

NAPHR SUMMER NEWSLETTER 2019

Park Home Legislation

Dear Member

We informed you of the government reports to the Review of Park Home Legislation which were published in October 2018, in which the government stated that they are committed to giving better protection to park home owners, whilst ensuring that honest professional site owners who care about their residents and respect their rights do not have their good work overshadowed by the unscrupulous operators who ignore their obligations and the rights of residents.

In view of the above statement the government have formulated proposals to introduce a 'Fit and Proper Person Test' for those managing park home sites. This follows the government's commitment to introduce the test, subject to a technical consultation in response to the two-part review of park home legislation.

Section 8 of the Mobile Homes Act 2013 (which will be brought into force before these proposed regulations are made) empowers the Secretary of State to introduce a requirement for 'Relevant Protected Sites' to be managed by a fit and proper person.

The government have therefore published a consultation document which seeks the views of interested parties on their proposals to introduce a fit and proper person test for those managing park home sites.

We at NAPHR are very involved with the government officials in this consultation and shall be making a submission to them on behalf of park home residents generally. However, this consultation is open to you all to state your views if you wish and therefore we enclose, as part of this newsletter, a copy of the scope of the consultation as issued by the Minister for your information and contacts if you wish to take part in the consultation or respond as a residents' association.

Scope of the consultation

Topic of this consultation:	A Fit and Proper person test for managers of park home sites.
Scope of this consultation:	This consultation seeks views on the introduction of a fit and proper person test for site licence holders and managers of relevant protected sites in England.
Geographical scope:	These proposals relate to England only
Impact Assessment:	n/a

Basic Information

To body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation will last for 8 weeks starting from 22 July 2019 and will close on 17 September 2019.
Enquiries:	For any enquiries about the consultation please contact parkhomes@communities.gov.uk
How to respond:	You may respond by completing an online survey at: www.surveymonkey.co.uk/r/Parkhomes Alternatively, you can download the response form at https://www.gov.uk/government/consultations/mobile-homes-a-fit-and-proper-person-test-for-park-home-sites and return the completed form: • by email to Qarkhomes@communities.gov.uk • or by post to Park Homes Team, Private Rented Sector Team, 3rd Floor Fry Building, 2 Marsham St, London SW1P 4DF When you reply it would be helpful if you could confirm whether you are replying as an individual or on behalf of any organisation and include: • Your name • The name of the organisation (if applicable) • Your email address

The Working Group

This group was set up with representatives from across the sector to explore how messages about legislation can be disseminated more widely. I have attended meetings with the Ministry of Housing Communities and Local Government (MHCLG) to progress the government commitments to various changes to improve residents' rights. Unfortunately, the government parliamentary time is very limited due to the work of Brexit. However, progress has been made regarding the passing of relevant information to residents regarding rights and responsibilities and will be published later when finalised.

Further matters to be progressed are:

1. To clarify the definition of Pitch Fee and prevent the use of variable service charges in Written Agreements.
2. Simplify the complex and opaque company structures used by some rogue park owners to limit security of tenure.
3. Change the inflationary index from RPI to CPI. This is not yet implemented as it requires primary legislation. (We will inform you when this happens)
4. Engage with local authorities to support them in raising awareness of their existing powers and dealing with harassment cases.
5. Explore how the administrative processes for selling homes, reviewing pitch fees and making site rules could be improved and streamlined further.

Written Statements

We have information that some park owners are formulating leases on parks and offering residents new agreements. We must advise you not to accept or sign any documents offered to you as it will contain clauses that will give you limited tenure. The agreement that you already have is legal so do not be fooled by the illegal approach to change your agreement.

DO NOT ACCEPT IT WITHOUT LEGAL ADVICE.

Emails for advice

We receive many emails from members requesting advice. Please give us the name of your park and the park owner as well as your phone number. This will help us a great deal in making it easier to speak to you about your problem.

Scotland

As previously reported the Housing (Scotland) Act 2014 came into effect for new sites on 1 May 2017. Part 5 dealt with Mobile Homes and included site licensing reform from this date. All applications for a site licence would require the applicant to be able to satisfy the fit and proper person criteria. Current holders of a licence would have two years in which to apply for a new licence and they also would have to satisfy the fit and proper person criteria. The two years expired on 1 May 2019 so all things being equal all licence holders in Scotland should now have been subjected to the fit and proper person criteria.

Wales

The situation regarding the sale commission in Wales has not yet been resolved. We will inform you of any progress as it occurs.

NAPHR Meeting

An information meeting has been arranged at the venue detailed below: -

Date: Wednesday 18 September 2019

Time: 2.00 pm - 4.00 pm

Bilton Cricket Club

Bilton Lane

Harrogate

HG1 3DQ

The purpose of this meeting is for you to hear how NAPHR has been working on your behalf and give you the opportunity to receive advice if you have any concerns.

Arranging a meeting is never an easy task so please come along if you can and support your association and its committee.

If you have any friends or neighbours who are considering joining NAPHR and would like to learn more about us, then please invite them to come along with you. They will be very welcome. Application forms will be available at the meeting.

Tea and coffee will be supplied.

Best Regards
Brian Doick
President

A message from your Membership Secretary

Now that Jim Winchester is enjoying his well-earned retirement can I please remind you not to send any correspondence to him at his address in Wales. Please destroy any old stationery you may have that was issued by Jim. Our current forms are General Data Protection (GDPR) compliant and ensure that all your details are accurate and up to date. The bank details and all my contact details are on the reminder renewal forms that I send out about a month before the fees are due. Please address all membership correspondence to me.

If you prefer to pay your membership fee by bank transfer, please remember to include your surname and post code or park name in the transfer reference. Without these details I cannot identify your payment and renew your membership.

Our membership is constantly increasing but with that comes some very busy periods of work. If you could return your renewal forms as soon as possible after receiving them, it would be a great help to me.

Once again, thank you for your support this last year. Please don't hesitate to contact me if you have any queries regarding your membership.

Kind regards
Beryl