



MOBILE HOME RESIDENTS FORUM
Monday 3 November 2014 at 2.15 pm
(informal meeting from 1.45pm)
Rennes Room, Civic Centre, Paris Street, Exeter

	Pages
1 Apologies for absence	
2 Minutes of the meeting held on 28 April and 11 August 2014	3 - 12
3 Winter Ready Initiative - Caroline Aird, Age UK Exeter	
4 Presentation by Antony Tregenna - LEASE Park Homes Advice	
LEASE is a Non-Departmental Public Body funded by the Government to provide free legal advice relating to Park Homes in England. LEASE Park Homes Advice is funded by the Department for Communities and Local Government (DCLG).	13 - 20
5 Items for future meetings	
6 Dates of future meetings:	
<ul style="list-style-type: none">Monday 27 April 2015 at 2.15pmMonday 26 October 2015 at 2.15pm	

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MOBILE HOME RESIDENTS FORUM

Monday 28 April 2014

Present:

Councillor Heather Morris (Chair)
Councillors D J Henson

Also Present:

Jan Grundy	- Exonia Park
Graeme Guy	- Ringswell Park
Val Ewings	- Exonia Park
Steve Porter	- Exonia Park
Alan Southard	- Newport Park
Malcolm Thomas	- Ringswell Park
Wendy Threlfall	- National Association of Park Home Residents
Geoff Threlfall	- National Association of Park Home Residents
Julie Wale	- Ringswell Park

Also Present:

Environmental Health Manager and Assistant Democratic Services Officer (Committees)

In Attendance:

Caroline Aird	- Age UK Exeter
Colin Anderson	- J & J Crump & Son
Denise Dearden	- Trading Standards
Inspector Tanya Youngs	- Devon & Cornwall Police

1

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Baldwin.

2

MINUTES OF THE MEETING HELD ON 9 DECEMBER 2013

The minutes of the meeting held on 9 December 2013 were agreed.

3

MOBILE HOMES INSULATION - COLIN ANDERSON FROM JJ CRUMP

The Chair welcomed Colin Anderson from J & J Crump & Sons.

Colin Anderson gave a presentation on Park Homes specialist insulation systems.

Although there is no funding from ECO for park homes at present, this was likely to be introduced in late summer.

An energy survey can be provided at a cost of around £60-90, but this will be taken off the cost of the insulation if the decision is taken to proceed, and this will be the only up-front cost.

In response to a question as to whether the insulation is suitable for aluminium walls, Colin Anderson responded that it should be suitable, but he would check.

In most cases windowsills would be replaced.

Councillor Morris referred to the Green Deal and that she was aware of one firm operating in Exeter allegedly Green Deal approved. The Green Deal logo can be found on the last page of the presentation (attached to the minutes).

Colin Anderson advised that the U-Value of park homes is usually provided in the manufacturers brochure. However, if this is not available, the manufacturer can be contacted direct if still in existence, or another alternative is to approach other owners with the same type of park home. A chartered surveyor can also be contacted to carry out a survey, although there would be a cost to this.

Leaflets were provided.

The Chair thanked Colin Anderson for his presentation.

4

SALE BLOCKING - TRADING STANDARDS

Denise Dearden attended the meeting to discuss sale blocking.

However, representatives at the meeting advised that it was not now particularly an issue since the new legislation had come into force.

Denise advised that she could be contacted if any problems occur and useful information could be found on their website - <http://www.devonsomersettradingstandards.gov.uk/>

A member requested information on how to find out whether cold calling companies or those that distribute flyers are genuine. Denise advised that their website held information on how to check if companies are legitimate and how to check if businesses or charities are registered.

Caroline Aird advised of an ECO scheme for boiler replacement for those with broken mains gas boilers.

The Chair introduced Inspector Tanya Youngs, who encouraged reporting to the Police, as her role sits around quality of life and anti-social behaviour.

