



The Commission for  
Local Administration in England

**Report**  
on an Investigation into  
Complaints Nos 05/B/09309 & 05/B/13941  
against  
Torbay Borough Council

20 July 2006

The Oaks No2 Westwood Way Westwood Business Park Coventry CV4 8JB

# Investigation into Complaints Nos 05/B/09309 & 05/B/13941 Against Torbay Borough Council

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## Key to names used

Mr Evans	-	Complainant Site A
Mrs Smith	-	Complainant Site A
Mr Brown	-	Complainant Site B
Miss Green	-	Complainant Site B
Mr Z	-	The owner of Sites A and B
Mr Y	-	The long leaseholder of Site B
Mr X	-	New owner of part of Site A
Officer A	-	Principal Environmental Health Officer (Housing)
Officer B	-	Senior Environmental Health Officer (Housing)
Officer C	-	Housing Services Manager
Officer D	-	Service Manager Special Services Planning and Development (Environmental Services Directorate)

## **Report Summary**

### **Subject**

Mr Evans, Mrs Smith, Mr Brown and Miss Green (not their real names) complained on behalf of residents at a Caravan Park that the Council had delayed in taking enforcement action against the site owners for their failure to comply with the conditions in their site licences. Residents were left to live on their caravan site in conditions that had fallen seriously below the expected standards. The Ombudsman upheld their complaints about the delay and criticised the Council's failure to take enforcement action especially on the most serious breaches of the site licence conditions over a period of 15 months. The most serious breaches of the site licenses were in relation to the poor state of the access roads, failure to inspect electrical installations and disrepair of the sewage treatment plant.

### **Finding**

Maladministration causing injustice, remedy agreed.

### **Recommended remedy**

The Council has agreed to make a payment of £2500 to each of the Residents' Associations on Sites A and B, to remedy the injustice to the residents living permanently on the sites between January 2004 and April 2005. I consider this to be a satisfactory remedy for their complaint.



## Introduction

1. Mr Evans and Miss Green complain on behalf of the Residents' Association that the Council had failed to take enforcement action against the two different owners of the Residential Parks where they live,(Sites A and B) to require compliance with the conditions in the site licences. They say this failure has meant that:
  - a) Site B has been flooded because of inadequate drainage;
  - b) the roads have been in a poor state of repair;
  - c) the fire regulations have not been adhered to;
  - d) the sewage treatment plant is overflowing; and
  - e) the electricity installations fail to meet the minimum requirements.
2. For legal reasons, the names used in this report are not the real names of the people concerned.<sup>1</sup>
3. An Officer of the Commission has met with Mr Evans and Mrs Smith as representatives of Site A Residents' Association and with Mr Brown and Miss Green as representatives of Site B Residents' Association. She also interviewed officers of the Council and examined the relevant Council files.

## Legal and Administrative Background

4. Site Licences are issued by the Council under the Caravan Sites and Control of Development 1960 Act. The purpose of the Act is to protect the health and safety of residents of caravan sites by requiring that sites be licensed and comply with minimum standards which must be achieved and then maintained by the site owner. The Act also has another purpose connected to planning control and licences cannot be issued unless the site has planning permission. Section 5 of the Act allows the Council to impose certain conditions on the site licence in the interests of those living on the site. The conditions can include:
  - a) the period of use;
  - b) numbers of vans;
  - c) state of repair and type of caravan;
  - d) positioning of vans and other structures;
  - e) preserving amenity;

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<sup>1</sup> Local Government Act 1974, Section 30(3)

