

**SETTING UP A RESIDENTIAL PARK RESIDENTS’ ASSOCIATION IN SCOTLAND (2)
(See also – ‘Setting up an Association (1) – Why have an Association?’)**

**Introduction**

We have received many enquiries regarding setting up a Park Residents’ Association, so below is a simple step-by-step guide on doing so. The exact terms of reference, rules etc. will no doubt vary depending on your own views, but the process laid out below will guide you through, in general terms, the setting up of your own association.

First you should know that the right to have a Residents’ Association is a right enshrined in common law. You do not need anyone’s permission other than that of your potential members and you certainly do not need the permission of your park owner.

Mobile (Park) Home law in Scotland grants special rights to residents on a permanent residential site who set up a Qualifying Residents’ Association (QRA) in terms of The Mobile Homes Act (Written Statement) Scotland Regulations 2013. See Note 1 below

Moving on to the actual association….

### Association Aims

First think out why you want an Association, your aims, these could be:

* Advice on park matters
* Negotiation with park management
* Publishing a regular newsletter on park matters and beyond
* Specialist advice to members on park home or other issues
* Collective campaigning
* Social activities
* Consumer discounts on insurance, local traders etc.
* But NOT for pursuing individual complaints

### Implementing your Association Aims

* Obtain volunteers for temporary Steering Committee
* Elect a chair/project leader and a temporary secretary
* A volunteer to edit and produce a newsletter would be very useful
* Canvass your residents for initial membership
* Park owner/family or employees cannot join the Association
* Draw up a draft constitution and set of association rules (See below)
* Produce membership application forms (See below)
* Arrange an initial general meeting at an appropriate venue
* Sound out potential volunteers to serve on first committee

The following are the positions to be considered. Those in bold type are the key positions that will need filling from the start. Others can be filled as the Association grows.

* **Chairman**
* **Vice Chairman**
* **Treasurer**

#### Secretary

* **Membership Secretary**
* Elected members (Max 2-3)

You may wish to add specialised positions e.g.

* Newsletter Convener
* Minute Secretary
* Entertainments/Social Convener

### 1st General Meeting - Preparation

Some of the things you will need for the first general meeting

* Meeting Agenda
* Membership application forms
* Welcome letter
* Membership record form
* Membership Card
* Annual subscription renewal
* Cash & Cheque transfer to treasurer
* Treasurer’s records and balance sheets

### 6. 1st General Meeting

* Acting Chair to welcome the audience
* Elect a temporary minute secretary
* Outline reasons for the Association and its aims
* Elect Committee Members
* Confirm annual subscription
* Confirm Constitution
* Confirm rules of the association
* Confirm newsletter/ communication plans
* Confirm date of first committee meeting

### 7. 1st Committee Meeting

* Confirm officers’ roles within committee
* Elected Secretary/minute secretary to take over minutes
* Confirm agenda format for meetings (See below)
* Discuss and agree Bank account details (treasurer to lead on this)
* Agree signatories for cheques (min 2/ preferred)
* Write to park manager confirming Association now active and suggest meeting

##### 8. Suggested Agenda for ongoing Committee Meetings

* Minutes of last meeting
* Matters arising from minutes
* Chairman’s report
* Treasurer’s report
* Secretary’s report
* Membership report
* Social report
* Newsletter
* Security/Health and safety reports
* Any other business/ Date of next meeting
* Close meeting

**9. Useful Allies**

* SCOPHRA
* Local Authority (Council) Caravan Licensing Officer (Usually Environmental Health)
* Trading Standards officers
* Community Police Officer
* Citizens Advice
* Model Rules for Siting and Selling of caravans
* Local Councillors, MSPs Scottish Parliament and Members of Parliament

**10. Association Guidelines – Examples only**

* The Committee to elect a Secretary, Treasurer, Chairman and Vice Chairman.
* Committee members to be voted for and appointed annually at Annual General Meetings. The Committee can co-opt new members to serve on the committee between AGMs, however, these members will submit themselves, with the rest of the elected committee, for re-election.
* Minutes to be recorded at all meetings, presented, proposed and seconded at following meetings. Minute book to be kept.
* A Bank account to be maintained in the name of the Association.
* A minimum of two signatories for the bank account to be maintained.
* One Annual General Meeting per year to be arranged
* Extraordinary General Meetings can be called by the Officers and Committee members or by more than twenty members regarding any urgent items.
* A quorum of twenty members to be present at AGMs or EGM meetings.
* Proxy votes by post to be accepted at AGMs and EGM meetings.
* Membership to be limited to all owners of caravans on the site park only.
* Annual subscription per owner to be set the AGM; amount variable as funds dictate.
* The Officers and Committee Members are not to be authorised to take action of any kind that would commit the Association in legal expenses without a majority vote of all members.
* Association members’ problems only to be considered for action.
* The object of the Association is to discuss and resolve, if possible, problems with Site Owners pertinent to the members of the Association.
* Rules to be agreed at first AGM and any amendments to be made by vote at the AGM.
* The membership year to run from 1st January to 31st December or as decided.
* New members joining after 1st October to be entitled to full membership for the whole of the following year.
* Each member to be issued with an annual card bearing the year date (if required)
* The Membership Secretary to seek renewals each January.
* Membership to be deemed to have ceased if a renewal is NOT subscribed to by 1st March annually.
* Entry to the Annual General Meeting to only be afforded to members producing current membership cards or issued tickets.

**11. In conclusion**

Good luck in starting your Association. Please keep the SCOPHRA Exec team informed of any progress, questions or problems etc. that you may encounter .

NOTES 1 :

**The following extract from The Mobile Homes Act (Written Statement)Scotland Regulations 2013 is your legal right to form and belong to a Qualifyimg Residents Association and lists the requirements for a QRA**

**\*The Written Statement (Scotland) Regulations 2013…**A site owner must…(f) consult a qualifying residents’ association, if there is one, about all matters which relate to the operation and management of, or improvements to, the protected site and may affect the occupiers either directly or indirectly.

**Qualifying residents’ association**

**31.**— (1) A residents’ association is a qualifying residents’ association in relation to a

protected site if—

(a) it represents the occupiers of mobile homes on the site;

(b) at least 50% of the occupiers of the mobile homes on the site are members of the

association;

(c) it is independent from the owner, who together with any agent or employee of the

owner is excluded from membership;

(d) subject to paragraph (c), membership is open to all occupiers who own a mobile

home on that site;

(e) it maintains a list of members which is open to public inspection together with the

rules and constitution of the association;

(f) it has a chairman, secretary and treasurer who are elected by and from the

members; and

(g) with the exception of administrative decisions taken by the chairman, secretary and

treasurer acting in their official capacities, decisions are taken by voting and there

is only one vote exercisable by the occupier for each mobile home.

(2) When calculating the percentage of occupiers for the purpose of sub-paragraph (1)(b) and

determining who shall exercise the vote in relation to sub-paragraph (1)(g), each mobile home

shall be taken to have only one occupier and, in the event of there being more than one

occupier of a mobile home who is a member of the association or who exercises any vote, its

occupier is to be taken to be the occupier whose name first appears on the agreement.

**See further support notes**

* **Why** **Have an Association?**
* **Aims and Objectives**
* **Draft Constitution**
* **Pro-forma General Meeting Agenda**
* **Membership Application Form**