A current scam was highlighted that was targetted at older people, particularly in the Torquay area. Telephone calls were being received advising that there had been a fraud in their bank and asking customers to withdraw their money straight away. They requested customers to call them back to verify their identity thinking that they had connected to the bank. Once cash is withdrawn in person, a taxi or courier is waiting to take it to a 'safe place'. There had been over 20 victims in the Devon & Cornwall area. Inspector Youngs reiterated that banks will never call and request details from you, and encouraged Forum members to spread the message.

5

FUTURE MEETINGS OF THE FORUM

Councillor Morris asked members of the Forum for views on how beneficial they found the meetings.

Members felt that the Forum was a useful tool for obtaining information and that it was good that they had a voice. Attendance from the Police and Age UK was welcomed.

It was also a useful way to make contacts, eg following the Fire Service presentation at the last meeting, a presentation was arranged for residents.

Members felt that the Forum was moving in the right direction and that they were more supported.

Inspector Youngs enquired as to whether it would be more useful to have a police presence at residents meetings or at the Forum. It was noted that PCSOs do attend residents meetings when invited. Inspector Youngs asked for any feedback if representation from the police is not consistent as there was a specific role around reassurance and she needed to be confident that PCSOs understand the issues. It was noted that PCSOs visited Ringswell Park on a regular basis.

Councillor Morris put forward the suggestion that the number of meetings be reduced to twice a year. However, the Terms of Reference stated that extraordinary meetings may be called where necessary.

Members of the Forum agreed to reduce the number of meetings to twice a year and the Terms of Reference would be amended.

Councillor Morris also advised that, as stated in the Terms of Reference, the position of Chair shall be held for no more than two years, without re-election. Therefore at the next meeting, an item shall be placed on the agenda to elect a new Chair.

6 **DISCUSSION/IDEAS - HOW TO ENCOURAGE OTHER PARK HOMES SITE MEMBERS TO ATTEND**

Councillor Morris asked Forum members for suggestions as to how to encourage other members to attend. There is currently no representation from Rydon Park.

It was suggested that an article could be placed in the Citizen.

Keith Williams advised that he had spoken to the owners of Rydon Park to suggest representatives, but had not yet received a response.

Newport Park does not have a residents association.

Councillor Morris would ask Councillor Hannaford, as Portfolio Holder, for his thoughts.

7 **DISCUSSION - ANNUAL MEETING WITH OTHER PARK HOME RESIDENTS WITHIN OTHER AREAS, IE THE FIRS, PATHFINDER VILLAGE, CAT & FIDDLE - CAN THE COUNCIL ORGANISE OR ASSIST IN THIS AREA?**

Councillor Morris suggested whether an annual meeting with other park home residents within other areas would be beneficial.

Members advised that they had attempted to do something similar 3-4 years ago, but it did not progress any further.

A Mobile Homes Roadshow was taking place in Cullompton on 1 May, and feedback would be sought at a future meeting as to whether this was useful.

Contact would be made with representatives from South Hams, who attended the last meeting as observers, to see if they found it informative.

8

LICENCE CONDITIONS (WITH EFFECT FROM 1 APRIL 2014)

Members requested that all reference to 'caravans' should be changed to 'park homes'.

Reference was made to the proposal for park owners to reclaim proposed licence fees through the pitch fee paid by residents. Keith Williams advised that the legal advice he had been given was that it will not affect those sites that had a current site licence as the licence was in existence when the changes came into force.

However, park home residents were of the view that it will be added to the pitch fee as park owners were required to apply for a new licence. Keith Williams would obtain clarification and information would be emailed with the minutes.

Exonia Park

The Licence Conditions were agreed.

9

Rydon Park

The Licence Conditions were noted.

10

Ringswell Park

It was noted that all Licence conditions, except Ringswell Park stated that 'roads, communal footpaths and pavements shall be adequately lit, at the park owners' expense...'. Ringswell Park's conditions, however, omitted 'at the park owners' expense'. It also stated that where a porch is installed, only one door may be permitted at that entrance to the home, either on the porch or on the home. The constraint of only having one door had been removed from other park conditions. However, this site licence had been set by the Court.

