

RESIDENTS OF WOODLAND PARK,
Old Crumlin Rd, PONTYPOOL NP4 6UP
19/11/2012

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Regulated Mobile Homes Sites (Wales) Bill

The residents believe that Mobile Home occupiers of Wales are entitled to the protection of a robust and dedicated Authority. We provide in the following pages the means for that regulation and authority to be set up.

PITCH FEE REVENUE

REVENUE RAISED BY PARK HOME SITE OPERATORS :-	MONTHLY	£350,000
	ANNUALLY	£4,200,000
GROSS PROFIT MARGIN ON SALE OF A SINGLE UNIT @ 40%		£33,750
	DOUBLE UNIT	£76.500

Gross margin = Final sale price minus purchase price of home from manufacturer

Single unit cost £35,000 from manufacturer sold by operator, sited, connected, landscaped for
£75,000 (very roughly)

Average monthly income per park from Pitch Fees £3800

What is the Pitch Fee? Interpretation from Mobile Home Act 1983 (para 29)
Right of the owner/occupier to station their home, and fees towards maintenance and up keep of the Park

Pitch Fee charges vary greatly across the principality, from the lowest of £70/mth to the Highest at around £160/mth. The fees on this particular Park also vary wildly from £112 to £160mth the reason for this seems to be down to the whim of the site owner at time of sale

REGULATION

The Caravan Sites Development Act 1960
The Caravan site act 1968
The Mobile Homes Act 1975
The Mobile Homes Act 1983

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Occupiers Liability Act
Harassment Act
The site Licence

The fundamental flaw with all these acts and regulations is that they have no organisation to enforce them, the result is that police, councils, gas, water, electric regulators and voluntary bodies, all tell us the same "we do sympathise with you, but"

Our concern with a Regulator based on the existing judicial system (RPT) is that they will not be familiar with the Mobile Homes law, we have sat in Court on a number of occasions whilst the Judge and our Barrister have searched the internet for clarification of a legal instrument specific to Wales only to find no one's bothered to upload it.

REGULATORY BODY

Our vision of the Authority will be based on the Magistrates court, with a small team of officials and a Judge sitting to consider and adjudicate. The judge may be lent to the authority for a period of rotation allowing experience to be gained, guidance being given by the permanent team based on the law.

Advice may be given to the Local council on how to proceed on issues of non compliance.

At present the site owner/operator, can simply refuse to comply and the home owner has to pay to go to court. This should be reversed and the site operator/owner obliged to comply or pay the cost of arbitration

ENFORCEMENT

Suspension or revoking of the Site Licence is the ultimate sanction, coupled with the Site Licence being the mechanism by which a site operator may legitimately collect the Pitch Fee. Suspension or removal of the LICENCE will cause the collection of Pitch Fees to be suspended, and activate a process to give the residents the opportunity to revue the level of Pitch Fee. The Council through a system of fines may deal with minor infringements of the Site Licence e.g. with 3 failures to pay fines leading to suspension of the Site Licence.

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Many industries are regulated to levels which twenty years ago would be considered draconian

Electricians
Taxis
Farmers
Heavy Transport
Livestock processors

These industries survive despite the burden of legislation creating paper work and or taxation.

COST

Possibly in the first ten years annually around £400,000

The "Park Life" publication gives more than enough good cause for a robust regulation and control of this industry. The cost should not be a burden on the council Taxpayer , However the introduction of an All Wales Authority will enable Councils to pool resources and alleviate uncertainty over enforcement and therefore should contribute resources based on exposure with the added income from:-

Site Licence fees
Fines
Charges for visits/inspection

WHO PAYS

The resident is expected to pay the site operator a monthly sum for the right to occupy a Pitch, that sum may be as much as 20% of the house hold budget. It is therefore not unreasonable for the site operator to pay a similar sum for the Site Licence

We feel that the Pitch Fee revenue is sufficient for the Park Home site operators to be "taxed" to raise the revenue to provide sufficient funds for an all Wales Park Home Authority.

The resident also pays the local Council Tax at the same rate as brick and mortar homes, this equates to around 15 to 20% of house hold budget, we currently get little in return.

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FIT AND PROPER PERSON TEST

The law should require that to comply with the new regulation the company operating/owning the Park should its pass the stringent requirements for the BSI 9001 and that the directors can show due diligence in the operation of the Park. All directors to pass a CRB

The operating company should be required to supply a report on the condition of the Park, highlighting failures problems and plans for the Park. A civil engineers plan showing layout of the Park should be produced detailing roads, position of existing homes, existing empty plots and proposed new developments, the plan should also show water courses, drainage ditches etc plus under ground services electric, Gas, water, sewers and land and road drainage systems. The company should produce a hand book of what to do in an emergency, this should be specific to the Park and list contracts to be used to carryout emergency repairs and a step by step procedure giving expected timings.

THE SITE LICENCE

To process the application for the new 5 year licence, The council would have to inspect the site, paying particular attention to ensure that all works previously carried out comply with the various regulations in force at the time of installation. Any works failing this criteria should be required to be brought up to latest standards, This should include.

- ROADS ,PARKING AREAS - surface rain water drainage
- ELECTRICS
- GAS
- SEWERS
- RAIN WATER - ground water drainage and roof run off
- BUILDING WORKS - retaining walls individual parking pays paths and step to homes.

The Council would use the extensive area plan supplied by the Owner/operator to detail necessary works, referring to the residents to seek out problem areas.

PROTECTED SITES

Created under the Caravan Sites and Control of Development act 1960 by the required Site Licence. The Protection should be attached to the new Regulation by way of a "list " of Protected Sites for the provision of owner/occupied Park Homes and the existing planning consent should be non-reversible.

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RENTING

The practice of renting homes to non-owner occupiers on protected sites should be specifically prohibited with those residents and their cohabiting "family" currently in this situation given life tenure.

CERTIFICATE OF COMPETANCE

The manager of the Park if not the owner /operator will have to complete a course designed to highlight his responsibilities to his residents and will include all Laws affecting Park Homes a test should be sat at the end of the course and the manager will be required to complete a CRB

The costs for the above will be borne by the company/individual owning the Park

REVOKING OF LICENCE

In the event of a licence not being issued the Authority should offer the Licence to the qualifying residents association or the Authority should collect the Pitch Fees and use the funds to manage the Park through a contractor, with a view to the Park being administered by a residents association in the future.

TERMINOLOGY

PITCH FEE – This is explained in 'interpretation' Paragraph 29 of the Mobile Homes Act 1983 Which states ; - 'PITCH FEE' means the amount which the occupier is required by the agreement to pay to the owner for the right to station the mobile home on the pitch and for use of the common areas of the protected site and their maintenance. Etc

RENT- This term should not be used when referring to PITCH FEES as it is used by the USO as argument for taking the Pitch Fee as an income, rather than using the funds to plough back into the Park

COMMON GROUND - This phrase should not be used when referring to the Maintenance or upkeep of areas of the PARK as the USO will simply fence off unused areas and allow them to go to waste, Better to say "ALL Areas not the responsibility of the residents or owner/occupier"

REPAIRS/IMPROVEMENTS - Lowri Jackson has already highlighted the fact that many Site Operators are out of step with the PARK HOME manufacturers vision of itself as providing luxury Homes. The operators needs to step up a gear in creating high quality Parks which are appealing to the wealthy retiree who has a high expectation, this is a commercial necessity and should be funded out of the mark up on a new home and not passed on to existing residents via the "Pitch Fee"

USO - unscrupulous site operator