

## **ALL-PARTY PARLIAMENTARY GROUP ON PARK HOMES**

The minutes of the meeting of the All-Party Parliamentary Group on Park Homes which took place at 15.30 on Monday 29 January in Room P, Portcullis House, 1 Victoria Embankment, London SW1A 2JR

**PRESENT:** Sir Christopher Chope MP (convenor and Chairman)

Sir Peter Bottomley MP

Peter Aldous MP

Anthony Mangnall MP

Caroline Nokes MP

William Tandoh DLUHC

Alicia Dunne NCC

Richard Hand LEASE

Deborah Walker BH&HPA

Karl Hobley BH&HPA

Sonia McColl OBE PHOJC

Nat Slade, Arun District Council

Anne Webb, volunteer

Sir Christopher Chope MP welcomed everyone to the meeting and introduced a newcomer, Ms Deborah Walker, the new director-general of the British Holiday & Home Parks Association

### **1. Approval of Minutes**

The meeting **APPROVED** the minutes of the previous meeting of the All-Party Parliamentary Group on Park Homes which took place on Monday, 11 September 2023.

### **2. Update on West Sussex Sites**

Nat Slade from Arun District Council spoke about the six parks in his local council area in West Sussex where there had been problems for many years. He said that these problems on the parks were the result of a combination of (a) the fragmentation of their ownership into what the First Tier Tribunal (FTT) described as straw companies, and (b) pitch agreements with concerning terms, with over 200 households paying twice for the maintenance and management of the site. These residents had also been at risk of losing their homes and becoming homeless at the end of their limited-duration pitch agreements – the first batch of which

would be expiring in 2027. This was of great moral and financial concern to Arun District Council.

Mr Slade went on to say that in 2018, after its call for evidence, the Government committed to primary legislation to stop complex ownership models being used to deprive residents of their security of tenure, and also to stop the use of variable service charges. That was over five years ago.

In 2021 the National Association of Park Home Residents and Arun District Council, supported by the British Holiday & Home Parks Association, submitted a complaint to Trading Standards regarding the terms of these pitch agreements.

National Trading Standards (NTS) produced a problem profile but could not find a Trading Standards authority to investigate. NTS officials asked DLUHC for funding to resource the investigation, but none was forthcoming. In 2023 NTS declined to investigate at that time for want of resources.

West Sussex Trading Standards had more recently obtained modest funding from Trading Standards South East to undertake eight weeks of scoping work to identify any potential consumer protection offences, and estimate the scale of investigation and resources required. They were actively seeking to engage a contractor at that time.

These pitch agreement terms had been lifted from the six sites in Sussex and applied on the operator's other sites which numbered over 90. Arun District Council had refused, for a second time, an application to add people to its register of fit and proper persons. That decision may yet be appealed, but the F&PP regime did not include tools for licensing authorities to effect improvements to, or change of, management of the sites.

Additional park homes had been added to one of the sites in breach of the site licence condition limiting the number allowed. A compliance notice was served by the Council, and was subsequently appealed by the site owner. That appeal was dismissed by the FTT and the site owner had appealed the FTT's decision to the Upper Tier Tribunal. Alongside this, the site operator applied to vary the site licence to change the condition restricting the maximum number of homes on the park. The Council refused, and the site operator appealed to the FTT which dismissed the appeal. A further application to vary the site licence condition had also

been submitted and was undetermined. During that time the site operator had been selling homes which breached the condition, and was actively marketing another plot on the site. People buying such homes on these sites would face fear of losing their homes. This introduction of additional park homes, in breach of planning and/or site licensing restrictions, had been repeated by the site operator at multiple sites across the country – with park home buyers being put at risk each time. A company without any ownership interest in the sites had been issuing pitch agreements to buyers/residents, which they were not entitled to do, again causing residents concern and putting their security of tenure in doubt.

Nat Slade then went on to say that he had three questions to put to the APPG concerning the ways they might be able to help in this tricky situation:-

1. Deliver the promised legislation (to deal with complex ownership models and service charges)
2. Get the funding NTS needs to deal with the pitch agreement issues.
3. Plug the loopholes to give the F&PP regime teeth by (i) capping the number of F&PP applications which could be made and (ii) allowing local authorities to obtain management orders without the current need to do so with the site owners' consent (which is highly unlikely to be forthcoming).

In response to Nat Slade's detailed outline of the situation, Sir Peter Bottomley said it was ludicrous to think that every planning authority had the expertise to deal with such situations. He thought there should be a central authority, through the Leasehold Advisory Service or other organisations, which could handle it.

If a small amount of money could make a big difference, and if there were tens of thousands of park home owners who were vulnerable, there should be someone to take hold. What could be done, and how soon? He asked Sonia McColl and Nat Slade to send him details of cases and he would try to do what he could.

