



PARK HOME RESIDENTS ACTION ALLIANCE (PHRAA) MEDIA REPORTS No. 5



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Follow up to a disturbing article published in edition 1445 PRIVATE EYE recently exposing the antics of a well-known millionaire Sussex Park Owner. Reproduced by PHRAA as a warning to prospective park home buyers. Original article reproduced on page 2. Thanks to PRIVATE EYE. Ron Joyce PHRAA



MOBILE HOMES

Weir and weirder

MORE on the latest shenanigans of millionaire Sussex park home owner

Barry Weir (pictured), accused of making residents' lives a misery through excessive charges, fees, bills and threats (*Eye* 1445).

Weir owns and operates several parks in Sussex, through a number of companies, where residents – many of them elderly and seeking a low-cost, quiet retirement – complained that they were being bullied and harassed into paying some fees and charges they and their MPs considered unjustifiable, improper and exploitative.

While Weir claimed he was no longer directly involved in the day-to-day running of the parks, his evidence at recent tribunals (including one last week) and his recent correspondence with residents would suggest otherwise.

Many of the residents, who invested their savings into "retirement" homes with a view to later selling or leaving an inheritance, have now found they may be living in worthless accommodation which they are unable to sell on and facing possible eviction in a few years' time. They acquired fixed-term site agreements, which in many cases run out in 2032. All say they acted in good faith, believing they were protected by legislation for properly licensed residential sites, or that the leases were automatically extendable.

A letter to residents from one of the companies operating on the sites, KTS Estate Management Ltd, which was passed to the *Eye*, made clear this was not the view of those who own "your pitch/plot". It said "the terms were fixed and could not be extended"; each agreement was specific to the home owner, "totally different" to other parks in the UK – and may even be different to their neighbours.

The agreements, which contain clauses rendering them liable to other questionable costs (including all legal fees, win or lose) certainly are different to most parks in the country. Others generally operate with open-ended pitch agreements, and have no questionable "express" terms for legal and other charges.

As housing rights champion Sir Peter Bottomley told the *Eye*, the case has some parallels with the current leasehold controversy where some house and flat owners found themselves liable to freeholders for doubled ground rent and other charges they could ill afford, because of controversial clauses

in leasehold agreements which the owners' solicitors had not told them about.

Sir Peter is asking ministers to correct what is "an obvious injustice to vulnerable and elderly people" who have found out that they had bought a diminishing asset. He wanted either a review and enforcement of existing legislation, or the introduction of retrospective protections. He may be pushing at an open door: the Department for Communities and Local Government is already concerned about injustice over park homes and is reviewing the Park Homes Act, focusing on unfair charging, harassment, and transparency of ownership.

The alternative, said Sir Peter, was that the companies running the Weir sites, who "hold all the power", could simply do the right thing and amend the agreements to give the residents security and peace of mind – "before they are forced to". They could, as he said, "do a Taylor Wimpey": the housebuilder recently introduced a scheme to help those who had unwittingly bought unsaleable leaseholds.

So far, however, it looks like Barry Weir, who has consistently denied any harassment or wrongdoing, is simply adding another layer of confusion at five of his freehold sites. Currently there are moves to transfer site licences for the parks to five different companies. The new "management" companies seeking the licence transfers are all under the directorship of Kevin Coppard, who is Weir's accountant (directors of the previous companies were Coppard and Weir's daughters).

At a property tribunal last week, over the new licence at Orchard Park in Rustington, the only witness for the also new "Rustington Management Ltd" was to be, er, Weir, not Coppard.

Rustington had been expected to contest some conditions on the licence imposed by Arun district council, in particular that it was to operate solely as a residential site. Residents had complained that they were being informed it was to be a holiday site, another move that could have made their residential park homes worthless and hard to sell. In the event, there was no tribunal contest and "Rustington" dropped the challenge.

However, that may not be the end of Arun's involvement. The council is investigating whether the behaviour of certain people and companies towards residents could amount to "harassment", and whether it could take any enforcement action.

Previous original article published by PRIVATE EYE and republished in PHRAA NEWS. Thanks to PRIVATE EYE for bringing this case to the attention of the public especially

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MOBILE HOMES

Watch out, Weir ahead!

RESIDENTS on a mobile home park in leafy West Sussex were alarmed to receive a nasty letter supposedly from the "much honoured Weir of Dunderave", the freehold owner of the site.

Littered with exclamation marks of outrage, the much-honoured one was responding to what he saw as a "misleading" residents' association advisory circular, contesting fees and charges at Orchard Park in Rustington. "I have bent over backwards to accommodate you all. No More [sic]," he wrote.

That was two years ago. Now Barry Weir (pictured) – he acquired the title briefly in 1988 when he bought Dunderave Castle on Loch Fyne – employs the *Eye's* old friends Carter-Fuck to write more sophisticated letters to silence his critics.

