

Scrutiny Standing Panel Agenda



Housing Scrutiny Standing Panel Wednesday, 8th September, 2010

Place: Council Chamber, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services Officer: Mark Jenkins (The Office of the Chief Executive)
Tel: 01992 564607 Email: mjenkins@eppingforestdc.gov.uk

Members:

Councillors S Murray (Chairman), Mrs R Gadsby (Vice-Chairman), R Barrett, D Dodeja, Mrs A Grigg, Ms J Hart, Ms J Hedges, Mrs S Jones, Mrs J Lea, L Leonard, A Lion and Mrs J H Whitehouse

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- 1. APOLOGIES FOR ABSENCE**
- 2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

3. DECLARATION OF INTERESTS

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

4. TERMS OF REFERENCE (Pages 5 - 6)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

5. REVIEW OF PROPOSED NEW LICENCE CONDITIONS FOR PERMANENT RESIDENTIAL PARK HOME SITES (Pages 7 - 90)

(Director of Housing) To consider the attached report and the following documents:

- (a) Annex 1 Report to Cabinet – Page 29;
- (b) Annex 2 Call-In Request – Page 49;
- (c) Annex 3 1st Supplementary Report to Overview & Scrutiny Committee – Page 51;
- (d) Annex 4 2nd Supplementary Report to Overview & Scrutiny Committee – Page 57;
- (e) Annex 5 Objectors' Correspondence/Petition – Page 63;
- (f) Annex 6 Letter from Roydon Parish Council – Page 79;
- (g) Annex 7 Minute Item from 12 July 2010 Overview & Scrutiny Committee – Page 81; and
- (h) Annex 8 CLG Licensing Reforms – Page 87

6. FUTURE MEETINGS

The next programmed meeting of the Panel will be on 28 October 2010 at 5.30p.m.

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TERMS OF REFERENCE - STANDING PANEL

Title: Housing

Status: Standing Panel

Terms of Reference:

(1) To undertake reviews of public and private sector housing policies on behalf of the Overview and Scrutiny Committee, Housing Portfolio Holder or Head of Housing Services and to make any recommendations arising from such reviews to the Housing Portfolio Holder or Cabinet as appropriate.

(2) To undertake specific projects related to public and private sector housing issues, as directed by the Overview and Scrutiny Committee, and to make any recommendations arising from such reviews to the Housing Portfolio Holder or Cabinet as appropriate.

(3) To consider and provide comments to the Housing Portfolio Holder on the following matters, prior to consideration by the Cabinet:

- (i) Draft Housing Strategy (to be adopted by full Council in accordance with the Council's Constitution)
- (ii) Draft Private Sector Housing Strategy
- (iii) Draft Private Sector Housing Grants Policy
- (iv) Annual Review of the Housing Allocations Scheme

(4) To consider and provide comments to the Housing Portfolio Holder on draft versions of the following documents:

- (i) Housing Revenue Account (HRA) Business Plan
- (ii) Local Supporting People Strategy
- (iii) Housing Service Strategies

(5) To undertake the Annual Ethnic Monitoring Review of Housing Applicants and Housing Allocations, in accordance with the Code of Practice in Rented Housing.

(6) To monitor progress with the actions plans contained in the following documents, on a six-monthly basis:

- (i) Housing Strategy
- (ii) Local Supporting People Strategy
- (iii) Private Sector Housing Strategy
- (iv) Housing Services Development Plan

(7) To consider the Housing Portfolio Holder's draft response to any consultation papers relating to public or private sector housing that the Housing Portfolio Holder considers warrants a response from the Council.

