**FAMILIARISATION & MEETING WITH OFFICIALS - SCOTTISH GOVERNMENT HOUSING POLICY UNIT (MOBILE HOMES)**

**STONEYBURN WEST LOTHIAN 31 March 2022**

**PARTICPANTS**

**SCOTTISH GOVERNMENT (SG):**

DOROTHY OGLE, (Lead -Gypsy Traveller& Residential Mobile Homes Team)

GABRIELLA POLI

**SCOPHRA (S):**

JIM HALUCH Chair (in person) WillowWood Park,

SANDY DEWAR, Secretary, Seaton Park, Arbroath (by Zoom)

FREDA LOWE Treasurer, Park Village, Crieff (by Zoom)

GREG KEENAN, Exec Member, Glendevon Country Park Dollar (by Zoom),

BILL GRAY, Exec Member Riverview Country Park Forres (by Zoom)

**WILOWWOOD PARK (WWRA):**

JOHN ADAMSON, Vice Chair, Willow Wood Residents Association (in person)

STEVE PERRY, Secretary, Willow Wood Residents Association (in person)

**PROGRAMME**

**13.15 Pick-up Addiewell Station (Jim Haluch)**

**13.30 Arrive Willow Wood, meet officials WWRA**

**13.35 Walk round park; Visit residential homes**

**14.00 Refreshments and discussion with residents of Willow Wood on park home living**

**14.45 Meeting with SCOPHRA Executive on SCOPHRA Aims 2022 (see below)**

**15.45 Conclusion of Meeting & Return to Train Station for 16.06 service to Edinburgh Waverley.**

**SCOPHRA POSITON PAPER 2022**

**The following is presented to assist discussion with the SCOPHRA Executive Committee**

1. **SCOPHRA**
   1. SCOPHRA is the representative body of Residents Associations and individuals on permanent (protected) residential mobile (park) home sites in Scotland covered by the Mobile Homes Act. (MHA) SCOHRA does not represent holiday park homeowners.
   2. Membership of SCOPHRA is governed by a written constitution and by an annual membership fee for both associations and individuals.
   3. SCOPHRA currently represents associations on thirteen sites in Scotland and individuals on a further seven parks. This amounts to around 20% of the residential parks in Scotland.
   4. A recent census (March 22) of SCOPHRA members when extrapolated across Scotland suggest just over five thousand occupied park homes housing around 8500 residents.
   5. SCOPHRA is aware of the many families living permanently on holiday sites in Scotland as their main or only home, believing that they are living there lawfully, although not paying Council Tax. When these are considered, SCOPHRA believes that the actual number of mobile or park home residents exceeds ten thousand or more.
   6. SCOPHRA has conducted a survey of members over February and March 2022 to ascertain the key issues they believe should be tackled by legislation and what priority should be granted to each issue.
   7. These issues are (in order of priority):
      1. Seek to review the general licence conditions attached to site licences to include conditions which:
         * demand that site owners issue Written Statements (WS) as required by the MHA and the right of the LA to enforce the contents of the WS.
         * Reinforce residents’ rights to transparency in the compilation of utility charges.
         * Demand that site owners recognise Qualifying Residents Associations as required by the WS.
         * Ensure that licence conditions contain reference to park rules guidance in line with The Mobile Homes (Site Rules) (England) Regulations 2014
         * Ensure that licence conditions are consistent across Scotland and are consistently enforced across all LAs.
      2. Seek a review of the rights of site owners to a 10% commission on sales of homes.
      3. Seek to have the annual pitch fee increase linked to CPI rather than RPI.
      4. Seek the extension of The First-tier Tribunal for Scotland Housing and Property Chamber to cover park home issues.
      5. Take serious action against holiday site owners who sell home as ‘permanent’ residences and thus defraud buyers.
      6. Review the ‘Model Standards for Residential Mobile Home Site Licences’ issued in 2018.
      7. Review the ‘Guidance to Local Authorities on the Licensing System for Mobile Homes Sites with Permanent Residents’ issued in 2017.
2. **BACKGROUND**
   1. SG is looking to examine the working of the [Licensing of Relevant Permanent Sites (Scotland) Regulations 2016](http://www.legislation.gov.uk/ssi/2016/433/regulation/4/made). SCOPHRA has been seeking such a review since 2019, particularly due to the lack of consistency in local authority application of the regulations.
   2. Mr Alex Burnett MSP has been active in lobbying for the interests of Park Home residents for some time and the member association letter to Mr Burnett, attached highlights some of the issues.
   3. SCOPHRA regards this review as an opportunity to correct some of the errors and/or omissions from the 2016 regulations while accepting that the 2016 work represented a big advance on previous legislation.