Currently in the sights of the man who made his millions from park home sites is housing rights champion Sir Peter Bottomley. Until the snap election, the Tory MP represented residents who say their lives have been made a misery by exorbitant charges and fees, legal bills and threats.

Bottomley has been sent a "pre-action letter for defamation" over disabbling remarks he made on BBC South's *Inside Out* programme about Weir. He said: "It is quite clear that some park home residents are being exploited. They are being exploited by intimidation, by bullying, by costs and by fees that are not justified." The Beeb itself and others who spoke out on the programme have also been Carter-Fucked, or otherwise contacted by Weir's agents. (No doubt the *Eye* will be too.)

For many years, Weir's six parks have been trying to charge residents – many of them elderly people seeking a quiet and affordable retirement – for every penny they can. As it is, the "pitch" fees of around £2,400 a year (some up to £300 a month) are already much higher than the estimated national average of £150 a month. Gas, water and electricity are billed separately. But residents also receive an endless drip of bills for other management, maintenance and services costs of the communal areas, most of which they maintain should be covered by the pitch fees – something Brian Doick, president of the National Association of Park

Home Residents, says most other site owners happily accept. Invoices passed to the *Eye* show Weir's park residents being charged for such petty amounts as 47p for paint brushes or £3.50 for tool sharpening. Tools of the trade, one might have thought.

According to some residents who spoke to the *Eye*, the endless bills, and legal threats if they seek to challenge them, have taken a toll on their health as well as their pockets. One told the *Eye*: "We came here for a peaceful, worry-free retirement. It has turned into a nightmare. It is not physical bullying, it's written intimidation. Most people simply pay up."

The difficulty for the residents is that after one property tribunal victory back in 2013 (a judge ruled the "management" fees on one site did not come "anywhere close to being a reasonable sum" and slashed the total bill from £18,000 to £1,800 a year), in 2015 there were two significant rulings in favour of Weir-owned parks. Not only were huge communal sewerage charges of £25,000 per year ruled acceptable, but the upper tribunal also found some residents liable for the park's legal costs. That was because of a range of "express" terms written into the residents' agreements – which many inherited on trust from previous home owners, and which made them liable for a range of fees including legal costs, win or lose. That, say the residents, has in effect taken away their rights to complain, as the costs are prohibitive.

Carter-Ruck maintains the "highly defamatory" allegations about the way the parks are run are all "utterly without foundation". It says the tribunal rulings show arrangements on those parks are "fair and reasonable in terms and effect". It also says allegations that Weir has bullied or intimidated residents are "wholly untrue" and maintains that Weir "has not been directly involved in running them for more than a decade".

But as with all matters Weir, things are not, according to the residents, quite so straightforward, and he has recently had much closer involvement than he is willing to admit. Indeed, after the BBC programme went out in March this year, far from being hands-off Weir wrote to residents saying that his actions had in the past allowed residents to benefit from

"discounts of over 40 percent" on some bills. "Because of the BBC programme, this facility will now cease!" he announced.

Weir ran the sites through Harquail Homes Ltd until 2007, when the Office of Fair Trading found some of the terms and conditions in the residents' agreements to be "unfair" – not least because they restricted the home owners' remedies and legal rights. He then transferred the freeholds of the sites to his new company, Silver Lakes Property Investments, and leased the parks themselves to other companies. He is not a shareholder or director of those companies – his daughters and his accountant are.

Agreements both before and after the OFT ruling bear his signature and, in one of the 2015 tribunal cases, the judge declared after Weir gave evidence that "it was clear that he is the leading light in the ownership and management of the Willows site". And while bills are now also sent out to residents by managing agents KTS, some original invoices for works and from lawyers have been going to Silver Lakes, Weir's company – not the agents, nor his daughters' companies. Not quite so removed as Carter-Ruck suggests, then.

Bottomley has come out fighting, telling Carter-Fuck that Weir's libel threats amount to "hindering an MP carrying out services to constituents in and outside parliament". The BBC declined to discuss the case, but residents say it is sticking by its broadcast.

The suggestion is that Weir and the parks are exploiting loopholes in park home legislation, which was supposed to give greater protection to residents. Carter-Ruck suggests the tribunal rulings show that the allegation of exploiting loopholes "does not stand up to legal scrutiny". But Bottomley and other local MPs say the effect of those rulings denies residents access to justice and thwarts parliament's intentions. Calling for urgent reform, the MPs are said to be kicking at an open door. The Department for Communities and Local Government is already reviewing the Park Homes Act, focusing on unfair charges and harassment. Evidence is flying in from West Sussex.



Park/Mobile Home Owners and those considering buying a park Home for their retirement years. Ron Joyce PHRAA September 2017