Nat Slade added that the time scale for Tribunal cases was months and months, going on to years. 'We serve compliance notices, he said, 'and then these are appealed and then the Tribunal sits and discusses the appeal and then the site owner appeals the result. It was a constant escalation and some of the cases were taking two years.'

Anthony Mangnall MP said he had a site owned by the company in question in his constituency. He was amazed that park homes were still subject to council tax. At that time he was carrying out a lot of amendments to the Consumer Protection for Unfair Trading Regulations Bill and wondered whether there were some parts, such as leasehold reform, where reference to park homes could be tacked on.

Nat Slade said that his Council had put in a complaint to Trading Standards, setting out consumer protection offences where pitch agreements were violated. That week Trading Standards had said that ‘there was something there, but they would need a big chunk of resource to undertake this investigation’.

William Tandoh (DLUHC) referred to pitch fees and said the legislation he was aware of was that put forward by Sir Christopher Chope and introduced in 2018. He thought that it was in relation to changing from RPI to CPI when calculating pitch fee increases. He said it was too late to include anything in the Leasehold Reform Bill, and in any case park homes were outside its scope so no progress could be made there.

On the subject of council tax, he said that the rules stated that if a local authority was not doing what it was supposed to do, there was a complaints procedure which could take the matter up to the ombudsman.

Mr Tandoh went on to say that National Trading Standards had received reports about certain site owners a couple of years previously. Their report included a lot of items, including planning, and they requested a meeting with the Minister, but that meeting did not take place.

With regard to the fit and proper person test, Mr Tandoh understood that Arun District Council had done a lot of work on it and that other local authorities had used the legislation, too. He said he was going to come back to the meeting about the situation where the person managing a particular site changed, and how that could be monitored. Mr Tandoh said that he would put together an email about these and other matters but it would probably also require discussion with the Ministry of Justice.

Sir Christopher asked what had happened in relation to the instruction given in 2018 to deal with the complex structures, and it was up to the Department and its legal advisors to produce this legislation.

Mr Tandoh responded by saying that his Department’s priority was to find a legislation slot to do these things. In those six years his Department

had carried out consultations and reviews for the benefit of residents. He was not passing the buck. There were very long processes involved and finding a legislation slot was difficult, especially with Covid intervening. When there was a change of Minister it affected everything, he said. The last Minister said she would look at it, but now there was a new Minister in place.

Sir Christopher said that Lee Rowley MP and Jacob Young MP are responsible for park homes. He asked whether Jacob Young would be taking forward these complaints.

Mr Tandoh responded by saying that his Department had not had such talks yet, but there had been discussions with Lee Rowley, Housing Minister, and Mr Rowley was aware of the 10% commission charge on the sale of park homes.

He added that when there is a change of Minister it does take time to bring the new one up to speed and leasehold reform had taken priority in the last few months. However, Ministers were aware of all the other issues, including those relating to park homes.

Sir Christopher commented that since 2018 the scale of the problem had increased dramatically.

Nat Slade said that in 2018, when he first reported the problems on sites in his Council area, there were just six sites affected but now the park owner concerned owned more than 90 sites.

William Tandoh agreed that 2018 was a very long time ago and that these matters should be progressed before any General Election.

Anthony Mangnall said this was where he wanted local authorities to get involved, adding that the Renters' Reform Bill would only kick the subject into the long grass. 'I think we should have a real stab at this in the 10 months until the General Election,' he said, adding that he was happy to do the leg work and talk to his colleagues about the situation.

William Tandoh said that the local authorities were not using the powers they had and why weren't residents aware of their rights?

Sir Christopher pointed out that the fit and proper person test was introduced to get the rogues out of the industry, but still residents were suffering.

William Tandoh agreed to write to Sir Christopher on the various matters raised.

Sonia McColl OBE, PHOJC said she was giving the residents' point of view and was very concerned that thousands of people on the 90-plus parks owned by one operator were suffering. She wondered why local authorities were unable to do anything about it. Some local authorities did not even have personnel who were familiar with park homes. LEASE should give advice to local authorities. None of the rogue park owners belonged to the industry associations so there could be no curb on their activities from those directions. Residents were scared to complain in case the park owner found out and made life even more difficult for them. She added that there was no point in taking complaints to the police because their usual response was that it was a civil matter. Something had to be done because residents were losing money. Mrs McColl added that she could not understand why this matter wasn't uppermost on the Department's agenda.

William Tandoh responded by saying that it was a bit unfair to say that nothing was happening. Residents had lots of rights. LEASE had been around for years – why didn't residents use it?

Sir Peter Bottomley said there wasn't sufficient publicity about these cases. The park owners were not acting fairly, knowing that residents possibly didn't have the resources to deal with the abuses themselves. It was vital to ensure that ordinary people didn't suffer, and that the full force of law was brought to bear on those who inflicted the suffering.

