



Communities and Local Government Committee

House of Commons London SW1P 3JA

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Ann Jones AM
Chair, Communities, Equality and Local Government Committee
National Assembly for Wales
Cardiff Bay
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Dear Ann Jones

Consultation on the Regulated Mobile Home Sites (Wales) Bill

In its letter dated 5 November the Communities, Equality and Local Government Committee asked for views on the principles underpinning the Regulated Mobile Home Sites (Wales) Bill. The Communities and Local Government Committee of the House of Commons carried out an inquiry and reported on Park Homes on 20 June this year. The report is at <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmcomloc/177/177i.pdf>

Although we recognised that there are some good site operators, it was clear that action, including legislation, is needed now to improve the sector and drive the worst offenders out. We found that malpractice was widespread across the park home sector and complaints from residents about unfair fees, poor maintenance and site owners making it difficult for residents to sell their homes were common. While our primary focus was on England, we did receive some evidence from Wales and I have no doubt that the problem crosses the border and that the current legislation, which applies in both England and Wales, is inadequate. It neither deters the unscrupulous park home site owner from exploiting residents nor provides local authorities with effective powers to monitor or improve site conditions.

As the Committee's report indicates, the most common problem is 'sale blocking', which is when a site owner effectively prevents a resident from selling his or her home on the open market by withholding approval of the prospective buyer. A site owner can then force the seller to sell to them at a reduced price and then sell the existing home, or a brand new home placed on the pitch, at a profit. To eliminate this practice we recommended legislation to

remove a site owner's existing right to approve buyers. I am pleased that a private member's bill—the Mobile Homes Bill—is current before the House of Commons, which, if enacted, will tackle this and other problems in England. (According to explanatory notes, the Bill does not alter the legal position in relation to Wales and the new provisions contained in the Bill apply in relation to England only.)

The licensing regime also needs reforming. Park home sites are licensed by local authorities but the powers and arrangements are those suitable to the 1960s. The Committee concluded that the park home licensing regime has to be modernised to provide authorities with powers similar to those used to regulate other forms of housing. For example, instead of maximum fines of £2,500, there should be no upper limit, in order to deter site owners from breaching licence conditions. Local authorities must also be able to charge for issuing site licenses so that they are better able to resource their activities and are able to recover costs for all enforcement action taken against those found to be in breach of licence conditions. The Committee was clear that these costs have to fall on those who break the rules. It also concluded that the contractual obligations between park home owners and site owners were an area of confusion with some site owners failing to meet their obligations. The new legislation the Committee called for has to make clear the obligations on site owners for maintaining their sites. In addition, site rules, which can define obligations, have to be deposited with local authorities who should be given powers to enforce them.

I note that the legislation before the National Assembly for Wales would include, analogous with HMO licensing, a requirement for site operators (both owners and managers) to pass a fit and proper person test. In England, the Bill before the House of Commons would include a reserve power to institute a fit and proper person requirement. While the Committee welcomed the Government's consultation 'A Better Deal for Mobile Home Owners', it noted that these proposals did not include a fit and proper person test. The Committee pressed the Government to go further on two issues. First, there has to be a survey of the sector to ensure that any changes made are effective. Second, if the expected improvements do not happen, new legislation must provide a power for the Government to allow local authorities to withdraw and withhold licences from site owners found not to be 'fit and proper'.

A handwritten signature in black ink, appearing to read 'Clive Betts', is written over the printed name below.

Clive Betts MP
Chair, Communities and Local Government Committee