(8) In relation to Traveller issues to consider and monitor:

- (a) the position regarding tolerated sites and;
- (b) the management of travellers who enter onto land within the district with a view to unauthorised encampments, with particular reference to the legal remedies available, interactions with other agencies such as Essex Police and Essex County

Council and the provision of emergency and/or transit sites within the district;

(c) Government's guidance on the needs of travellers in the context of the Council's review of its District Local Plan and the Essex Housing Needs Assessment;

(d) the results of the Commission for Racial Equality's study on traveller issues in which this Council participated, once published;

(9) To report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

Chairman: Cllr Stephen Murray

Report to Housing Scrutiny Panel

Date of meeting: 8th September 2010

Portfolio: Housing – Cllr D. Stallan

**Subject: Review of Proposed New Licence
Conditions for Permanent Residential Park Home
Sites**



Officer contact for further information:

Alan Hall – Director of Housing (01992 564004)

Committee Secretary: Mark Jenkins (01992 56 4607)

Recommendations/Decisions Required:

(1) That the following licence conditions proposed by the Cabinet, that differ from the Model Standards 2008, be supported (Paras 20 to 22);

- (a) Dimensions of porches to be restricted to the sizes set out in the Model Standards, but that a door be allowed to both the porch and the home, provided that a mains smoke detector is installed; and**
- (b) A requirement for the Council's domestic waste facilities to be used for domestic waste, and commercial waste facilities to be used for waste from common parts;**

(2) That, in accordance with the request from the Overview and Scrutiny Committee, the Scrutiny Panel considers recommendations that should be made to the Cabinet on the other proposed licence conditions that should be applied to new and existing permanent residential park homes within the District, having regard to the CLG's Model Standards 2008 and the advice of the Fire Authority and, in particular, whether or not:

- (a) The consultation undertaken by officers with site owners, residents and members (Paras 25 to 28) was appropriate under the circumstances;**
- (b) The same site licence conditions should apply to both new (and substantially developed) and existing park home sites (Paras 29 to 50);**
- (c) New and/or existing park homes should be allowed to be located within 3 metres from a site boundary (Paras 51 to 54);**
- (d) There should be a maximum height allowable for trees/hedges and combustible fences on new and/or existing sites (Paras 55 to 68) and, if so:
 - (i) Whether that maximum height should be 1 or 2 metres, and**
 - (ii) The timescales that site owners and existing residents should be given to comply with the new licence conditions;****

(e) There should be a minimum distance between the edges of hedges and park homes within the separation space and, if there should, what that minimum distance should be (Paras 69 to 73);

(f) Combustible sheds should be allowed between park homes, within the separation space, and if not, the timescale that site owners and existing residents should be given to comply with the licence condition (Paras 74 to 88);

(g) Existing separation distances between park homes of less than the required 6 metres should be allowed to continue and, if so, for how long (Paras 90 to 100);

(h) There should be a minimum distance between park homes and any roads within the site and, if there should, what that minimum distance should be (Paras 101 to 105); and

(i) The Scrutiny Panel has any other suggested additions, amendments or omissions to the Cabinet's proposed set of licence conditions;

(3) That the proposed licence conditions (set out at Para 112) that do not apply to park home sites that comprise only one park home are excluded from the site licences for those sites (Paras 111 & 112);

(4) That all residents and site owners be consulted on both the licence conditions proposed by the Cabinet and the Scrutiny Panel's recommendations (and that they also be provided with copies of this report to the Housing Scrutiny Panel and Annex 1 (only) for their information), and that the results of the consultation exercise be reported to the Cabinet at the same time as the Scrutiny Panel's recommendations; and

(5) That site owners and park home owners whose homes have a separation distance between park homes of less than 6 metres are specifically consulted on the Scrutiny Panel's recommendations on the approach to be taken to the contravention of separation spaces, as recommended by the Model Standards 2008.

(a) Introduction

1. At its meeting held on 7 June 2010, the Cabinet agreed the recommendations of the Housing Portfolio Holder to introduce new licence conditions for permanent residential park home (mobile home) sites throughout the District. Two aspects of this decision were called-in by 5 members, for review by the Overview and Scrutiny Committee. The Committee met on 12th July 2010 and considered the Call-in. The Committee agreed to refer the two issues back to the Cabinet for further consideration. The Committee also agreed a suggestion from the Housing Portfolio Holder that, in the meantime, the Housing Scrutiny Panel be requested to undertake a detailed review of all the proposals, and to make recommendations to the Cabinet on the way forward.