- f) fire precautions;
  - g) sanitary facilities; and
  - h) display of notices including a copy of the site licence.
5. Under the 1960 Act the Council has certain powers to take enforcement action against a site owner for breaching the conditions of his site licence. It can carry out works in default, where an owner has failed to correct the breaches within a specified time scale. It has the power to prosecute a site owner for failing to comply with site licence conditions. After two successful prosecutions the Council can also apply to a Magistrates Court for the site licence to be revoked.
  6. The Council cannot address any matters outside the scope of the site licence conditions. The Caravan Sites Act 1968 and the Mobile Homes Act 1983 set out the respective rights and obligations of site owners and park residents. Any contractual matters such as tenancy issues, fee increases, or individual terms and conditions are only enforceable through the civil courts and not by the Council.
  7. Under the Town and Country Planning Act 1990 (Section 191) (as amended by Section 10 of the Planning and Compensation Act 1991) and under the Town and Country Planning (General Development Procedure) Order 1995, the Council can issue a Certificate of Lawful Use or Development if it is satisfied that, on the basis of the evidence supplied, there has been no material change in the use of the property for a period of 10 years prior to the date of the application and therefore no enforcement action may be taken in respect of that use.
  8. Section 13(1) of the Caravan Sites Act 1968, deals with twin-unit caravans, it provides that:
    - “A structure designed or adapted for human habitation which:
      - a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
      - b) is when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled.”

## Investigation

### The Sites

9. The complaints relate to two contiguous residential mobile home parks on a hill linked by the same access road. Both parks were owned by Mr Z until April 2006 when the residential part of Site A was sold to Mr X. Site B was leased on a 999

year lease to Mr Y. The owner of Site A still holds the freehold Mr Z and Mr X are responsible for the maintenance of the access roads, the sewage treatment plant and all mains services.

#### **Site A – 05/B/09309**

10. This site is situated on the top of the hill, is nearer to the main road and has 39 permanent residents. Part of Site A benefits from the Certificate of Lawful Use which effectively allows for permanent residential use. The remainder of this site is made up of short-let and holiday homes. Planning permission for the use of this part of Site A for permanent residential use was refused in 2004. The current owner purchased Site A in 1998/9. Most of the residents on this site bought their mobile homes in the last five years. In May 2004 the residents formed a Residents' Association and 28 residents are members. The Site A Residents' Association started to complain to the Council about the conditions on the site in 2004.

#### **Site B – 05/B/13841**

11. This site is situated at the bottom of the hill, is further from the main road and has 26 permanent residents. They are all members of the Site B Residents' Association which was formed in 2003. Site B was leased in 1999 by Mr Y. Most of the residents on this site have lived there for many years and a number are in their seventies or older. Miss Green has been a resident on Site B since 1976. She says problems residents experience on Site B are partly as a result of the site owner failing to adhere to the conditions in the site licence, and other issues are the result of the owner of Site A breaching his licence conditions. These issues include the failure to maintain the access roads which they have to use to reach their homes, and inadequate drainage which has led to flooding on their site because it is at the bottom of the hill. The sewage treatment plant for both sites is located on Site B. The Site B Residents' Association has been complaining to the Council since 2003 but their complaints were not consistently about breaches in the licence conditions.

#### **Background to the Complaints**

12. At first both sites formed one Holiday Park which opened in the 1950s. Site B has been a residential site since the 1960's. Site A was a holiday park until 1997 until it was sold to Mr Z. The park became two separate sites in April 1999 when Site B was leased to Mr Y. Part of Site A became a residential site and the remaining part of Site A continues to be used for short or holiday lets only. In 1998 the Council granted a Certificate of Lawful Use to Mr Z of Site A to site 46 caravans on the residential part of the site.