   4. SCOPHRA welcomes this effort by SG officials to more understand the park home lifestyle and to hear the views of residents.
   5. SCOPHRA welcomes this opportunity to input into the licensing review.
3. **LICENCE CONDITIONS**
   1. Licence Conditions enforcing Written Statements and QRA’s
      1. Some LAs, notably Perth and Kinross, already contain licence conditions which reinforce the MHA Written Statement. SCOPHRA seeks amended SG guidance to LAs which requires all LAs to have and enforce the WS as a licence condition and specifies the WS clauses, as does P&K Council.
      2. SCOPHRA seeks a system for registering QRAs
      3. SCOPHRA seeks to have all LAs impose conditions which control the charges for utilities and reinforces the right to transparency.
      4. Guidance to LAs should include a condition covering park rules and a system for registering park rules as is the practice in England. SCOPHRA will provide examples of site owners in Scotland attempting to apply rules that are barred in England.
   2. **Consistency**
      1. SCOPHRA believes that Guidance to LAs should be mandatory advisory, to ensure a consistent approach across Scotland.
4. **COMMISSION**
   1. SCOPHRA believes that the 10% commission is an anachronism that distorts the housing market. The last SG research into commission conducted in 2012 concluded that commission was a relevant part of a park’s income, although the researchers had no way of validating the accuracy of survey returns. This was because they concluded that most parks were small family businesses, again without verification. Since then, it has emerged that most parks are now owned by large companies with a portfolio of parks or families with similar portfolios. There are very few small family-run parks left to whom commission is a major part of annual income. There is currently a commitment by the UK parliament to examine commission, since with the current high price of park homes, commission is a pure profit bonus. For no services.
5. **RPI v CPI**
   1. State pensions are reviewed annually according to the CPI but SG links annual pitch fee reviews to RPI. In 2022, the state pension rises by 3.5% while the average RPI for pitch fee increases is 8%. SG has the power to make this change and particularly as most park home residents are State pensioners this would be an equitable change which SCOPHRA fully supports.
6. **Sheriff Court v First-tier Tribunal**
   1. Scottish park home residents are severely disadvantaged against their English counterparts in that disputes in Scotland must be referred to the Sheriff Court at great cost and with exceptionally lengthy delays in matters being considered by Sheriffs. SCOPHRA believes that a simple solution is to add park home issues to the remit of The First-tier Tribunal for Scotland Housing and Property Chamber. This is the system in England which has proved to work extremely well since its inception.
7. **MIXED SITES**
   1. Many holiday sites in Scotland are allowing/encouraging residents to live in holiday homes as permanent residences with many avoiding Council Tax. SCOPHRA request that SG insist that LAs be diligent in insisting that all holiday sites be inspected by licensing officers to discover whether permanent residential licences are required? SCOPHRA is aware of many such cases when such situations are brought to our attention. In 2019, Aberdeenshire served enforcement notices on fourteen residents living unlawfully, as permanent residents on a holiday park. The residents lost vast sums of money but the site owner who had encouraged the residence, walked away without sanction. This was not the first time this owner had defrauded buyers.
8. **MODEL STANDARDS**
   1. When ‘Model Standards for Residential Mobile Home Site Licences’ issued in 2018, they were much curtailed from the original drawn up by a sub- committee of expert members of the consultative committee. SCOPHRA believes that we should work towards reviewing the original recommendations, to research their relevance to the current situation in 2022 when demands exist, for example, for electric car charge points and the need to move to more eco-friendly heating systems.
9. **GUIDANCE TO LOCAL AUTHORITIES**
   1. Implementation of any of the above will require a review of the SG’s ‘Guidance to Local Authorities on the Licensing System for Mobile Homes Sites with Permanent Residents,’ first issued in 2017. SCOPHRA believes that all the above is relevant, all local authorities have a part to play and the best way to consistency is to review this guidance to remove opportunities for different interpretations.

**Jim Haluch**

**Chair SCOPHRA**

**March 2022**