

**National Assembly for Wales**  
Consultation on the Regulated Mobile Home Sites (Wales) Bill

**RESPONSE TO CONSULTATION**  
7<sup>th</sup> December 2012

My name is Rachel Jebbett and I am a private individual, a park home owner living on a site in mid Wales with my husband. The views expressed in this document are mine alone and do not represent the views or opinions of any other person, group or organisation.

What park home dwellers want is what society beyond our park boundaries takes for granted, that is:

To feel comfortable in our houses

To enjoy our gardens

To come and go as we please in safety

To make friends where we wish

To be charged fairly for our household bills

To be able to sell up and move on when we are ready

A well run park home site is a joy to live on; but too many of us encounter the ugly face of park home dwelling:

Irresponsible high profile marketing of an idyllic lifestyle draws you in.

Lack of transparent published information on the reality of the lifestyle you contemplate, commits you to a devastating mistake.

Inequality of police, judiciary and local authority protection destroys your defences.

Enforced vulnerability and consequent impotence annihilates your peace of mind.

Criminal financial predation robs you of your livelihood.

This is what I want the Bill to address, and I urgently request that the human perspective remains at the forefront of everyone's mind throughout the course of the preparation of the Bill and consequent legislation.

**1. Is there a need for a Bill to amend the arrangements for licensing and make provision for the management and operation of regulated mobile home sites in Wales? Please explain your answer.**

There is a most urgent need for a Bill to amend the arrangements for licensing and make provision for the management and operation of regulated mobile home sites in Wales. The state of mobile home law is chaotic and impotent in virtually every aspect of its current representation, interpretation and administration. Lawful, successful park home dwelling for residents who choose this lifestyle, is entirely dependent on the integrity of the park owner to run his or her business honestly and fairly, i.e. to interpret present inadequate legislation with honour, and respect for the resident - the customer - despite the opportunities it offers for prolific illegal financial gain, which is at the root of the current inexcusable deterioration of standards in the industry. In no other enterprise is the customer regularly treated so badly for such extraordinarily high financial gain.

The fact that the park home industry is host to honest, decent park owners is proof that it is possible to maintain a successful business whilst treating the residents who provide their livelihood with respect and fairness. This is the benchmark. Those who fall short of this standard have no place in this business and must be met head on with measures that will rid the industry once and for all of the corruption and moral turpitude that is destroying the lives of thousands of decent people. The site operator who is currently permitted to purchase a park (and with it control of the lives, livelihoods and future dispositions of the residents thereon), without reference to any licensing, regulatory, personal integrity, or any other standards, and thereafter fails to behave honourably, is the reason why this Bill has come into being.

It is of paramount importance to bring to the attention of the wider world, this hitherto largely unrecognised, despised and neglected housing sector, by augmenting and strengthening the duty, powers and financial support (where appropriate) of licensing authorities, and also to bring to the forefront of public awareness the necessity for widespread, up to date legal competence in respect of residential property tribunals (where used), the legal professions, courts, advisory and support groups, and any other agencies who may in the future become involved in this area.

**2. Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum? Please explain your answer.**

Yes, I think that the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum. As hoped, the object of the Bill's primary focus is the fundamental reason for all the crime and nastiness prevalent in the industry, which is the lack of competent, efficient management of park home sites by honest, decent owners and managers. So the drawing together of a team of professionals to introduce and direct a collaborative regime to replace decadence and immorality with integrity, backed by the ability of Welsh Ministers to add secondary legislation to further the aims of the Bill, appears to me to be a sound platform from which to address the shameful state of the park home industry.

### **3. In your view, will the licensing and enforcement regime established by the Bill be suitable? If not, how does the Bill need to change?**

In my view, the licensing regime established by the Bill will not be suitable, and my reasons for the necessity to change are given below.

The licensing system must consist of two parts, i.e. the person licensed to operate the site must possess what may be called a *personal licence*, and the site itself must be licensed separately; the *site licence*. Without such a system, residents will be left in a very vulnerable position.

The personal licence must have reference to fit and proper person status/ professional background, management/running of the site, any training in legislation etc.

