to pitch fees etc. Site owners are not obliged to recognise associations unless at least 50% of the residents are members. At present only two of the sites have recognised associations, Ringswell Park and Exonia Park.
- 2.13 In response to national publicity about the unscrupulous business practices of a small minority of mobile home site owners, who are able to exploit loop holes in the current legislation in order to seriously disadvantage home owners, the Government launched a Select Committee Enquiry during 2012. The Enquiry resulted in the publication of the Mobile Homes Bill 2012-2013 which is currently at its second reading stage in the House of Lords. If enacted the new Act will radically improve the protection for mobile home residents and will change the enforcement powers available to local councils by introducing the power to serve legal notices to undertake the necessary works to ensure compliance with licence conditions, rather than having to go straight to prosecution, and the power to undertake the works necessary to comply with these notices in default of site owners in the event of them failing to comply.
- 2.14 In order to assist and support the residents of mobile homes, particularly in the changing legislative landscape, the Council has established a Forum for mobile home residents. The terms of reference (Appendix 1) have been agreed and initial meetings have been attended by representatives from three of the mobile home sites, Members, Officers and most recently a representative from the Devon and Cornwall Police.

3. RECOMMENDED

That Members note the establishment of the Exeter City Council Park Home Forum.

ASSISTANT DIRECTOR ENVIRONMENT

S:PA/LP/ Committee/313SCC1
13.2.13

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

None