The park owner will need to approach the City Council in relation to changes to the site licence once planning permission had been granted for the expansion of the site.

11

Newport Park

The Licence Conditions were noted.

12

PARK RULES

Keith Williams advised that he had written to all park owners, and a consultation paper should be sent to residents of all Parks. Once approved, these would be lodged with the Council.

Park Rules for all sites would be discussed in more detail at the next meeting. Wendy Threlfall suggested that Brian Doick, the President of NAPHR could be invited to the meeting.

13 **Newport Park**

There is now a requirement to provide construction details of sheds for the owners' consideration.

14 **PLOT PLANS**

An independent surveyor would produce the plot plans, which would be held within the Site Licence.

15 **ITEMS FOR FUTURE MEETINGS**

Election of Chair and Park Rules will be the only items on the August agenda.

16 **DATES OF FUTURE MEETINGS**

The date of the next meeting was noted as Monday 11 August at 2.15pm.

(The meeting commenced at 2.15 pm and closed at 3.37 pm)

Chair

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MOBILE HOME RESIDENTS FORUM

Monday 11 August 2014

Present:

Councillor Heather Morris (Chair)
Councillors Henson, Bull and Leadbetter

Also Present:

Graeme Guy	Ringswell Park
Val Ewings	Exonia Park
Jan Grundy	Exonia Park
Alan Southard	Newport Park
Malcolm Thomas	Ringswell Park
Geoff Threlfall	National Association of Park Home Residents
Wendy Threlfall	National Association of Park Home Residents
Julie Wale	Ringswell Park

Also Present:

Environmental Health Manager and Assistant Democratic Services Officer

In Attendance:

Brian Doick	President, National Association of Park Home Residents
Sheila Doick	National Association of Park Home Residents
Sheila Welsh	Ringswell Park
Denise Dearden	Trading Standards (for Min. Nos. 13-15 only)

13

ELECTION OF CHAIR

Councillor Morris was re-elected as Chair, and Councillor Henson was re-elected as Deputy Chair.

14

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Baldwin, Councillor Hannaford and Caroline Aird (Age UK).

15

TRADING STANDARDS

Denise Deardon made available copies of doorstep crime information leaflets for distribution which included a 'no cold callers' sticker. She also had copies of her business card for contact details.

16

PARK RULES - BRIAN DOICK, PRESIDENT OF NAPHR

The Chair welcomed Brian Doick, President of the National Association of Park Home Residents to the meeting to discuss the latest Government proposals on changes to Park Rules.

The Park owner has until 3 February 2015 to bring new Park Rules into force. If the park owner has not completed the process by this time, the Rules currently in existence will be void.

The procedure by the Park owner is as follows:

- The park owner needs to supply the proposal notice to each individual resident and the residents association, which must be signed and hold the address of where responses can be sent. This is a consultation process only.
- There will then be a 28 day period in which to respond. It was suggested that residents respond as a group, with reasons as to why any rules are not agreed.
- Within the next 21 days the park owner needs to respond with the results of the consultation. This will include how many residents had responded, how many were in favour/against a park rule and whether it will stand or not.
- A further 28 days is then available for the residents to make an application to a tribunal if there is no agreement. The tribunal decision will be final.
- The park owner needs to submit the master copy of the Park Rules to the local authority. These will be kept on a register and can also be placed on their website.

The park owner cannot change the rules without going through the whole procedure again. If an individual is issued with a copy of park rules that differ from that lodged with the local authority, eg a new resident, the owner can be prosecuted. New home owners cannot challenge the rules when it has been agreed with other residents.

If the park owner does not start the process by 1 October 2014, it will be very difficult to complete the process by February 2015.

An important factor to take into consideration is that the rules should be necessary.

There are a number of prohibited rules, eg any rule which interferes with the sale of a home - in some cases park owners refused to permit sale boards on site. Any discretionary rules, such as 'dogs are permitted with the permission of the park owner' are prohibited - the rules have to state either it can or cannot be done.