The site licence must have reference to the land, infrastructure, Health & Safety, appearance and so forth.

The area of land which sustains the siting of park homes and their occupancy by residents, legally becomes a mobile home site only when it has a valid site licence in force. Therefore, the site licence must remain in operation indefinitely. If this were not so, at the moment the site licence ceases to be in force, all homes on the land are illegally situated there, meaning that all residents would immediately be stranded, along with their only place of abode, in which all their assets are tied up, on land where they cannot remain, i.e. their homes cannot remain, and neither can they.

This would leave them in an untenable position.

Under current law, a park home site can be owned and run by anyone at all who can purchase the land and obtain a (single) site licence. Since this legislation is totally unfit for purpose, it depends entirely on the integrity alone of the person owning the site as to whether the site is run honestly and fairly. Therefore, the only qualification required to govern this aspect of the business, is the character of the owner, a condition that would be the essence of the personal licence.

The Bill lays down conditions under which a dishonest, unfit owner can be prevented from further ownership of a site; after all, the removal of rogue owners from the industry is the major intention of the proposed new legislation. If, therefore, the site licence was revoked under the present conditions of the Bill, the right of residents to occupy the site would be removed at the same time as the owner's right to own or manage the site. A dual licensing system would allow an unsuitable site owner to be stripped of his licence, without endangering the status of residents on the park.

In another possible scenario, if new legislation required that the site licence will last five years and must be reapplied for, at that point, similarly, the land would cease to be a mobile home site until such time as the licence is re-applied. Suppose this did not happen?

a) the licence might be revoked.

b) the site owner might decide to retire.

c) over time, the infrastructure of a site naturally deteriorates, and in the case of a site badly managed and maintained over a long period, the prospect of the expenditure required to bring the site up to standard under new regulations might be sufficient to encourage the owner to simply walk away from the responsibility.

Therefore, under the conditions of the Bill, a dual licence **must** be operated in order to protect residents whilst dealing effectively with dishonest site operators, which, I will reiterate, **is the overall purpose of the Bill**. I believe that this would be the most efficient way to resolve the dilemma.

The amount of the license fee must be proportional to the number of homes on the site to which the licence will apply, in order to share the cost/profit ratio fairly.

A watchful eye must be kept on the number of homes for which a site is licensed, which may need to be reduced. Modern park homes are larger than those for which mobile home sites were originally planned. Therefore the replacement of a small home by a larger one may mean that the site is no longer able to contain the same number of homes by virtue of the increased amount of space needed for fewer homes.

With regard to the enforcement regime, I think that what the Bill proposes is strong and resourceful. I would, however, like to see requirement of Building Control regulation included in the management of the infrastructure of mobile home sites. Administrative officers are unlikely to be qualified to judge either the quality of hard standings or of skirting, for example. The quality of hard standing construction recommended by the industry today is well above that of past years due to the increased size and weight of modern park homes. It may therefore be necessary to ensure that an old hard standing planned to be used to site a modern home is checked for its ability to sustain the weight and size of the new home, and also any modification to the hard standing in this respect, checked at intervals during its construction in the same way that the foundations of a brick building would be. The skirting must be positioned so that it does not touch the wooden base of the home and must also be within the inside edge of the drip rail to enable rainwater to flow freely to the ground. It must also contain apertures which allow a minimum measured area *per room in the house* of constant free airflow.

Provided Welsh Ministers' are confident that their powers of secondary legislation are sufficient to deal with follow up issues, I see no reason to doubt that the Bill's intentions will be achieved.

What most concerns me about new legislation is that it must be modern, and above all, watertight. As residents, we have discovered, greatly to our cost, that legislation that is carelessly crafted offers no protection at all, and it is this inadequacy in current law that has led to the serious problems we experience now, and the entrenchment of the criminal element of the industry. The Bill must seek to do very

well, those basic elements of its construction that will begin to turn the industry around, and adjust as necessary to issues that surface via experience, such as may arise as the new economics of the industry shake down, for example. With strength of purpose and great determination, the industry can be revived and taken forward into a successful new phase. At its best, the park home lifestyle is attractive and comfortable, and it can also be an economically sound investment for local authorities, in the sense that quite a lot of social care home expenditure is saved by the tendency amongst park home communities to look after their neighbours (particularly those with no near relatives), until the point is reached where there is absolutely no alternative to social care.