2. As requested by the Scrutiny Panel at its last meeting, this report has been produced and provided to members, site owners and Lead Petitioners (see later) earlier than normal, in order to allow them sufficient time to consider the detailed issues set out in the report. This detailed and comprehensive report:

- Provides a detailed background to the issues and the deliberations to date;
- Identifies the main issues of concern;
- Identifies other issues that are also likely to be of concern to residents;
- Proposes available options on the areas of concern;
- Provides officers' and the Fire Officer's comments on the options;

- Considers licence conditions that could be excluded from licences for sites that only comprise one park home;
- Makes reference to the CLG's proposed reforms to park home licensing; and
- Asks the Scrutiny Panel to make recommendations to the Cabinet on the way forward.

3. In view of the extent of the concerns raised and the numerous representations that have been received, and in order to ensure that members of the Housing Scrutiny Panel are fully aware of the views of all parties, the following have been invited to attend this Housing Scrutiny Panel meeting to each give a short (maximum 3 minutes) presentation to the Scrutiny Panel before it debates the issues:

- All site owners/lessees;
- Lead petitioners from park home sites; and
- Representatives of known park home residents associations (where petitions have not been received).

4. Assistant Divisional Officer Stuart McMillan from Essex Fire and Rescue Service will also be in attendance at the meeting to provide the views of the Fire Authority and to answer members' queries on issues relating to fire safety.

5. It is suggested that the following order of business be followed for the meeting:

- (a) Presentation of the officers' report by the Director of Housing
- (b) (Only) questions from members of the Scrutiny Panel at appropriate pauses during the Director of Housing's presentation
- (c) Comments by the Assistant Divisional Fire Officer
- (d) Oral submission of views by the Lead Petitioners, representatives of other known residents association and site owners/lessees (maximum 3 minutes each).
- (e) Any further questions from members of the Scrutiny Panel to officers and the Assistant Divisional Officer
- (f) Debate of the issues by the Scrutiny Panel
- (g) Consideration and agreement by the Scrutiny Panel on recommendations to be made to the Cabinet

6. In view of the number of issues to be considered by the Scrutiny Panel, it may be necessary for more than one meeting of the Scrutiny Panel to be held. A list of all the Annexes and appendices to this report is provided for reference at the end of the report.

(b) Background and deliberations to date

Cabinet Meeting – 7th June 2010

7. At its meeting on the 7th June 2010, the Housing Portfolio Holder presented a report to the Cabinet on proposed new licence conditions for all new and existing permanent residential park home sites within the District, following the introduction of new Mobile Standards for park home sites produced by the Government's Department of Communities and Local Government in 2008, and in view of the fact that the Council's existing licence conditions have not been updated for many years, and many existing sets of licence conditions differ between existing sites, due to them being produced at different times over the years.

8. To avoid duplication of information, the Housing Portfolio Holder's report to the Cabinet is attached as Annex 1, and all members are asked to read this report, since it gives important information. Members are particularly asked to note the statutory consultation requirements for amending site licences (set out in Paragraph 5 of the Cabinet Report) and

the proposed differences between the CLG's Model Standards and the Council's proposed site licence conditions, and the reasons (set out within the Table at Paragraph 10 of the Cabinet Report – See also Paras 20 – 22 below).

9. Attached to Annex 1 are:

Appendix 1 - An example of a typical set of existing licence conditions; and

Appendix 2 - The proposed new standard licence conditions for new and existing park home sites within the District.

