

DRAFT

ALL-PARTY PARLIAMENTARY GROUP ON PARK HOMES

Minutes of the meeting on Monday 1 February 2021 at 10:00, by Zoom.

Present: Sir Christopher Chope MP (Chairman)
Peter Aldous MP
The Lord Best OBE DL
Steve Brine MP
Steve Double MP (represented by Anne Double)
Mark Menzies MP
Baroness Scott of Needham Market
Alex Sobel MP
John Stevenson MP
The Lord Teverson

Matthew Cohen, BEIS
Brian Doick MBE, NAPHR
Alicia Dunne, NCC
Anthony Essien, LEASE
Sonia McColl OBE, Justice Campaign
Nathan Gillet
Ros Pritchard OBE, BH&HPA
Ian Pye, IPHAS
Luke Spanton, MHCLG
William Tandoh, MHCLG
Anne Webb, volunteer

Apologies: Alicia Kearns MP
Lisa Osborn, North Somerset Council

1. Approval of minutes of the previous meeting, held on 10 February 2020

The meeting unanimously approved the minutes of the previous meeting, which took place on Monday, 10 February 2020 in Room N, Portcullis House, Westminster, commencing at 17.00.

2. Reports

Fit and Proper Person licensing

Mrs McColl was concerned that Fit and Proper Person (F&PP) licensing would not close the loophole of an unscrupulous park operator employing a park manager who would take orders from the owner but who could be blamed, and dismissed, if any aspect of the business was conducted in an unscrupulous way. Then, a new manager could be appointed who would be manipulated by the park owner, as previously.

Mrs Pritchard noted the experience of the introduction of F&PP licensing in Wales and Scotland and said that guidance to local authorities was needed.

Mr Tandoh reported that the F&PP licensing regulations had been made on 23 September and would come into force on 1 July, to give local authorities time to prepare to implement them. Between 1 July and 1 October site owners would be required to have made application to be put on the register. It was hoped to issue a draft of the guidance to key stakeholders for their input shortly, aiming to finalise the guidance by the end of May. All stakeholders and site owners would receive the guidance.

In response to Mrs McColl's point, Mr Tandoh said that the park owner or the manager would be put on the register. He added that further complications would arise in cases where a site was run by a company. In that situation, the manager would be required to take the test and other officers of the company would be required to provide some information and criminal records certificates. Local authorities would also be able to consider other factors, such as persons associated with the site owner.

Sir Christopher Chope MP asked whether Mr Tandoh could give an assurance that the APPG, as a stakeholder, would be able to make comments.

Mrs McColl asked how the guidance would be made available for residents to see. Mr Tandoh said that the regulations were mainly about local authorities applying them, but residents would have the information available through their residents' associations represented at the APPG.

Mark Menzies MP underlined the importance of the introduction of F&PP test. He commented that a criminal record was a high benchmark. He cited examples of homeowners being required to sign agreements on their doorsteps late at night, or changes being made to the sizes and layouts of their plots. He asked whether the F&PP test would address this and raised the issue of 'beneficial ownership', questioning how the true owner of a park could be established. Mr Tandoh explained that the F&PP test was in addition to the existing licensing regime, outlining the requirements on local authorities to consider the suitability of the licence holder where a transfer was sought. Local authorities were already expected to be addressing any harassment. He said there was more work to be done to help homeowners understand their rights. He said local authorities already had enforcement powers to address abuses and were able to take into account any relevant information in F&PP licensing work. They would be able to attach conditions to a F&PP licence or remove someone from the register if new information came to light.

Mark Menzies MP was concerned the regime should not lack teeth; would the local authority be able to act where the park owner was treating homeowners abusively? He asked what was the penalty for such abuse and whether the local authority could close down the park. Mr Tandoh confirmed that local authorities could charge for F&PP work to ensure they had the resources, and the Ministry would work with them. He said that if a park owner was convicted of certain offences such as running a park without a F&PP licence, providing false information or a breach of a condition, they could be subject to an unlimited fine. If the park owner was not suitable, the local authority would have to appoint a F&P manager for the park.

The 'fit and proper' register would be published online. The application form would ask what other sites are in the ownership of that site owner and whether an application from them had been rejected elsewhere. Mr Tandoh added that his Ministry would work with local authorities as best they could to ensure enforcement was properly carried out.

Mr Pye questioned whether park owners would be able to pass on the fee for the F&PP licensing to homeowners. Mr Tandoh explained the requirement for local authorities to publish a fees policy to

cover the costs of the F&PP test and confirmed that the enabling power in the 2013 Act did not prevent the F&PP costs from being passed on to homeowners. Government would consider this area as part of its commitment to introduce primary legislation.

My Pye asked whether the F&PP requirements would be cascaded down to the staff of the park owner. Mr Tandoh confirmed that the park owner was responsible for the conduct of his/her employees and the F&PP criteria took account of the management structures on the park. He reiterated that the F&PP work was in addition to all the existing site licensing powers of local authorities.

Mr Doick was concerned that many local authorities were not dealing effectively with site licensing issues and therefore questioned whether F&PP licensing would be effective. He felt means should be found to ensure local authorities were aware of their powers and responsibilities, citing examples of park homes being sold on land without planning consent. Mr Tandoh confirmed that MHCLG continued to work with local authorities (which have planning enforcement powers) on these issues. LEASE was able to give advice to residents, too.

Sir Christopher Chope MP reminded the meeting that a new Minister, Eddie Hughes MP, had recently been appointed and asked that the scepticism of the meeting about the regulations' ability to address the issues be communicated to him. Mr Tandoh confirmed the Minister was already aware of the park homes sector and that he would inform him of some of the difficulties.