13. In June 2002 it was brought to the Council's attention that there were 'park homes' or chalets within part of Site A which did not have planning permission. These homes were not considered by the Council to be caravans but pre-fabricated buildings or chalets that could not be moved once erected.<sup>2</sup> (see paragraph 8)
14. The Council served a Planning Contravention Notice on 10 May 2002 on the owner of Site A in order to get further information about the development of the chalets. The owner made the Council aware that some of the chalets on the site dated back to the 1960s and because they were in such a poor state of repair had been demolished and replaced with eleven prefabricated buildings which he called mobile homes. In August 2002 the Council told the owner that to continue to add to the chalets without the necessary permission might result in enforcement action. The Council invited the owner to make an application for another Certificate of Lawful Use and Development. The owner made the application in 2003 but then withdrew it. A further application was made in 2005 but in December 2005 the Council wrote to the owner saying this would be refused because insufficient evidence had been supplied. The owner was again invited to make a planning application to try to regularise the matter. Officer D, a Planning Officer, told my investigator that there was some doubt as to whether or not these buildings are caravans. If they are caravans they will be covered by the existing consent. Officer D was of the view that the residents' complaints could best be resolved by enforcing the conditions in the site licence.
15. The Council has yet to reach a decision about any enforcement action needed for the 11 prefabricated buildings on the residential part of Site A. It is my understanding from the Council that on the basis of additional information submitted by the owner, these buildings do fall within the definition of caravans and it is therefore lawful to site such structures on the residential part of Site A, because this is covered by the extant Certificate of Lawful Use. It is the Council's view that it would not be able, nor expedient, to take planning enforcement action in respect of the 11 units.

## Licensing

16. Site A is covered by a Licence issued on 8 July 1999 and Site B by a licence transferred to the new owner on 20 July 2000. The Licences contain the following conditions, relevant to the complaint:
  - Condition 3:0 Roads, gateways and footpaths. 3:1 says Roads and footpaths shall be designated to provide adequate access for fire appliances, and emergency vehicle routes within the site should be kept clear of obstruction at all times.
  - Condition 6:0 Storage of Liquefied petroleum gas (LPG). Condition 6:1 says If LPG is supplied from tanks or cylinders the installation shall comply with the current National Standards

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2 Section 13 (1) of the Caravan Sites Act 1968, deals with twin-unit caravans



- Condition 7:0 Electrical Installations. Condition 7:2 says these installations should be installed to the requirements of the Institution of Electrical Engineers Regulations and any installation should be periodically inspected and tested by a competent person in accordance with the IEE wiring regulations, every year unless that person certifies that a longer period is satisfactory (not exceeding three years).
- Condition 9:0 Drainage, sanitation and washing facilities. Condition 9:3 says Each residential caravan on the site and every hard standing shall be provided with an adequate drainage system for the complete and hygienic disposal of foul, rain and surface water from the site buildings, caravans, roads and footpaths.
- Condition 14 Management. Condition 14:1 says All buildings, roads and carriageways shall be maintained in good order and repair and in a clean and wholesome condition to the satisfaction of the licensing authority.
- Condition 14:8 on Site A licence says Holiday Caravans on the said land shall not be occupied between the 17 January and the 1 February in any one year.

### **Chronology of Complaints**

17. Individual residents on Site B started making complaints to the Council about the conditions on the site in January 2001.
18. The Site B Residents' Association complained to the Council in August 2003 about flooding and electrical safety on the site. The Association said the flooding had resulted from building works being undertaken on Site A. The Association also believed the owner of Site A was not adhering to the building regulations.
19. On 3 October 2003 the Council wrote to the owner of Site B regarding electrical safety on the site and in particular about a hole containing exposed electricity cables.
20. On 15 and 16 January 2004 Council officers visited the site and noted that the hole with the exposed electricity cables had been filled. On 28 January 2004 the Council wrote to the Residents' Association saying:

“Excess surface water run-off caused by building or engineering works at higher level may constitute grounds for civil action by the land owner or other aggrieved residents and as such does not directly involve the Council.”

The letter also said that:

“Material change to the land drainage characteristics resulting in overloading of the watercourse at the bottom of the hill would concern the Drainage Section of the Environment Services Directorate, who are satisfied that there has not been a breach of relevant legislation.”

The letter also said that while building regulations do not apply to residential parks, the development taking place on Site A at that time was being investigated by the Council's Planning Department.