10. The Cabinet agreed that the new licence conditions should be adopted, and also made the following additional decisions:

- (a) The deadline for removing combustible sheds and reducing the height of hedges / trees to no more than one metre within separation spaces should be set at six months;
- (b) The deadline for reducing the height of fences to no more than one metre within separation spaces should be set at three years;
- (c) That all residents of permanent residential sites within the District should be informed of the new conditions by letter;
- (d) That financial assistance in the form of the Council's Handyperson Service and the Small Loans Scheme be made available to residents that qualify, to assist them in complying with the conditions relating to the removal or replacement of sheds, fences and hedges;
- (e) That, subject to another consultation exercise, site licence conditions based on these standard site licence conditions be also applied to Gypsy & Traveller sites which have planning permission as permanent residential caravan sites; and
- (f) That, in due course, the intention to similarly licence holiday caravan sites in accordance with the relevant model standards should be noted.

Call-in to the Overview and Scrutiny Committee and issues arising in the intervening period

11. Following this decision being made by the Cabinet, in accordance with the Council's Constitution, Cllr Mrs E. Webster and four other members called-in the decision for further consideration by the Overview and Scrutiny Committee. A copy of the Call-in is attached as Annex 2.

12. As can be seen, there were two specific issues called-in, relating to:

- (a) Insufficient consultation with residents and ward members; and
- (b) Insufficient consideration of the impact on the privacy of residents by lowering hedges and fences to 1 metre, and requesting existing hedges/fences to remain at a maximum of 2 metres

13. In the intervening period, leading up to the Overview and Scrutiny Committee, the following was received, raising concerns about the proposed new site licence conditions:

- 5 petitions, comprising around 300 signatures, and accompanying letters from the residents of five park home sites (Annex 5);

- A letter from the Chairman of Roydon Mill Residents Association (Annex 5); and
- A letter from Roydon Parish Council (Annex 6).

14. In addition, 53 letters were received by the Council (officers, Leader and Housing Portfolio Holder), raising concerns about the proposed new site licence conditions. Twenty eight of these letters were standard template letters, each signed by individual residents of Roydon Mill Park Home Site.

Overview and Scrutiny Committee – 12th July 2010

15. At the Overview & Scrutiny Committee, Cllr Mrs Webster (as the Lead Member for the Call-in) explained the reasons for calling–in the two issues relating to the Cabinet’s decision. Cllr David Stallan, Housing Portfolio Holder, explained the reasons for the Cabinet’s decision. In so doing, he referred to the following two Supplementary Reports prepared by officers for the Overview and Scrutiny Committee, which are provided as annexes to this report:

- (a) Annex 3 Provision of additional information in view of comments made at the Cabinet meeting, in relation to the consultation process. It had been suggested that the Council had not undertaken the consultation process properly. However, the report explained that the consultation had been properly undertaken, in accordance with the requirements of the Caravan Sites and Control of Development Act 1960 and that, in addition, representatives of known park home residents associations had also been consulted, which is not required by the Act. The Report also gave details of precisely who was consulted, and other information in relation to the consultation process.
- (b) Annex 4 Provision of an Information Paper produced by the Building Research Establishment (BRE) in 1991 entitled “*Fire spread between caravans*”, which had been referred to at the Cabinet meeting. The Information Paper describes work carried out to examine the spacing distance required to prevent the spread of fire between park homes (and holiday caravans), and the outcome of ignitability tests conducted on samples of caravan material and of fire tests on one complete park home and one complete holiday caravan. Factors taken into consideration were the construction materials, combustible items kept near the caravans and fire screens.

From these tests, the BRE concluded, amongst other things, that:

- (i) There should be no change to the Model Standards’ 6 metre spacing requirement for current designs of park homes; and
- (ii) It must be presumed that any items (other than those classified as non-combustible) within 3 metres of a burning caravan could ignite and be an additional source of fuel and radiation or, indeed, direct flame impingement. However, the BRE accepted that certain items need to be located between homes for practical reasons. Therefore the BRE recommended that no combustible intermediate item should be located within 3 metres of an adjoining home (i.e. there should be 3 m clear space between separate occupancies), except as specified in the Table provided within the Information Paper. The Table states that, amongst other things, only low (maximum of 1 metre high) picket fences should be allowed.

