

SCRUTINY COMMITTEE - COMMUNITY - 17 JANUARY 2012

QUESTION FOR PORTFOLIO HOLDER
UNDERSTANDING ORDER NO.20

Question from Cllr Morris for the Portfolio Holder – Housing and Community Involvement

The Communities and Local Government Committee has 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.

In order to gather information and evidence, the Communities and Local Government Committee is asking for submissions from interested parties, including MPs, local Cllrs, Local Authorities, and residents living in park homes.

As a local authority, we are responsible for the issuing of mobile home park licences and currently there are 4 sites within our jurisdiction, and within these sites anything from 400 to 500 residents all over 55yrs of age.

Having gained a certain amount of experience in this area since being elected, I feel there is a need for further legislation to help protect these residents.

If the problems that some Exeter park home residents experienced were to happen within our community 'outside' of a park home site, we would be horrified.

Just because the problems happen within a private site, legislation should not prevent us as a local authority being able to assist or take action.

Therefore I would like to ask the Portfolio Holder, if he would contribute and make a submission to the Committee providing them with clear evidence of where legislative changes might benefit both Local Authorities and the Electorate by the closing date of 5pm on the 1st February.

Answer

Councillor Morris is right in highlighting the particular needs of the many park home residents in Exeter. In relation to the consultation on park home legislation, I think that we would wish to comment as follows:

The awarding and revocation of licences:

Currently the awarding of a licence for a mobile home site is, on the whole, a formality and licences are not time limited. Whilst a fit and proper person check would be the ideal, in practice it would be fairly easy for a site owner to 'hide behind' family members or associates.

Having said that the introduction of a comprehensive application form, similar to the used to licence Houses in Multiple Occupation, and a licence fee (both for the initial award of the licence and for subsequent variations) coupled with a time limit on the licence, (perhaps 5 years as with Houses in Multiple Occupation), would give local authorities a level of control. The need to renew the licence after a certain term, as is the case with many other forms of licence, would be a positive incentive for site owners to maintain their sites.

The regulation and enforcement of site licence conditions

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

The introduction of other forms of enforcement, such as Improvement Notices used in Housing legislation, would provide an incentive for local authorities to enforce standards more actively. Enforcement activity of this type is far less burdensome on a local authority and would be seen by site owners as fairer than jumping straight to prosecution.

Giving default provisions associated with the enforcement notices, where by the local authority can undertake the works specified in the default of the site owner and then recover the cost, would also help ensure that defects are rectified in timely fashion.

Revocation of licence

The current revocation provisions are 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 can be made is limiting and disregards the harassment provisions of the Caravan Sites Act. There is no revocation provision associated with harassment by the owner for example.

If revocation is to remain as an option provision should be made for an application to be made following any prosecution. The amalgamation of all of the Caravan Site legislation would prove helpful in this respect.

Having said that, the more permanent nature of mobile homes these days makes the revocation of the licence, which could result a site being closed down, an unrealistic option. There is an argument for the introduction of control provisions, such as seen in housing legislation, where by the local authority can step in and take over management in the event of serious failings. Many local authorities have experience of managing sites, commercial and residential property of one sort or another.

Re-sales

As it stands the ability of site owners to veto sales and charge a commission (e.g. 10%) provides a positive disincentive for site owners to manage parks to a high standard, because a high turnover of residents becomes a profitable exercise.

It is understandable that site owners would want some control over who resides on their parks and these are controlled by the site rules. Anything beyond reasonable restrictions, for example age, pet ownership etc would seem unnecessary and open to abuse.

The right of a site owner to charge up to 10% commission on the value of a home, which is the sole property of the resident, puts them in a unique and inequitable position.

Site licence conditions

Due to the differing nature of sites, and the dates in which sites became licensed, it is understandable that there is a lack of consistency of conditions between sites. The introduction of model site licence conditions can prove unhelpful in this regard.

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 conditions upon renewal. In that way the same conditions, which would not be substantially different to those now in place, would be attached to all licences within a 5 year period (if that was taken to be the life of the licence).

Rented mobile homes

At present, mobile homes fall outside the scope of the Housing Act 2004 and the Housing Health and Safety Rating System (which is used by officers to judge the relative risks from disrepair, poor insulation, etc.), thus placing the tenants of mobile homes in a weaker position than other tenants.

Mobile homes need to be brought within the scope of the Housing Act in the same way as other forms of accommodation such as house boats have been.