

Briefing Note of:	Head of Environmental Health
Contact Officer:	Eddie Langley
Telephone No:	x4235

HOUSING POLICY DEVELOPMENT COMMITTEE
27 JANUARY 2015
PARK HOME SITES

1 Purpose of Briefing note

- 1.1 The purpose of this briefing note is to explain the historical responsibilities upon local authorities with regards to mobile home sites (park homes) and the changes required by recent legislation.

2 Key Issues

- 2.1 The Mobile Home Act 2013 (the Act) introduced for the first time an option of charging for various licensing activities.
- 2.2 If a district council wishes to introduce charging, it must first publish a fee policy. Charges must be transparent and cost neutral.
- 2.3 New emergency action provisions allow a council to take action where a park home site owner can't or won't resolve an unsafe situation. Costs are subsequently recovered from the owner.
- 2.4 The Act introduces a new Compliance Notice that may be served on an owner who has failed to comply with site licence conditions. Failure to comply can result in prosecution and a council may carry out the works in default. Charges may be made in respect of Compliance Notices.
- 2.5 The Act strengthens and clarifies the requirements regarding the sale of park homes to reduce/prevent "sale blocking".
- 2.6 Amendments to the Scheme of Delegation will be required to enable officers to exercise the powers conferred by the Act.

3 Detail

- 3.1 People living in mobile (park) homes normally own their home and rent the land on which it is stationed from the site owner (paying a 'pitch fee'). The Government estimates that around 85,000 households live in mobile homes on 2000 sites in England. The majority of mobile home sites are privately owned with a small number owned by local authorities. Mobile homes can offer an attractive housing option for retired people, consequently residents tend to be older – in 2002 68% of occupants were aged 60 or over.
- 3.2 In addition to planning permission, all caravan and residential parks need a site licence to operate, issued by the local authority under the Caravan Sites and Control of Development Act 1960, which may include specific conditions. This relates to holiday parks as well as residential parks.
- 3.3 The legal framework within which site and home owners operate has developed in a piecemeal fashion. There were attempts to strengthen the rights of mobile home owners in 2004 and again in 2006 but concerns around malpractice in the park homes sector persist. These concerns focus on complaints around unfair fees and charges, poor standards of maintenance, and site owners obstructing the ability of home owners to sell. The age profile of mobile home owners tends to make it difficult for them to assert their rights when dealing with unscrupulous site operators.
- 3.4 Experience indicates that some park owners do not run their parks well and allow conditions to deteriorate, affecting the amenity of the park and the health and safety of residents. Local authorities are responsible for ensuring standards are met through the licensing regime and that poorly performing park owners are taken to task. Most local authorities will want to target their resources in tackling these sites. .
- 3.5 A review of the existing legislation by Parliament's DCLG Select Committee in 2012 found it to be ineffective and out of step with modern licensing. Furthermore, it does not provide local authorities with the tools to ensure that minimum standards on residential parks are met.
- 3.6 The changes brought in as a result of the Mobile Homes Act 2013, in respect of licensing and enforcement, relate only to privately owned parks that are occupied wholly, or in part, for permanent residential use. This includes "mixed use" sites where there is both holiday and residential occupation of the pitches.
- 3.7 There are currently seven licensed caravan sites within the district with plot numbers ranging from 2-100. The largest of these (Silver Trees) operates as a holiday park and would be exempt from the provisions of the act. Consequently, the provisions will affect six sites and approximately 92 residents.
- 3.8 Locally, we receive few complaints about park home sites. Requests for new licences or amendments have been few and far between. There have previously been no specific requirements for periodic inspection of park home sites.
- 3.9 The Act allows local authorities to set fees for:

Annual monitoring

New site licence

Transfer/variation of licence

Deposit of site rules

- 3.10 DCLG has issued guidance on the fee options available to local authorities and this will be considered in the development of the Council's fee policy. A separate report will be submitted with detailed proposals.
- 3.11 The annual fee falls due on 1 April 2015 and can be incorporated into the residents pitch fee to allow to site owner to recover costs. However, fees for new site licences, transfer, variation, deposit of site rules and Compliance Notices cannot be passed on to residents.
- 3.12 Where a breach of licence conditions creates an imminent risk of serious harm to the health or safety of any person on the site, emergency action may be taken to remedy the situation. Costs incurred in relation to such remedial action may be recovered from the site owner.
- 3.13 For less serious breaches of site licence conditions a Compliance Notice may be issued setting out what needs to be done and a timescale. Failure to comply with a Notice may result in prosecution with fine of up to £5000. If remedial action is necessary, the work may be carried out in default and the cost recovered from the site owner.
- 3.14 The Mobile Homes Act 1983 gave home owners the right to sell, but some rogue site owners have been creative in their methods to block open market sales in order to force owners to sell to them at a lower price. This enables the site owner to put a new home on the pitch and sell that (or the existing home) at its full market value, which is often more financially beneficial to the site owner than taking the 10% commission on third party sales. The practice, often referred to as "sale blocking" is an area that causes considerable concern to mobile home owners.
- 3.15 The new Act provides an improved degree of protection from interference by a site owner to park home owners wishing to sell their homes at market value.

4 Implications (if applicable)

- 4.1 Previously there has been no specific requirement for periodic inspections of park home sites. The Act implies that at least an annual inspection should be undertaken at each licensed site. It will be necessary to allocate staff resources to this task and the full implications will be considered, along with the fee policy, in a separate report.

5 Appendices

Background Papers