16. The five Lead Petitioners were also invited to give their views orally at the meeting on the issues called-in (for up to a maximum of 3 minutes each). Assistant Divisional Officer Stuart McMillan from Essex Fire and Rescue Service answered members' questions relating to fire safety.

17. Over 200 park home residents attended the Overview and Scrutiny Committee meeting to listen to the debate.

18. After considering the issues, the Committee resolved that the decision should be referred back to the Cabinet for further consideration. Although only two issues relating to the Cabinet's decision were called-in, the debate often covered other issues relating to the proposed licence conditions. For this reason, the Committee agreed the Housing Portfolio Holder's suggestion that the Housing Scrutiny Panel be asked to consider all the relevant issues in depth and make suitable recommendations to the Cabinet.

19. The relevant extract from the minutes of the Overview and Scrutiny Committee, giving more detailed information about the debate, is attached as Annex 7.

(c) Departures from the Model Standards previously agreed by the Cabinet

20. As explained at Para 8 above, the report to the Cabinet on the 7th June 2010 included a table, setting out recommended changes to the Model Standards 2008 that officers felt should be made for the Council's new licence conditions. Two of these proposed changes related to sheds and hedges/fences, which are discussed in detail later in this report. However, the other two changes related to porches and waste facilities; it is suggested that the Scrutiny Panel recommends to the Cabinet that these proposed departures from the Model Standards remain.

Porches

21. The Model Standards 2008 provide maximum dimensions for porches, and require that only one door to either the porch **or** the main home should be allowed. It was suggested to the Cabinet that whilst porches should be restricted to the sizes set out in the Model Standards, the Council should allow a door to be allowed to both the porch **and** the home if the residents wanted, provided that a mains smoke detector is installed. This was suggested on the basis that it would provide improved thermal efficiency.

Waste facilities

22. The Model Standards 2008 only require communal refuse bins to be provided and housed within a properly constructed bin store, and that all refuse disposal should be in accordance with current legislation and regulations. It was suggested to the Cabinet that the Council's licence conditions should require the Council's domestic waste facilities to be used for domestic waste, and commercial waste facilities to be used for waste from common parts.

(d) Residents' main concerns

23. Having considered the concerns raised in the petitions and letters received, and the views put forward orally by the Lead Petitioners at the Overview and Scrutiny Committee, it appears that residents have 5 main concerns relating to the Cabinet's decision, as follows:

- There was insufficient consultation;
- The appropriateness of applying the CLG's Model Standards to existing sites;
- The requirement that existing park homes must be located no less than 3 metres from a site boundary;

- The height of a dividing combustible (e.g. wooden) fence and/or hedge must be no more than 1 metre, and that the edges of hedges must be at least 3 metres from a park home; and
- No combustible sheds must be located in the separation space between park homes.

24. These issues are considered in detail below, together with options for the way forward for consideration by the Scrutiny Panel.

(e) Consultation

25. A number of residents and members have expressed the view that there has been insufficient consultation on the proposed introduction of new licence conditions; indeed the Call-in referred to this, including a suggestion that ward members had not been consulted.

26. Both the report to the Cabinet on the 7th June 2010 (Annex 1) and one of the Supplementary Reports to the Overview and Scrutiny Committee (Annex 3) provided information on the consultation process that was undertaken. This consultation, and the consultation with members, can be summarised as follows:

