

Housing, Communities and Local Government Committee

House of Commons, London SW1A 0AA

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Heather Wheeler MP
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28 January 2019

Dear Heather,

Thank you for your letter of 7 January which accompanied the Government's submission of its post-legislative scrutiny memorandum on the *Mobile Homes Act 2013* to the Committee.

As you will recall from your time on our predecessor committee, this is an area where the Committee has conducted significant work in the past, with many of the recommendations in our 2012 inquiry on park homes being reflected in the 2013 Act. Your assessment that the Act has had a positive impact on the sector and has largely achieved its objectives is welcome, however as you say there is scope for further improvement, and this is an issue that the Committee has continued to receive representations on since the Act came into force.

Therefore, as part of the formal post-legislative scrutiny process, the Committee would like to ask a number of questions pursuant to your memorandum.

Fit and proper person test

Section 8 of the 2013 Act provided for an enabling power for the Secretary of State to introduce a fit and proper person scheme relating to the managers/owners of sites. As you note in your memorandum, "all the Act's provisions have been commenced with the exception of section 8". As you also note, the Government made a commitment to assess whether this power would be required no less than three years after its introduction. Notwithstanding the 2017 review, it is now almost six years since the Act came into force, and while it is welcome that your memorandum clearly states the Government's intention to introduce this test, it is concerning that no clear timescale is provided for this change, and that it will be further delayed by a technical consultation. In particular, your 2017 two-park review would have seemed like the perfect opportunity to gather any further information to inform your introduction of the test. **Could you therefore indicate (a) a firm timetable of when the relevant secondary legislation will be laid for consideration by Parliament and (b) for what reasons further consultation is required in light of past work and consultations on this issue?** We continue to receive reports of unscrupulous and criminal site owners from the park homes sector, and believe this is now an area where the Government should act without further delay.

Plans for awareness raising and the Primary Authority

We believe awareness of local authorities' strengthened rights and their willingness to challenge site owners remains an issue. Your memorandum acknowledges this and states that you will "engage with local authorities to raise awareness about their existing powers and support them to develop and share best practice on enforcement and dealing with harassment cases". **What steps is the Government taking in this regard?** Furthermore, you state that you are working with the Department for Business, Energy and Industrial Strategy to set up a Primary Authority that will

provide expert advice to the trade bodies and other local authorities on licensing issues. **What steps have you now taken to set up this scheme, when do you envisage it coming into effect, and how will it operate?**

Enforcement

The Government's memorandum identifies the main barriers to local authority enforcement being "a lack of resources and legal expertise, a reluctance of residents to provide evidence, and a lack of skills and knowledge by local authority officers". You hope to tackle these problems through improved awareness raising, as noted in the preceding section, however this would seem to ignore a number of the barriers that you identify. **In particular, if a lack of resources have been identified, what support do you plan to provide in this regard to improve enforcement? Could you also provide information on:**

- **Enforcement statistics by local authority.**
- **Whether there is a correlation between effective enforcement and local authorities that have introduced an annual licence fee.**
- **What evidence the Department has received (as part of its 2017 review and separately) regarding the non-compliance of site owners with site licence conditions; whether there are particular areas or owners where such non-compliance is particularly prevalent; and what support the Government is providing to those local authorities where non-compliance rates are higher to tackle that non-compliance.**

Requirement to publish site rules

Among other provisions, Section 9 of the 2013 Act requires local authorities to publish an up to date register of site rules in their area. Your memorandum states that some local authorities have "raised concerns that they had no powers to challenge any incorrectly made or banned rules which were deposited with them - and which they were nonetheless required to publish." **It does seem anomalous that local authorities have no powers to reject or revise such rules deposited with them and we would therefore be grateful if you could indicate what steps to plan to take to address this situation?**

Security of tenure

The Government has rightly indicated in its response to the 2017 review that it plans to legislate to simplify the complex and opaque company structures used by some rogue site owners to limit a resident's security of tenure and avoid liability for any enforcement action. Written evidence to our leasehold reform inquiry from Arun District Council cited one example where 197 residents had been asked for £40,000 per mobile home to have their pitch agreements extended or face eviction at the conclusion of their limited duration pitch agreements. This cannot be right. In particular, it would seem that paragraph 2 of the Mobile Homes Act 1983 needs to be amended to close the loophole to the security of the tenure regime which allows for such exploitation. **Please could you indicate whether these changes will require primary or secondary legislation, and provide a clearer indication of when the Government plans to bring forward that legislation?**

10% commission on sales

Although not substantively covered in your memorandum as it was not changed in the 2013 Act, the Government's response to the 2017 review stated that "The Government will therefore undertake research to gather relevant data to enable a detailed assessment of the likely impacts of a change to the 10% commission on residents and site owners." **Could you please indicate the timetable for this research?**

Finally, I referred earlier to ongoing representations that the Committee receives related to park homes. While the issues raised have often fallen outside of the scope of the Act, I would be grateful if you could indicate:

- **What assessment the Department has made of whether there is a need to widen the scope of the Act to improve the regulation and oversight of holiday parks?**
- **What information the Department has received related to mis-selling of park homes without planning permission?**

I am copying this letter to Peter Aldous MP whose 2012 Private Members' Bill resulted in the 2013 Act. I look forward to your timely response.

A handwritten signature in black ink, appearing to read 'Clive Betts', written in a cursive style.

Clive Betts MP
Chair, Housing, Communities and Local Government Committee