#### **4. Are the Bill's proposals in relation to a fit and proper person test for site owners and operators appropriate, and what will the implications be?**

The Bill's proposals as shown, in relation to a fit and proper person test for site owners and operators, are appropriate to the extent that clarity is given to the requirement for evidence of fraud, discrimination, lawbreaking in respect of mobile homes, housing, landlord and tenant or town and country planning issues. I think that the inclusion of an Enhanced CRB check would be appropriate. However, it is a fact that records of crime perpetrated in relation to mobile homes are sparse in the extreme, and therefore a search of such records in isolation may not produce a reliable result. The recent findings of Consumer Focus Wales in particular, show that in the case of mobile home issues, a great deal of potential evidence of wrongdoing has been withheld by the victims because of fear of reprisals by the site operator, hence there will be a lack of information available to a researcher in the matter of fit and proper person checks. Therefore it is necessary for an agency engaged in assessing the suitability of a licence applicant (or holder – see following paragraphs), to be able to assess the integrity of the applicant based on local and/or shared knowledge and experience. This would entail referring to information gathered by Trading Standards and other agencies across the UK; I understand that proposals to institute shared registers of park owners are already in hand, and this will be an important addition to the process.

However, there is more to being a successful manager than paper records, and I think it would be useful to consider talking to the owner or manager of one or more successful parks in order to find out what personal qualities and methods they find effective in the management of their own sites. This could not be quantified of course, but in conversation with a prospective owner or manager at the point of application for the licence, a few well directed questions could determine to a degree the level of integrity of a person applying to run or manage a site.

The fit and proper person test must most certainly be applied to any new applicant for a license to run a park home site, and **equally importantly**, to site owners/operators already in possession of a licence, and also to any other person proposing to become involved in the management of a site. Rather than attempt a blanket application of the test to every site owner/operator in situ, the process would be applied to great effect on a gradual and more economical basis using local knowledge / suspicion alone / history of complaints of wrongdoing. The background of a suspected rogue operator would be investigated and the necessary procedures

applied according to the findings of the investigation. This is the way that Police Intelligence works.

Incontrovertible evidence of misconduct is revealed in (limited) police, court, Trading Standards and other records, to which must be added the wealth of anecdotal data provided through research (by Consumer Focus Wales in particular), consultation, inquiries etc in recent years. Although unproven in law, this latter form of evidence collectively brings substantial evidence to bear on the situation; such a large number of consultees cannot have fabricated corroborative evidence for the purposes of this project. This approach would enable a realistic challenge to be made against suspected or known unlawful park owners, and would make inroads into the task without compromising honest, diligent owners/operators.

If it is hoped that restraints other than retrospective application of the test on unlawful park owners, will provide the solution to the cessation of criminal activity by these operators, I dispute the efficacy of this course of action on the basis of the views given above and also on the grounds that swift and decisive measures are the deserved response to years of abuse, and would be of greater benefit to victims, who are the reason this Bill came into being, and who have already suffered enough. A prolonged period of 'increasing pressure' by the use of fines and other restraints, during which time the rogues would continue to maximise their opportunities for financial gain to the highest possible level, would not only prolong once again the suffering of residents, but also incur huge unnecessary expense in administration. After all, these site operators have for many years, gone out of their way to earn the right of summary dismissal from their jobs on the grounds of gross misconduct, and this should be applied forthwith, despite their regular bleat 'I own the land ...' which they consider renders them untouchable.