- The statutory requirement only requires site owners and agencies listed in the Caravan Sites and Control of Development Act 1960 to be consulted. Officers went further than statutorily required, and also consulted known park home residents associations. Around 500 (60%) of the 835 park homes in the District are represented by residents associations. Therefore, officers took the view that, by consulting all the known residents associations on the proposals, they would then consult their resident members and respond to the Council with any concerns. Very little response was received.
- All Members of Council were advised in the Council Bulletin, dated 27th February 2009, that officers would be updating the Council's site licences and that (only) site owners, park home residents associations and other interested parties would be consulted on the proposals. The article stated the other parties that would be consulted. It further explained that the proposed licence conditions would be based on the Model Standards 2008, but may also include some minor variations, and that the proposed licences would be presented to members (i.e. the Cabinet) following the consultation exercise and before the new licences are issued. Two officer contact names were provided if members wanted further information. Very limited information was sought, from a couple of members.
- In November 2009, the Housing Portfolio Holder presented a report to the Cabinet which explained that, following the implementation of the Council's Private Sector Housing Renewal Strategy, the Government had updated its standards for mobile homes sites and that, as licences for the sites in the District had not been re-issued for a number of years, it would now be necessary to issue new licences. The report explained that, as well as requiring a significant staff resource in the short term to create and issue the licences, there would also be an ongoing need to ensure that the conditions attached to the licences were complied with. It explained that this could not be achieved within existing staff resources and, in response, the Cabinet agreed to create a new part-time temporary post to undertake this work. No concerns were raised about the potential impact of enforcing the new conditions when this new post was agreed.

27. It is officers' view that not only was the statutory consultation requirement met, under the circumstances, the level and approach of the consultation was appropriate at the time and that, bearing in mind the limited response that was received, there was no need to

consult all residents. However, it is also accepted that, following the Cabinet's decision, there is now widespread concern about the proposals and that wider consultation is now appropriate, which is proposed following the Scrutiny Panel's deliberations (see Paras 115 – 116 later in this report).

28. The Scrutiny Panel is invited to provide its views on whether or not the level of consultation by officers was appropriate under the circumstances.

(f) Application of Model Standards to existing sites

29. A number of representations have been received from residents suggesting that it is unlawful (and contrary to Article 7 of the Human Rights Act) to apply new site licence conditions "retrospectively" and that a "4 Year Rule" applies. Article 7 states that no-one shall be held guilty of any criminal offence on account of any act or omission, which did not constitute a criminal offence under national or international law at the time when it was committed. The Director of Corporate Support Services (DCSS) has considered this issue and has advised that:

- She believes the "4 Year Rule" referred to by residents may relate to the immunity from planning enforcement under planning legislation for building works. However, she advises that this does not override site licence requirements, which are covered by separate legislation (Caravan Sites and Control of Development Act 1960).
- Acts or omissions prior to any change in site conditions are not affected. However, failure to comply with any future requirement will be a breach. Put simply, it is not – for example - the erection of a fence which contravenes, it is a subsequent failure to comply with a requirement to reduce it. It is quite possible for standards and laws to change, that require people to comply to the new standard/law. The DCSS cites an example: the High Hedges legislation whereby a 10 metre Leylandii hedge planted many years ago, which was not unlawful prior to the legislation being introduced, became potentially unlawful after its introduction. Therefore, Article 7 of the Human Rights Act is not engaged.

30. A more relevant issue is that many residents have commented that, although the CLG's Model Standards may be appropriate for **new** park home sites, which can be provided having regard to the Model Conditions from the outset, they should not be applied in their totality to **existing** park home sites, and that different conditions should apply to existing sites, having regard to the current situation and the impact on existing residents.

31. Firstly, it is important to note that, under the Caravan Sites and Control of Development Act 1960, when attaching or varying any conditions of a site licence, the Council **must**;

- Have regard to any Model Standards when deciding what, if any, conditions to attach; and
- Consult the Fire Authority on the fire precaution conditions.

32. The duty to have regard to the Model Standards is subject to any advice given by the Fire Authority, including what conditions relating to fire precautions would be appropriate, if the Model Standards were thought to be inappropriate.

33. However, the Model Standards 2008, on which the proposed site licences are based does also state that:

- These standards should be considered when applying licence conditions to **new** sites and sites that have been substantially developed;

- When considering variations to **existing** site licences, councils “*should consider whether it is appropriate for these standards to apply*”;
- “*Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard*”;
- “*Where it is appropriate to apply the new standard to a condition, the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site*”; and
- “*In deciding whether to apply a new standard, the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition)*”.

