



**The Convenor**  
Local Government and  
Communities Committee

Via internal email

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Dear Convenor,

Licensing of Residential Mobile Home Parks in Scotland – The Housing (Scotland) Act 2014

The Housing (Scotland) Act 2014 contained clauses directed at regulating the licensing of residential mobile home parks in Scotland. The regulations resulting from the act were to be finally implemented by 1 May 2019, but the outcomes have left many mobile (Park) home residents, including some of constituents, very disappointed. The Scottish Confederation of Park Home Residents Associations (SCOPHRA), who work tirelessly on behalf of Park Home occupiers, have brought various deficiencies in the regulations to both my attention and the attention of other MSPs. SCOPHRA meets regularly with Scottish Government officials in these matters.

SCOPHRA's research suggest that there are around 100 residential park home sites in Scotland housing some 7000 permanent residents although it is known that a considerable number of holiday parks illegally, house permanent residents making that number much higher. The average age of park home residents is 73 and many are much older and thus vulnerable to rogue site owners; they do deserve the support the of both Parliament and the local councils

Regulations on licensing published in 2016 and guidance on same published in 2017 gave local authorities general guidance on many aspects of the regulations but allowed the local authorities to interpret both the legislation and conditions, which would be applied to licences.

This interpretation has led to large variances in the approach to licensing of residential sites resulting in anomalies throughout Scotland. These include:

1. The regulations being framed in such a way that councils require to grant licences to rogue owners in order to obtain any enforcement rights rather than just refusing licences. Refusal brings major issues to the Council. As a result, cases have occurred where councils have had to grant licences to site owners who were facing allegations of unlawful behaviour against residents just to be able to utilise the enforcement provisions of the legislation.
2. SCOPHRA cites evidence of Council officials granting licences on the nod (Councillors need not expressly be involved) with scant prior investigation into applicants who are known to have dubious records in the industry.
3. In at least one case (in Midlothian), where a licence was granted to enable the Council to have some control, the Council issued enforcement notices which have been ignored and the Council is regarded by residents as inactive in pursuing their own notices causing much distress.
4. Some councils include a condition to enforce the Mobile Homes (Written Statement)(Scotland) Regulations 2013, which force site owners to provide or update their licences to meet the 2013 regulations - as North Ayrshire and Perth & Kinross Council have done in their conditions. Most do not include this condition resulting in rogue owners riding roughshod over residents' rights.
5. In England, a 2014 Act brought in regulations for the control of the site rules imposed by owners on residents. This is missing from Scottish legislation again resulting in anomalies allowing rogue owners to continue the behaviour meant to be controlled by the new licence regime.
6. Throughout Scotland, there is evidence of many people living on holiday sites as permanent residents. There is evidence of holiday site owners selling homes for as much as £200,000 each by representing these as permanent residences only for the buyers to be dispossessed later when these matters come to light. As an example, I am aware of a case where residents paid council tax for years thinking that they were living in a permanent residency. When the council in question was finally made aware that permanent residents were living on a holiday site, the site owners attempted to apply for a retrospective licence to allow permanent residencies to be included. The council rejected the application. The site owners would not launch an appeal unless the permanent residents covered the costs of the proceeding. The residents refused. As a result, the residents were forced to either purchase an additional "permanent" house elsewhere and leave the holiday site for two weeks of the year, or to sell their property and leave the site completely. Many opted to leave; however, their only option was to sell back their homes to the site owners at a significantly reduced rate. Not only did these nefarious owners originally sell homes under false pretences for large sums of money, they are now also profiting from the resale.

7. In the case of holiday parks such residents have no protection whatever in law, most believe that they have permanent resident rights under the Mobile Homes Acts yet they do not. Many do not pay Council Tax; where they do so (incorrectly) they also pay a portion of the park's business rates through their pitch fee thus paying twice. Councils must take more action to root out these cases.
8. Evidence is emerging that rogue owners are exploiting legacy-planning rights to develop sites without reference to current Model Standard issued in 2018. A case in Angus highlights the use of 1975 planning consent as basis for 2020 developments over which the planning authority has no control.

These complaints and anomalies from multiple sources suggests that Parliament need look now at the actual working of the legislation designed to assist these, in many cases, vulnerable citizens.

Therefore, the Local Government and Communities Committee's consideration in this matter is much appreciated.

Kind regards,

Alexander Burnett  
MSP for Aberdeenshire West