Predictably, it will be a consequence of new legislation that guilty park owners remaining in situ will maintain a low profile for a period while devising alternative methods of illegal profit-making that are not so overtly criminal, such as instituting limited liability partnerships, extending their influence to feed off other loosely regulated businesses and setting up 'ownership' of bogus utility companies through which they can charge their residents for water, gas, electricity etc at inflated price levels of their own choosing, ***a trend that is already in progress. This will require strenuous vigilance from all agencies associated with park home regulation in order to prevent the war from simply moving to a different battlefield.*** Also, the opportunity to appeal against the decision to refuse or revoke a licence, will be exploited by all subjects of such a decision, in which case, the evidence provided by the local authority supporting the refusal or revocation, will need to be substantial and robust, and the tribunal's (or other's) response equally robust and binding.

**5. Are the amendments to the contractual relationship between mobile home owners and site owners which would result from the Bill appropriate? If not, how does the Bill need to change?**

I think the amendments to the contractual relationship between mobile home owners and site owners are largely appropriate.

I agree entirely with the measure to remove the site operator's veto in relation to the sale of a home by the occupier. However, in response to misgivings about the ability of the occupier/seller to complete the sale accurately and professionally, ***I offer the suggestion that a local authority staff member (possibly Housing department) meets briefly with the prospective buyer to ensure that the procedure has been carried out correctly and also to enable them to assess the buyer's general suitability to live on the site.*** The local authority will already have the ability to do this in relation to applicants for tenure of the authority's own accommodation, and this would be an effective and secure method of replacing the former responsibility of the site operator to undertake this task.

Site rules must continue to form part of the Written Agreement (Written Statement), and I agree that site rules must be submitted with any licence application and made available for inspection by the Local Authority. ***I suggest that this condition must also allow the local authority to have a minimal supervisory role in the updating and amendment of site rules to ensure they are reasonable and effective without being intrusive and in some cases, illegal, as is the case now.*** This would also support residents in the event of consultation by the site operator concerning changes to site rules. On a badly run park, residents in fear of their site owner will simply agree to all changes rather than risk reprisals by the owner for any disagreement, thereby negating the value of the consultation.

In view of a recent doubt that was put in my mind that the meaning of the 'pitch' is not fully understood, I offer a definition of the word in respect of mobile home sites.

Definition of 'pitch': the mobile home or preferably, park home, is sited on a solid concrete hard standing which is surrounded by what is effectively the garden. The garden consists of an area of land, minimum 3 metres wide, around all four sides of the home. The home must be no less than 2 metres distant from any roadway. This entire area - hard standing and surrounding area - forms the pitch. It has become a habit recently among rogue site owners to insist quite wrongly that the hard standing only is the pitch. In other housing sectors the area of land surrounding the house is deemed to be 'acquired ground' and thereby protected from abuse, but as usual, park home residents are accorded no such courtesy. The resident pays a monthly 'rent' to the site owner in return for stationing the home, which he or she owns outright, on the pitch. This 'rent' is known as the pitch fee.

Mobile home site residents pay council tax on their property which includes a percentage payment for the lease of the land on which the home stands. Site residents therefore pay **twice** for the use of the land beneath their house.

With reference to pitch fees, ***I would like to see specific conditions laid down regarding the difference between repairs and improvements to the site.*** Currently, the pitch fee must not include repayment of the cost of any repair, but may include that of improvements, which can only be implemented after consultation with residents. However, despite the terms of the Bill, I foresee a bid by site operators to attempt to recoup costs incurred by them in order to implement the changes made by the Bill. One way of doing this would be to try to muddy the water around what is

and is not a repair or improvement, in order to retrieve some of their expenditure, illegally, if they can get away with it.

With reference to page 25 of the Explanatory Memorandum, paragraph 109 states, 'pitch fees can only be increased in respect of **legislative changes which directly affect the actual costs of the management or maintenance of the site**, and have taken effect within the 12 months since the last review date. This would not include more general changes such as those affecting tax, overheads or other business or head office activities, **but would include matters such as, for example, enhanced environmental duties applicable to the site**'. These are dangerously ambiguous statements and will provide an instant loophole in the legislation which will be exploited to the extreme in very short order. **Conditions of this sort must be rigidly and very clearly defined.**

One item in the provisions relating to succession which has not been addressed is the question of inheritance of a park home. As things stand, a person inheriting a home may have no right to station the home on the park nor live in it, nor to sell the home on the park; the home must be moved off the park in order to be sold. The question of whether or not a commission is paid to the site operator as a result of the inheritance situation also complicates the matter.