Any rules which are, in any case, a criminal offence, do not necessarily need to be included in the park rules.

However, there was some discussion on rules in relation to the requirement of driving licences and tax/insurance on private land. If vehicles are not taxed, the park owner can assume this to be an abandoned vehicle and remove it. Reference was made to some untaxed cars on a particular site. If this is in breach of the current rules, Brian Doick explained that it is the responsibility of the residents to report this to the site owner.

The local authority has the right to make a charge for the deposit of the master copy, but park owners cannot pass these charges on to residents.

If the owners are in breach of the rules, they can be prosecuted as it is a legal requirement. Under new licensing regulations they can be charged an unlimited figure. If there is a failure, the residents need to bring this to light and it can go to a tribunal. The cost of this is £150 but expenses can be claimed back.

A resident referred to a proposed park rule to make it an open-plan park. However, fences have already been erected within the park. Mr Doick advised that these rules are not retrospective, and that residents can submit their case to object to the rule. If this is not agreed with the park owner, it can go to tribunal. One reason why this may have been included in the proposals is that all fences erected must comply with current fire regulations, which clearly state the distances required between mobile homes, and these must not be breached.

The residents association are entitled to represent all individuals in a park. However, everyone in the residents association needs to sign the document to state that they agree with the proposals.

The local authority has no responsibility for park rules, and is only responsible in relation to the site licensing regulations.

The British Holiday and Park Owners Association are advising all park owners of the changes. NAPHR are trying to reach those residents who do not belong to organisations or residents associations.

It was noted that two of the three parks who were represented at the meeting had already received proposals.

The Chair advised that a page would shortly be set up on the Exeter City Council website, and it was agreed that the Park Rules would be included on this page.

The Chair thanked Mr Doick for his informative presentation.

17 **DATE OF NEXT MEETING - MONDAY 3 NOVEMBER 2014 AT 2.15PM**

The date of the next meeting was noted.

(The meeting commenced at 2.15 pm and closed at 3.10 pm)

Chair

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Pitch Fees

Questions and Answers

What is a Pitch Fee?

It is a charge for keeping the Park Home on a site.

How is this charged?

It is set out in the written agreement between the site owner and the occupier. The terms set out the amount of the pitch fee and when it is payable.

Q/ Does the pitch fee include utilities?

The Pitch Fee does not usually include utilities unless specifically stated in the agreement.

What does a site owner need to do if they want to increase a pitch fee?

They must serve a written notice on the occupier, setting out the proposals, as well as a Pitch Fee Review Notice.

What is a Pitch Fee Review Form?

It is a form that has been prescribed by Parliament to use when reviewing pitch fees. It is eight pages long and lays out how the fee has been calculated. It also provides detailed explanatory notes.

Can the Pitch Fee change?

Yes, it can be reviewed annually, on or after the review date. The review date is provided in the occupier's agreement.

Is the service of a Pitch Fee Review Form necessary?

Yes, and it must be served on an occupier to be effective. If the Pitch Fee Review Form is not served, it will **not** be possible for the Site Owner to increase the pitch fee.

When must the written notice and Pitch Fee Review Form be served?

They must be served at least 28 days before the review. Therefore, if the review date is 1 April, they should be served by 4 March. The review does not have to be on the review date. A late review can take place at any time after the review date, provided notice is served 28 days ahead of the review.

For example if the review date is 1 April, the review could instead occur on 1 July, provided notice is served by 4 June.

Does a late review change the review date for next year?

No, the date of the new review will not be changed. In the example above, if the review is on 1 July due to late service of the Pitch Fee Review Form, the next review will still be on 1 April the next year.

How is the Pitch Fee calculated?

The Retail Prices Index adjustment is applied to a pitch fee review. It is calculated by using the last figure that was published, 28 days before the review date. For example if the review date is 1 April, 2014, the latest figure prior to 4 March will be used.