William Tandoh said that some of these matters came out in the 10 per cent research. It changed lots of things in the round and he was hopeful of having discussions about it.

Peter Aldous MP commented that the fit and proper person test was intended to deter rogue park owners, and that was why it was put into the 2018 legislation, but it did not appear to have had that effect.

Anthony Mangnall MP asked if interested MPs could write to William Tandoh with some suggestions, and whether primary or secondary legislation would be needed.

William Tandoh responded that fit and proper was primary legislation, but his Department was only able to work within the powers set out by the 2013 Act.

Anthony Mangnall commented that there was already lots of legislation in place but it didn't have teeth. He asked, though, why it was necessary to change the law to deal with just one rogue person.

Further examples of various abuses were cited by Sir Christopher and others and the general consensus was that something must be done urgently to rectify a situation that had proved so detrimental to residents. Anthony Mangnall said that time was of the essence, adding that Jacob Young MP should be invited to the next APPG meeting.

Sir Christopher Chope drew attention to the fact that 'manifesto time' was approaching and it was vital to get all the major parties to put something about the current park home problems into their manifesto promises. 'This subject is not going to go away,' he said.

William Tandoh said that all parties had a role to play in resolving the various issues, particularly by sharing information. Residents should be made aware of their rights and how to approach local authorities with their concerns. Site owners also had a role to play. Legislation was not always the answer. 'We cannot put it in place to deal with one person,' he said. 'It has to apply across the board. The key is to build good working relationships with all concerned and share ideas.'

### **3. Update on 10% commission discussion document and roundtable**

William Tandoh explained that his Department had issued a timetable for this but when the Minister (Rachel Maclean) left her post, it had inevitably taken time for the new Ministers to get to grips with the issues. 'Unfortunately,' he added, 'the round-table meeting did not take place take place.'

Sir Christopher Chope asked when the meeting would take place, adding that a Ministerial change should not mean that there were huge gaps in the diary. A new Minister should take over the previous Minister's responsibilities. The new Minister should have arranged and conducted the round-table meeting.

William Tandoh said the responses hadn't come back until 1 November 2023 and then they had to be put to the Minister who needed an explanation of the problems and advice on the action to be taken. Mr Tandoh hoped that the meeting would be set up in the forthcoming weeks. He agreed to let everyone know and assured those present that the matter hadn't been forgotten.

Sonia McColl commented that this had been ongoing since 2014, although she admitted that Covid and inflation may have caused some delays. All the responses had been forwarded to the Universities and they produced their review. Mrs McColl queried the need for a new round table discussion when all the research had been done and results published.

William Tandoh responded by saying that the 10% commission issue was complex. Focus groups had been part of the research and residents raised all sorts of issues which included their views on local authorities and investment in parks. It was therefore possible to include these 'other things', and not just talk about the 10%. Mr Tandoh went on to say that his Department was now able to share residents' views on subjects such as local authorities and investment in parks – not just talk about 10%.

Sonia McColl said that the report was on 10% only – no other subject. Focus groups were put up for residents to put forward their views. That was agreed and the report was made and sent back to Government.

William Tandoh said that the Government had never said that a decision was coming. Liverpool University made its report in January 2022 and it was published in June 2022. Since then the Government had never said a decision would be forthcoming, but they had said they would consider the report.

Mr Tandoh went on to say that when the report was published in 2022, nothing was done about it straight away. At that time the RPI to CPI legislation was taking priority. Last September the former Housing Minister declared that it was something she was going to progress.

Mrs McColl repeated her previous observation that she thought that the report had been commissioned for the 10% commission charge.

Mr Tandoh replied that it was intended to enable a decision to be taken on changes (if necessary) to the 10% charge but when it came out it included various other recommendations because it had been seen that there were links.

Mrs McColl asked whether that had all been added in.

Mr Tandoh said that if all the other things were ignored and the focus was just on the 10%, it would be a case of being back to square one. The Government agreed to look at the report as a whole.



Mrs McColl asked whether the planned round table discussion would be concerned with the Universities' findings or include other matters in regard to how they tie in.

Mr Tandoh said that the purpose of the round table would be to consider the Universities' report. It was intended that everyone concerned should have input.

Sir Christopher Chope asked why the round table couldn't be held next week. Mr Tandoh replied that hopefully the Minister would tell him to organise it as soon as possible.

**6. Any other business**

No matters were raised.

**7. Date and venue of next meeting**

The AGM of APPG will be held at 15.30 on Monday, 22 April 2024 in Room P, Portcullis House, 1 Victoria Embankment, London SW1A 2JR

There being no further business, Sir Christopher Chope closed the meeting.