With regard to residents' associations, the provisions are appropriate with the exception of one vote per household being the prerogative of the person first named on the Written Statement. I agree with the proposal made by Consumer Focus Wales that this should be changed to state that either occupier of a two-person household must be allowed to vote.

## **6. In your view, how will the Bill change the requirements on site owners/operators, and what impact will such changes have, if any?**

In my view, the Bill will extensively change the requirements on 'unsuitable' site owners/operators, and therefore the impact on them also, and change to a much lesser degree the requirements and impact applicable to honest owners/operators.

### 'Unsuitable' site owners/operators

They are in this business for financial gain alone, and since current legislation allows this to be achieved by criminal means, then that is what they do, and their methods are becoming increasingly sophisticated and subversive. The Bill will fundamentally require them to become law-abiding, with the penalties for non-compliance being designed to hit their most vulnerable spot – the wallet. The current state of the park home industry allows for no less a remedy than complete reversal of the status quo in the domain of such site operators, and the Bill and the resulting Act will have to be extremely robust, conscientiously administered and very tightly controlled to achieve the desired outcome.

Therefore, the initial impact will be an outcry by these site owners/operators against the necessity of payment for the licence to own/retain a park, and all other imposed expenditure. They have become accustomed to unlimited opportunities to make



unlimited profits and they will resent the curtailment of their ability to continue to accrue the same high levels of income by criminal means. They will immediately attempt to recoup what they will consider to be their 'losses' via demands for increases in any or all areas of the legitimate income to which they are entitled from the residents who are trapped on their sites; pitch fees, improvements, sales, commissions, utilities etc, and in any other way they can devise.

Residents must, therefore, ***NOT BE MADE TO PAY FOR GOOD BEHAVIOUR***. This is ***not*** our responsibility.

#### The 'In-Between' site owners/operators

The owner/operators that fall into this category are those who refrain from aggressive criminality, but behave unlawfully in that they are deliberately inept and careless in their approach to running their parks. They also receive an income above and beyond that to which they are entitled by the contract between them and their residents. They do this by failing to maintain their sites in good repair and taking little interest in the welfare of the enterprise as a whole. They may be 'absentee landlords' who visit the site as infrequently as possible and invest the absolute minimum amount of money and effort in upkeep and general management. They cheat their residents by reducing their standard of living to well below the level to which the residents have a legal right. Severe inadequacy of roadways, paths, utility installations and general safety are no less detrimental to the wellbeing of residents than other more publicly acknowledged shortcomings.

These site owners/operators will likewise not be supportive of the need to comply with the requirements of the Bill, but their alternatives will mainly be to smarten up their act (legally), or withdraw altogether. In either instance, the decision would be a good one from the point of view of fairness to their residents and to the industry's future health.

#### Honest site owners/operators

These site owners/operators are in the vulnerable position of running a good business in which their residents enjoy the benefits of a comfortable lifestyle in return for fair payment, while watching their industry inexorably working its way towards anarchy and collapse. They are no less susceptible to criminal acts themselves, as rogue owners wishing to buy another park are not above using physical threats as one of their negotiation tools. Honest operators should therefore welcome all measures designed to clean up their industry and prevent the ultimate loss of their own livelihood; it's only a matter of time. They are proof that the park home industry is capable of offering the opportunity to earn a good living without having to resort to illegal practices. When the industry is clean, their investment (via the Bill's requirements) will reap its own reward in the ongoing development of a successful and attractive lifestyle alternative to conventional housing, regulated by its own level of sustained appeal to potential park home dwellers, and the establishment of a robust, fair regulatory process by the provisions of the Act which will result from this Bill.

**7. Do you agree that the Residential Property Tribunal should have jurisdiction to deal with all disputes relating to this Bill, aside from criminal prosecutions? Please give your reasons.**

I cannot disagree that the Residential Property Tribunal should have jurisdiction over all disputes aside from criminal prosecutions, because this course of action has already been adopted, and there is no alternative, since the legal professions in general know nothing about park home law. The efficacy of the RPT will be proved in a relatively short space of time.