Note that this can mean old RPI figures are used if the review is late. In our example, if the review is done on 1 July, then the figure used will still be the one from 4 March (28 days before the review date of 1 April).

Could the site owner claim for costs of improvements to the site as part of the increased pitch fee?

It may be possible that the costs of improvements be added to a proposed increase. However, the site owner can only recover the costs if certain conditions have been met, as follows:

- Consultation on improvements to the site.
- Consultation with any qualifying residents' association of the site on matters relating to the operation and management of the site, and how it may affect the occupiers.
- Before any improvements are carried out, the site owner must also take into account any representations received from the occupiers. They cannot start any work if the majority of the occupiers have disagreed to the works in writing.

All these conditions have to be satisfied before an increase can be made.

Is a deduction from the pitch fee possible if the condition of the site has deteriorated or if there has been a reduction in services?

A deduction may be made only if the deterioration or reduction has occurred since 26 May 2013 and has not been taken into account in a previous pitch fee review.

What else can be included in the pitch fee review?

The pitch fee can be increased due to a change in the law, which has directly affected the cost of the maintenance of the site.

From 1 April 2014, it will be possible for local authorities to charge for a site licence annually. The annual licence fee may be recovered through the pitch fee. This is a one-time, permanent addition to the pitch fee. It cannot be added to the review again in future years for further permanent additions.

What cannot be taken into account in the pitch fee review?

Any legal costs incurred in preparing the Pitch Fee Review Form cannot be included, as well as costs incurred resulting from local authority enforcement action, altering the site licence or consenting to licence, expanding the site and costs incurred in proceedings under the Mobile Homes Act 1983.

What happens if the occupier disagrees with the pitch fee?

If the matter cannot be satisfactorily resolved with the site owner, it will be possible to appeal to the First-tier Tribunal (Property Chamber). If the Pitch Fee Review Form was served at least 28 days before the review date, an application may be made no later than three months after the review date.

If there is a late review, an application to the tribunal will need to be made no later than four months after the date that the site owner serves the notice.

In our example:

- If the review is undertaken on the review date of 1 April, then the application to the Tribunal must be before 1 July (three months after the review).
- If the review is undertaken on 1 July, then the application must be submitted by 1 November (four months after the late review).

If the occupier appeals do they still need to pay the increased fee?

No, they will not be required to pay the increase if an appeal has been made to the tribunal.

If the Tribunal orders that the pitch fee should be increased, it can order that the payment be backdated. This will be payable from the effective date, which is normally the review date. However, the occupier will only be obliged to pay the increase until 28 days after the date of the order made by the Tribunal determining the fee.

For more information, please contact

LEASE on 0207 832 2525 or parkhomes@lease-advice.org

Monday to Friday 9am-5pm

Website: <http://parkhomes.lease-advice.org>

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Changes to Site Rules Procedure

Questions and Answers

When did the changes to the new procedure come into effect?

The changes came into effect from 4th February 2014. They are included in the Mobile Homes Act 2013 and Mobile Homes (Site Rules) (England) Regulations 2014.

Do these changes involve all site rules?

Yes, all site rules will be affected. This includes both existing site rules and new site rules.

Will the current site rules still be valid?

Yes, they will still be valid for a year from 4th February 2014, ie until 4th February 2015.

What will the site owner need to do for the existing and new rules to be valid beyond 4th February 2015?

The site manager must follow a required procedure for the rules to be valid beyond 4th February 2015. The site owner must consult with residents regarding any proposals to change site rules. If the rules are agreed, they will be registered with the local authority.

How does this process work?

The site owner must serve a document called a **Proposal Notice** on all occupiers. Any response must be received by the site owner within 28 days from the date of service of the Notice.

What is the deemed date of service

This refers to how the Proposal Notice may be sent. It can be sent by post or by hand. If it is served by post, the deemed date of service is the second day after it was sent. Therefore, if the postage date was 1st April, the service date will be 3rd April. It does not necessarily need to be sent by recorded delivery.