21. In May 2004 the Site A Residents' Association complained to the Council about the state of the roads and the number of fire points on the site. It requested that officers carry out an inspection and if appropriate ask the owner to undertake a programme of work on the site within specified time limits. It reiterated its concerns to the Council in July 2004.
22. On 11 May, 17 June and 21 October 2004 the Site B Residents' Association complained that the Council were not collecting refuse from Site B because of the state of the access roads. One of these letters specifically refers to Condition 3 1 of the site licence (see paragraph 16 above). The Association said that two individuals had taken legal action for injuries they had received due to the poorly maintained roads. It was noted in one of the licence conditions that the owner of Site A should maintain the road surfaces but the roads had continued to deteriorate and were in a dangerous condition to both pedestrians and motorists. The Site B Residents' Association also raised concerns about the suitability of the roads for emergency vehicles.
23. On 23 October 2004 the Site A Residents' Association also complained to the Council about the state of the roads saying they could prevent access to the park by emergency vehicles.
24. On 19 November 2004 the Council wrote to the residents of Site B after officers had visited the site. It acknowledged that in some areas the roads were in poor repair and it would contact the owner. Officer A, a Senior Environmental Health Officer, informed residents that the Council had been unable to recruit to a post for an Environmental Health Officer to have specific responsibility for caravan sites. Its limited resources meant it could only deal with emergencies or issues to do with safety and could not be proactive. Officer A wrote to the owner on 22 November 2004 saying she was planning a visit to the site with the Fire Officer to clarify whether access to the site by emergency vehicles had been compromised by the poor state of repair of the roads.
25. In February 2005 the Site A Residents' Association wrote two further letters to the Council, expressing concerns about landslides behind one particular home and about the owner's failure to provide a proper retaining wall. It also asked for confirmation of the status of the site because a condition required that holiday caravans should not be occupied between 17 January and 1 February each year. The Council made no response to these letters. It says it apologises for not been able to respond to all the letters from Residents' Association but says it took appropriate action at the time.

26. On 1 March 2005, the Residents' Association of Site A wrote to the Council complaining about the poor state of the roads and about the Council's failure to collect refuse from individual homes as a result. They said rents on the site had continued to rise but the owner had not invested any money to bring the site up to an acceptable standard. They believed he had continued to flaunt the licence conditions and the Council had failed to take any action against him.
27. Site B Residents' Association complained to the Council on 11 March 2005 about the owner failing to display his name and contact details on site as required under the conditions of the site licence, and about continuing problems with the roads and inoperable fire hoses on the site.
28. In April 2005 Officer B, a newly appointed Environmental Health Officer, came into post with specific responsibility for enforcement on caravan sites. The inspection of both Site A and Site B was given a high priority to ensure that site licence conditions were being adhered to.
29. In general the Council says that prior to April 2005, it had limited resources and prioritised its actions in respect of functions which were a statutory duty or where there was a serious threat to safety or public health. One of the consequences of this was that it was not able to be proactive in the enforcement of caravan site licence conditions but it did seek to respond to all complaints raised by the residents on both sites. It says it tried to find solutions to the issues raised by the residents, met its statutory duty and took reasonable steps to resolve the residents concerns within the resources available. It maintains that none of the issues raised prior to April 2005 were so serious or relevant to the site licence as to require any more action.

#### **Council Action after April 2005 on Site A**

30. After April 2005 the Council says it had an increased capacity to give more time and resources to the issue of caravan sites. Sites A and B were given a high priority with the aim of resolving the issues raised by the residents. Officer B made two visits to Site A in May 2005, and carried out a comprehensive inspection of the site. It was intended that if there were significant breaches of the site licence conditions the Council would bring these to the attention of the site owner. It would then give him the opportunity to take the necessary corrective action.
31. Early in June 2005 Officer B met with representatives of the Residents' Association to hear of their concerns and to advise them of the action being proposed. On 8 June 2005 the Council sent a schedule of the licence contraventions to the site owner. There were breaches identified in eleven of the fourteen site licence conditions and there were over 40 individual matters that needed action. Some of the most serious breaches were: not enough space between some of the homes; failure to maintain adequate fire fighting equipment; poor storage of liquefied petroleum gas; a failure to carry out an electrical inspection; sewage effluent not discharging into a proper soak away; failure to display site notices and poor road maintenance. The Schedule gave suggested dates for the completion of the work. A large number of

the specific items listed in the Schedule were to be completed within a month and all needed to be completed within six months of issuing the notice.