I note in the Explanatory Memorandum a claim made on behalf of the RPT to the effect that 'its members do indeed have expert knowledge and experience of determining property related disputes', but I fear interpretation by the RPT of their role of 'tribunal' in this context as a tool of arbitration. The term 'dispute' (argument or disagreement) in the context of park home law is not strong enough to convey the meaning of 'response to a criminal act' (whether or not the Police would consider it a criminal act), and in order to be successful, the RPT must be made aware of the difference as it affects park home dwellers. Therefore further training of the RPT in this new area of responsibility by an appropriate and competent organisation is essential. The concept of the possible involvement of 'a site operators' trade association' in the training of RPT members, reported in paragraph 115 of the Explanatory Memorandum, **must be UTTERLY REJECTED**. Such a move would compromise the integrity of the RPT to a totally unacceptable degree.

My conclusion therefore, is to accept the RPT's role, hope that the measures proposed in this Bill will greatly reduce crime in the industry, and also hope that, as a result of approaches to the Police and discussions with them during the course of the preparation of this Bill, they will be prepared to come forward to offer greater protection to park home dwellers.

**8. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?**

Local authorities in particular must be prepared to commit themselves to enthusiastic pro-activity in the execution of their new responsibilities. The Bill takes account of this by implementing the duty as well as the power to do the job, and offering sources of financial support, which to date has been the main obstacle to willing participation by some local authorities in park home licensing affairs.

Another potential barrier is the volume of responsibility immediately placed upon certain organisations. The Bill seeks to reduce the impact of this by encouraging the sharing of information and administration by means of a register of site operators and other means of establishing a network of shared experience and advice. Of particular value in this respect is the fact that some local authorities have been committed to their role in the management of park home sites for some time, so there is useful advice and information there in good supply. Likewise, Trading Standards and other bodies have much to share. No single organisation need work alone.

It must be remembered that the park home industry is simply another housing sector, and while there are certain attributes of this lifestyle which are unfamiliar outside our park boundaries, **park home residents are no different from any other tenant of a dwelling place they call home.** In this respect Housing, Licensing, Trading Standards and many other local authority functions are already in place and broadly equipped to deal with the administration of this area of social amenity. The adoption of as many aspects of established infrastructure as possible into the administration of mobile home sites will minimise the tendency to expect, and fear, that special measures are necessary in every aspect of the new regime.

It is also to be hoped that, through communication and diplomacy which has already begun during the preparation of the Bill, the Police will become amenable to providing better support for the needs of park home dwellers, thereby sharing the burden of responsibility. I am aware, however, that the Bill is not able to address this issue.

**9. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)? In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill.**

The subordinate legislation as described in Section 5 of the Explanatory Memorandum seems to me (a layman) to encompass in one form or another, the ability to support, amend, adapt or guide the objectives of the Bill. I think the areas of mobile home site administration most urgently in need of attention have been correctly identified and addressed in the Bill, and the powers of subordinate legislation chosen to give a broad range of capability to uphold the focus and direction of the legislation. It's impossible to see round all the corners ahead, and I believe the Bill provides a good foundation from which to develop future legislation in a way that will be appropriate to the changing needs of the industry.

**10. In your view, what are the financial implications of the Bill? Please consider the scale and distribution of the financial implications. In answering this question, you may wish to consider Part 2 of the Exp Mem (the Regulatory Impact Assessment), which includes an estimate of the costs and benefits of implementation of the Bill.**

The scale of the financial implications of the Bill is commensurate with the cost of administration of any other housing sector. HMO licence holders, for example, are charged a fee for their licence which is used to cover administration costs. In the case of mobile home sites, administration by the local authority has become a necessity because part of the 'landlord' element of the industry fails to uphold acceptable standards of business practice, therefore this sector must be brought up to standard by the same methods as were formerly used to raise standards in the HMO sector.