If it is delivered by hand, the deemed date will be the same date if served before 4.30 pm. If served after 4.30 pm, the deemed date of service will be the following day.

The 28 days to respond to the Notice are counted after the deemed date of service, Therefore, if it is delivered by hand on 1st April at 9am, the site owner must receive any comments regarding the proposals by 29th April.

The site owner has a number of proposals regarding the site. Can they all be included in the Proposal Notice?

Yes, they can all be included in the Proposal Notice. The site owner does not need to serve a separate notice for each rule.

What happens if the site owner wants to include a proposal which prevents the occupier from selling the property?

The site owner cannot include this proposal in the Proposal Notice. There are a number of proposals which are not allowed under the legislation and these are stated in the Proposal Notice.

The site owner wants to include a proposal in which he states that his consent is required before an occupier parks his car. Is this possible?

No, because a rule which requires consent from the site owner, except in relation to improvements to his property, is not permissible under the legislation.

Should the Proposal Notice be sent to all the occupiers?

Yes, the notice has to be sent to all occupiers. This will provide each occupier with the opportunity to accept or reject the proposals.

How should the comments be communicated to the Site Owner?

They can be sent in writing in any form, eg, by letter or email.

What happens when the site owner receives my comments?

The site owner will need to decide whether or not to implement the proposals and will need to serve a **Consultation Response Document** on all occupiers within 21 days of the last consultation day, even if no responses have been received. In this document, the site owner must explain their reasons for implementing their proposals and/or provide reasons for not implementing an occupier's proposal.

What else should the site owner provide with this form?

The site owner must provide a copy of the site rules that they intend to deposit with the local authority. If they do not intend to deposit the site rules, they must state their intention to register a deletion notice with the local authority and explain which rules will be deleted.

When should the occupier receive notification of the deposit of site rules or deletion notice?

The **Consultation Response Document** confirms that occupiers will be notified within 7 days of lodging the site rules or the deletion notice.

What happens if the occupier is unhappy about the site owner's proposals?

The agreement confirms the right of appeal to a tribunal. If the occupier does not accept the proposals, they must appeal to the First-tier Tribunal (Property Chamber) within 21 days, from receipt of the Consultation Response Document. The occupier must also write to the site owner to inform them of their intentions.

What happens if the site owner tries to deposit the site rules before the appeal is heard?

The site owner cannot deposit the site rules until the appeal has been heard. This is explained on the Consultation Response Document.

Can I appeal on any grounds?

It may be necessary to show that the site owner has acted unreasonably in some way, taking into account the size or character of the site. For example, if a site owner has not allowed enough time (28 days from date of service of the Proposal Notice) for occupiers to respond to their proposals, this is a reason to appeal.

What are the powers of the tribunal?

The tribunal can decide to accept or reject the proposals depending on whether they determine they are reasonable. The tribunal also has the power to order the consultation to start again or to modify the proposals.

Is the tribunal decision final?

Yes, it is final. Both the site owner and occupier will be bound by its decision.

What will happen if the Tribunal decides that the rules are reasonable?

The site owner must deposit the site rules with the local authority within 14 days of the Tribunal's decision, unless the Tribunal specifies a longer time period.

What does the site owner need to do once the rules have been deposited?

The site owner must notify all the occupiers within 7 days of the deposit of site rules by serving a document called a Notification of Deposit of Site Rules. This document provides confirmation that the site rules are effective and will be express terms of the agreement with the site owner.

What should the site owner do if he decides that he wishes to delete the site rules?

The site owner is required to serve a Notice of Deposit of Deletion Notice with the local authority. This confirms that the rules will no longer be effective. The occupiers will also need to be served with this document within 7 days of the deposit.

Who can view the site rules once lodged at the local authority?

They may be viewed by anyone. The local authority retains a register which is open to members of the public during working hours

For more information, please contact

LEASE on 0207 832 2525 or parkhomes@lease-advice.org

Monday to Friday 9am-5pm

Website: <http://parkhomes.lease-advice.org>