32. There was no immediate response from the owner and so Officer B met with him at Site A on 8 July 2005. They discussed the necessary remedial actions and the time scales that had been set for completion. Both the owner and the Council agreed to work on the breaches. Problems with the sewage were to be reported to the Environment Agency who would require that the soak away was regularly emptied and overhauled. The Council says the Environment Agency are now taking the lead on enforcement in relation to contamination of the stream below the sewage plant, this is a pollution problem and not a statutory nuisance. The Council says work has now begun to resolve this. Officer B also agreed to contact local suppliers of propane cylinders and to take advice about retrieval and recycling of the empty gas cylinders on the site. Officer B told my investigator that as the site had been developed the owner should have installed surface water drainage to stop water flooding on to the lower site. The owner agreed to put in drains at the bottom of the road. The excess water would be channelled off the road into the stream so preventing the flooding that had been occurring on part of Site B.
33. The Council made a further visit to the site on 27 July 2005 but the owner had still not made any progress in complying with the site licence conditions. The owner had been difficult to engage with because he did not live in the UK. On 8 August 2005 the owner sent information to the Council about the action he had taken on the site to date and what other action he had planned. On 17 August 2005 there was a further site meeting between residents and Officer B to discuss the progress that had been made.
34. Officer B told my investigator that work on Site A had been extremely slow and the owner had only completed the minimum amount of work that was needed to address the breaches of the site licence conditions.
35. The Residents' Association acknowledges that action had been taken on some of the breaches but thought the owner had only undertaken the least expensive work. The Residents' Association said the owner had removed some of the rubbish from around the site but not at the entrance; he had filled some of the potholes but not resurfaced the roads; he had complied with some of the fire regulations but the hoses were still not protected and some had cracked or frozen up during the cold weather. No action had been taken to have the electrical installations inspected and there were several places on the site where *they say* live wires were still exposed. The Council says there are exposed cables across the site but it has not been established if these are live. The status of the wires is dependant on a report from an electrician
36. The Residents' Association says that the Council should have taken legal action against the owner to make him comply with the conditions in the site notice. The Council had given the owner time to rectify the breaches of the site licence conditions; by failing to prosecute it was condoning his lack of appropriate action.

37. Officer B agreed that the site owner had only completed a minimum amount of work on the breaches. These were the fire points, site notices and tidying the site. Three major breaches; these were the electrical survey, the condition of the roads and the sewage treatment plant which still remained outstanding. The site owner did not have the electrical installations inspected, or make the necessary repairs to the access roads or provide adequate surface water drainage.
38. Towards the end of 2005, the Council became aware that part of Site A was for sale. The remaining breaches of the site licence conditions could in the future become the responsibility of a new owner, who would have to make an application for a new site licence. However, Officer B continued to put pressure on the present owner to complete the electrical survey. Both that and the other two major outstanding breaches could still lead to the owner of Site A being prosecuted. Officer B said both his manager and the legal services department had agreed in November 2005 that a prosecution should go ahead. The Council says the owner undertook the minimum amount of work necessary to avoid escalation of the enforcement action. It remained of the view that it was preferable to work with the owners to achieve a solution in accordance with its Enforcement Concordat.
39. The Council wrote to the owner on 1 December 2005 saying it was considering a prosecution. He had made only slow progress on the breaches of the site licence conditions it had identified in May. The Council highlighted the owner's failure to carry out the inspection of the electrical installation. If it could not be satisfied that the electrical installation complied with current regulations then it would instruct an electrician to carry out the necessary survey.
40. By December 2005 the Council concluded that the more minor breaches could not be remedied without considerable disruption to some of the existing residents. Some of the roads could only be widened if homes were moved. It considered a series of compromises that were outlined to the owner in its December 2005 letter. It also required a definite proposal by the end of the month from the owner about the resurfacing of the roads. He was told that the roads and the surface water drainage would be kept under review. If there was no satisfactory commitment from the owner to progress the work on these remaining matters then the Council intended to proceed with a prosecution. During the interview with my investigator, Officer B acknowledged that work on Site A had taken much longer than was anticipated and that the uncertainty around future ownership of the site may cause further delay.
41. The Residential part of Site A has now been sold. The electrical survey was not completed by the previous owner and the Council says it undertook a preliminary investigation in March 2006. This was to assess what information would be required if it did prosecute for non-compliance with a site licence condition. It was established that there was a potential problem with an inadequate supply rather than any particular safety issues. If the present site owner fails to identify and instigate the necessary work to improve the electricity supply by 31 May 2006 a further inspection will be needed. It is the Council's understanding that now there is a new owner the