Mr Essien noted the regulations' focus on harassment, either a conviction or evidence. Mr Tandoh felt there would need to be a conviction for having contravened regulations. Given the ability to appeal to the Tribunal, local authorities' decisions would need to be based on evidence. Mr Spanton assured the meeting that the guidance would give a clear explanation of the regulations, including the requirement to have clear evidence rather than a subjective view, and that local authorities already had expertise in dealing with harassment.

Review of Mobile Homes Act 2013

Mr Doick reported his concerns that the Competition and Markets Authority (CMA) and Trading Standards had been unable to assist when a formal complaint involving unfair terms and the use of leases to curtail homeowners' security of tenure had been referred to them. He explained the background to the issues and thanked MPs, particularly Mr Aldous MP, for their support. He asked for the Minister's help in addressing such issues.

Mr Doick also recounted the experience of homeowners who found themselves living on a park without planning permission and therefore at risk of losing their homes. He said the 2013 Act was aimed at driving up standards and enforcement against abuses, yet this had not happened. He said the undertakings given following the review of the Act remained to be actioned by Government and he called for urgent measures to protect homeowners.

The Chairman noted that Mr Doick's plea echoed the request that had been made to the previous Minister a year ago. Mr Doick confirmed that was the case so Sir Christopher Chope MP asked for an update on the legislation planned, given Government seemed to have recognised the seriousness of the problem.

Mr Tandoh confirmed that these were complex issues and that Government had given an undertaking to introduce legislation to address complex ownership structures aimed at removing homeowners'

security of tenure and the introduction of variable service charges. He confirmed that Government remained committed to this and explained the challenges in securing Parliamentary time. He underlined the importance of increasing understanding of homeowners' rights and obligations and explained the work of the Park Homes Working Party and ongoing communications by Lease.

Mr Tandoh outlined the work implementing the outcomes of the review, confirming the establishment of the Primary Authority and that MHCLG was in the final stages of the procurement process for the research needed to assess the impact of any changes to commission. Mrs McColl questioned the timetable involved for the research, and Mr Tandoh confirmed the tendering process was almost complete, and he hoped that in the following weeks he would be able to let everyone know who would be conducting the research. Site owners and residents would have a lot of information that they could share with researchers. He agreed to update everyone through the APPG.

Mrs McColl stressed that in the past many peers and MPs said that unscrupulous site owners should be made an example of, and also receive substantial fines. Seven years after the 2013 legislation, she wondered why not one site owner had been brought in front of the courts. Mrs McColl explained that unscrupulous park owners continued to operate and sought a statutory responsibility on local authorities to protect vulnerable people. She suggested evidence of planning permission should be included in sales packs, and cited examples of park owners seeking to block sales. Mr Doick said that serious abuses continued, people were frightened and not receiving justice, whilst the number of rogues in the industry was increasing.

Private Member's Bill

Sir Christopher Chope MP recalled that the 2013 Act had been a 'hand out' Bill. He updated the meeting on his attempt to pass a Private Member's Bill to move forward on the Government's policy to use CPI rather than RPI as the pitch fee inflationary index. This had been unsuccessful as Government sought a similar provision in respect of traveller sites. He asked whether such an amendment had been drafted. Mr Spanton said approval was awaited from the Parliamentary Business Committee, and that the Bill was likely to be well down the Order Paper. Sir Christopher Chope MP expressed his disappointment that the opportunity seemed to be lost.

Mr Tandoh confirmed that the Government was committed to introducing primary legislation when Parliamentary time allowed which would depend on when a slot was allocated. He said that drafting was undertaken by Parliamentary Counsel, which could not be done without approval and authorities in place. He said officials were working to be ready when an opportunity arose.

Sir Christopher Chope MP asked whether MHCLG would offer a hand-out Bill to those successful in May's ballot. Mr Tandoh confirmed this would be a Ministerial decision.

Mr Tandoh and Mr Spanton confirmed that they would brief the new Minister as soon as practicable on the issues. Sir Christopher Chope MP underlined the number of people who were being exploited and said that the issue should be given priority.

Mr Tandoh underlined the importance of communication of homeowners' rights.

Mrs McColl offered the assistance of members of her campaign. In response, the Chairman advised that they should write to their MPs and call for legislation.

Green Homes Grant Scheme

Mrs Pritchard advised the meeting that the Green Homes Grant scheme had included provision for park homes and had been extended until next year. Eight businesses in England had received the Trustmark, enabling them to work on park homes. Lord Teverson noted the issues arising with the Green Homes scheme.

3. Any Other Business

Mrs McColl had been asked by Mr Turner to raise the issue of a ‘victim surcharge’ in relation to the introduction of F&PP licensing, as well as looking at what could be done to ensure the correct planning permission for park homes offered for sale. Mr Tandoh said that prospective buyers needed to ensure the correct checks were made before buying a park home; he noted ongoing enforcement work on this.

Lord Teverson commented that enforcement issues were a recurring theme and suggested inviting a Local Government Association spokesperson to attend the next meeting. The chairman said that would be done and suggested inviting North Somerset Council as the Primary Authority, and the Site Licensing Officers’ Forum.

Lord Teverson questioned the options available to resolve matters via secondary legislation. Mr Tandoh confirmed that, for example, primary legislation was required to change the inflation index to be used in pitch fee reviews.

Anthony Essien informed the APPG that LEASE had provided information to Rightmove as many park homes were advertised for sale on their online estate agency website.

4. Date of next meeting

It was **AGREED** that the next meeting of the APPG be arranged for a date around May 2021 and that the Minister and representatives from North Somerset Council and the Site Licensing Officers’ Forum be invited.

There being no further business, the Chairman thanked everyone for their attendance and closed the meeting at 12:09.