In doing so, the local authority and other agencies will be investing in their own interests by the implementation of good practice in this area. Should park home

sites cease to exist, thousands of homeless residents, who have sunk their capital into their homes, will need to be rehoused and financially supported. Equally valuable to the social care burden on a local authority is the tendency of park home communities to look after their neighbours for as long as possible before social care by the state becomes a necessity.

There will also be a financial impact on the site operator's business.

Referring to rogue site operators first, who are the reason that this Bill has come into being and requires funding for its implementation, the highly significant impact on residents' finances, of increasing levels of fraud and extortion over a considerable number of years, must be set against the site operators' claims that implementation of the Bill will financially disadvantage them. Many former elderly residents are now forced to access support from the state because their financial resources, which were planned to provide a sizeable contribution to their ability to be self supporting in their final years, were criminally depleted, and therefore many local authorities and government departments join them as victims of fraud. Consequently I see no reason to uphold the view that these site operators will suffer loss, since the 'loss' means nothing more than a threat to affluence and opulence, achieved by a criminal lifestyle.

Honest site owners should consider initial costs as an investment, since their industry is heading downhill towards anarchy and collapse, which will destroy their livelihoods as well. They are no less vulnerable to criminal acts themselves, as rogue owners wishing to buy another park are not above using physical threats as one of their negotiation tools. The investment will pay off via a clean, vibrant industry.

## **11. Are there any other comments you wish to make about specific sections of the Bill?**

**Question:** Part 4 **28** (5): 'a failure to comply with a code of practice for the time being approved under Section 28 does not of itself make a person liable to any civil or criminal proceedings' – what is the purpose of a code of practice that can be ignored? What other circumstances would need to be present to induce liability to civil or criminal proceedings? This is not explained.

### The proposed amendment to the fit and proper person test

I must comment on this proposal which has come about since the consultation on the Bill was launched, on the subject of applying the fit and proper person test to the manager of the site only, and not to the owner as well.

I vehemently disagree with this proposal which, if carried through, **will knock the heart and soul out of the Bill**. In respect of the criminality which is currently crippling the lives of thousands of residents and also the park home industry, the worst offences by far are being perpetrated by the rogue site owners, not the

managers, unless the two happen to be one and the same person. Everyone involved in this endeavour to rid the industry of criminality has publicly acknowledged the extent of the crimes committed by these people in the pursuit of profit through crime fed by greed.

The reason given in Evidence Session 1 of the Communities, Equality and Local Government Committee on 14th November, for bringing forward this amendment, appears to be that applying the fit and proper person test to the site operator 'would be very difficult to enforce and quite burdensome'. Please note that the volume and nature of crime being committed in the park home industry, and also in businesses associated with it, is *'quite burdensome'* to its victims.

No matter how many "suitably qualified" managers are in place, the dictates of the owner will always override any decision or behaviour favoured by a manager. **How will the legislation propose to separate the duties and authority of the manager from the jurisdiction of the person who employs him or her, and from whom the instruction regarding their duties is received?** Thousands of sickened, defeated, impoverished park residents have heard *ad nauseam* the park owners' anthem: ***'I own the land; I can do whatever I want.'***

The proposals offered in support of this change of direction appeared as indecision, guesswork and possibilities. I believe that tackling the rogue park owners head on with the fit and proper person test would, in the long run, be the easier (because the foundations have already been established), more efficient, and infinitely preferable course of action. It appears to me that neither option is any less or more difficult than the other to legislate for, and I consider the Bill's first choice of action will provide a sound foundation of robust legislation to start **immediately** the process of ridding the industry of the menace, supported by secondary legislation that can be used to refine and improve the basic rationale as necessary. **This is without doubt, the only sensible way forward.**

May I finish with a comment recently reported to have been made by a site operator who is attempting to evict from her home a disabled lady whose daughter has spent time with her recently to nurse her during a period of illness. He also tried to force her to get rid of her little dog and remove her .75m garden fence:

**"THEY ONLY COME HERE TO DIE."**

Should a site operator whose ethical code is pitched at this (gutter) level, be exempt from the application of a fit and proper person test?