electricians have been on site in April 2006 to begin a survey and to undertake any remedial work.

#### **Council Action on Site B since April 2005**

42. Officer B visited Site B on 24 April 2005 and his initial inspection revealed a number of breaches of the site licence conditions. The initial visit was followed by a joint visit on Site B with the owner when the breaches were discussed. The Council sent a schedule of the licence contraventions to the site owner on 24 May 2005. There were breaches identified in nine out of the fourteen site licence conditions. There were over twenty individual matters needing action. The notice indicated that while the roads on Site B were in a fairly reasonable state, the access roads to the site which are located on Site A were not. There were breaches of fire precautions, a failure to carry out an electrical inspection since 1999, problems with the sewage treatment plant situated on Site B, overgrown vegetation and insufficient drainage leading to flooding. There were a number of breaches that the Council asked to be corrected within a month but all the breaches needed to be dealt with within six months of issuing the notice.
43. The Council also wrote to the Residents' Association for Site B to inform them about the action it was taking and which site conditions had been breached. Officer B arranged to visit the site again on 6 July 2005 in order to see what progress had been made by the owner of Site B on the site licence contraventions.
44. By September 2005 the Council was told that the electrical installation had been certified as conforming to the regulations and that the fire precautions had been brought up to standard. A number of other breaches had also been attended to. A few remained outstanding such as the drainage which resulted in flooding around two of the units. Officer B told my investigator that in contrast to Site A the owner of Site B had undertaken work on the breaches fairly quickly and agreed a programme of work to deal with them.
45. The Council wrote to the owner again on 28 November asking that the outstanding matters be addressed as soon as possible. In December the Residents' Association requested the Council take legal action against the owner of Site B because of his continued failure to rectify all the contraventions of the site licence conditions. The Council wrote to Miss Green saying that over the last few months the owner had been making slow progress on the most important breaches of the site licence conditions. It acknowledged that some work was still outstanding but it was unlikely that prosecution could be warranted since progress was still being made. It alerted residents to the fact that part of Site A was now for sale and that an opportunity existed for the access roads and drainage to be brought up to standard by negotiation with the new owners once the site had been sold.
46. The residents remained concerned about the state of the access roads and worried that emergency vehicles and especially ambulances could have problems in reaching the bottom of the site. Similarly, Council refuse vehicles only called to pick

up refuse from the top of Site A, causing problems for a number of the elderly residents on Site B. Also, no action had been taken about the sewage treatment plant on Site B. The Residents' Association says the unit is not emptied and sewage overflows close to some of the residents homes and this could be a health hazard. They believe that the size of the unit had never been increased yet more people now live permanently on Site A. Finally, when there is heavy rain part of Site B gets flooded. They say this is because of all the new development on Site A. The Residents expected the Council to take action against the site owner when he failed to make good the breaches within the timescales listed on the breach notice. They are also very much affected by the owner of Site A failing to adhere to the conditions in his site licence

47. The Council has told me that it arranged back in November 2004 for the Fire Service to undertake a training exercise on the site and an engine was taken down to Site B. The Council says that the outcome of the training exercise with Devon Fire and Rescue was that they were satisfied they could reach all parts of the site in an emergency. It had also forwarded a site plan showing the location of each unit on Site B to the Devon Ambulance Service, to ensure that there is not a delay in reaching residents in the future. It has told residents that the refuse vehicle did not have to collect rubbish from each individual unit. There was a central collection point for refuse at the top of Site A. The Residents' Association said previous owners used to transport their rubbish up to the top of Site A each week but this falls outside the Council's remit.
48. Officer B told the Commission's officer that the Council has been liaising with the Environment Agency regarding the sewage plant and it was expected that it would be tackling these issues with the owner. He also acknowledged that Site B residents are affected by the failure of the owner of Site A to tackle the drainage problems and this has led to some flooding on Site B.
49. In summary the Council's view is that whilst the conditions on both site A and B are of concern to the residents, they do not merit prosecution at this stage. This is because such enforcement action would not necessarily result in physical improvements. The Council prefers to work with the site owners who to date have a poor record in responding to it. The Council believes there are no imminent safety factors that require its immediate attention and the owner has generally undertaken the minimum necessary to resolve matters. It acknowledges that there are still outstanding breaches of the site licence conditions in relation to the electrics, the roads and the sewage treatment plant.

#### Current Position

50. The Council says the sale of the residential part of Site A was completed in April 2006. Mr X has made a verbal commitment to the Council to carry out all the necessary improvements. However, the Council is aware that there are extensive problems with the electrical installations and major improvements will be needed.

This confirms the residents' concerns that action was needed on the breaches of the site licence especially in relation to the electrical installations.

51. Now the residential part of Site A has been sold the Council says it will insist on new site licence conditions, covering the standards required on the site. They will enable the Council to put reasonable time limits on any works necessary to bring the site up to an acceptable standard.
52. The Council is aware that the work in relation to the electrical supply began on 25 April 2006 and the work on the sewage plant commenced the week beginning 17 April 2006. Mr X has given an undertaking to report to the Council within six weeks of purchasing the site about the roads. One particular unit which has contributed to the narrowness of the road near one of the site exists, has been acquired from its resident owner with a view to widening the road.

## Conclusions

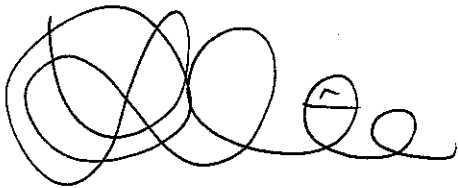
53. The Council has an important role in ensuring that residents of mobile home parks live in safe and reasonably comfortable conditions. In the past few months I am satisfied that it has acted commendably well in carrying out that role, and that the necessary works are now underway. And I acknowledge that the Council does have to work with proprietors and owners of sites to improve matters and that inevitably involves sometimes lengthy negotiations.
54. But the Council did not deal properly with the situation presented to it in 2004 and in the early part of 2005. While I recognise that the Council had staffing difficulties (see paragraph 24) and was unable to recruit to the environmental officer post, I do not think this excuses what I see as a failure to carry out in any comprehensive and effective way the important statutory role of ensuring that the conditions specified in the site licenses were being met. Given the seriousness of breaches at the site, which should have received priority attention from the Council, this was maladministration.
55. The maladministration caused residents injustice in that they had to live in unsatisfactory conditions for too long. The extent of the difficulties on the site is evidenced by the long list of works now being carried out in relation to access roads, the electricity installations, drainage and repairs to the sewage treatment plant.

## Finding

56. For the reasons given in paragraph 54 above I find that there has been maladministration causing injustice to the complainants. The Council has agreed to pay the two Residents' Associations £2,500 each to remedy the injustice suffered by



residents on Site A and Site B between January 2004 and April 2005. I am grateful for the Council's acceptance of my recommendation for compensation here, but I have completed my investigation and issued this report because the complaint raises matters of public interest.

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish.

**J R White  
Local Government Ombudsman  
The Oaks No 2  
Westwood Way  
Westwood Business Park  
Coventry  
CV4 8JB**

20 July 2006