34. At the Overview and Scrutiny Committee, some residents referred to the actions of other local authorities and that some had decided not to adopt the Model Standards 2008. Officers have therefore undertaken a telephone survey of the approach taken to this issue by all the 13 other local authorities in Essex.

35. A full response was received and the outcome of this survey is as follows:

Have no park homes in the District	3
Model Standards currently in use:	
Model Standards 1989	8
Model Standards 2008	1
Information not provided	1
The Model Standards 1989 are currently used, but the Model Standards 2008 are being considered for both existing and new sites	2
The Model Standards 1989 are currently used, but site owners have been advised to comply with the Model Standards 2008 informally and the Model Standards 2008 are being considered for new sites	1

36. Although, in the event of a challenge or legal action against the Council in future, it would be no defence for the Council to say that it had simply had regard to the approaches adopted by other local authorities (since it is this Council’s legal duty to have regard to the Model Standards 2008, irrespective of the approach taken by other councils) the Scrutiny Panel may find the above information useful in its deliberations.

Option 1 – Apply the same site licence conditions to both new and existing park home sites

37. This is the Cabinet’s original decision, for the reasons set out by the Housing Portfolio Holder in the Cabinet report, and is based on the fact that the Council must have regard to the Model Standards and the views of the Fire Authority and that, as stated in the Model Standards:

“the Model Standards represent those standards normally to be expected as a matter of good practice on caravan sites”.

38. It also takes account of the views of the Fire Authority, that it would not recommend any deviation from the Model Standards, which in themselves have regard to research, including the BRE’s Information Paper on *“Fire spread between caravans”*.

39. However the cost, officer time and work that would be involved with enforcing the conditions should not be underestimated, especially if residents are resistant and it is necessary to resort to legal action. It should also be noted that many residents have raised concerns about their (and the site owners’) ability to comply with all the standards on existing sites.

Option 2 – Apply the Model Standards to new or substantially developed park home sites, but apply different licence conditions to existing sites, having regard to the concerns raised by residents

40. Such an approach would enable the Council to include most of the Model Standards within the licence conditions of existing sites, but exclude or change one or more of the conditions about which residents have raised concerns (and are discussed in more detail later in this report).

41. Members could take such an approach if they felt, having regard to the Model Standards and the views of the Fire Authority;

- The current licence condition(s) is/are adequate in serving its/their purpose and the new standard should not, therefore, be applied;
- Having regard to all the circumstances of the site, the Council is not able to justify reasons for varying some or all of the “contentious” licence conditions, after taking account of the representations made by existing residents; and/or
- The benefits that the new licence condition(s) would achieve (by complying with the Model Standards) are outweighed by the interests of existing residents and site owners, having regard to the substantial representations made.

Option 3 – Apply the Model Standards to new or substantially developed park home sites, but apply different licence conditions to existing sites, having regard to the concerns raised by residents, until such time as the park home is replaced

42. Such an approach would seek to apply the Model Standards on existing sites in the very long term, without affecting existing residents unduly.

43. However, this approach is not recommended, for two reasons. Firstly, it would result in different residents (i.e. those on existing and new sites) being treated in different ways, which is not considered equitable. It would also be difficult to enforce (and would be reliant on the site owner keeping the Council informed of park home removals and replacement) and could have an effect on existing residents’ ability to sell their park home. If the condition that park homes must be located no less than 3m from a site boundary (see Paras 51-54 below) was enforced, it would be necessary for either the site owner of the new park home or the resident to physically move the park home, which would be very difficult.

44. Secondly, if the licence condition requirement becomes an issue when the park home is in the process of being sold, it can be deemed as a condition imposed on the sale of the park home by the site owner, which would be contrary to the Mobile Homes Act 1983. This would have the potential to seriously compromise a site owner who would, in effect, be caught between this provision of the Mobile Home Act 1983 and the requirements of the site

licence.

Option 4 – Do not apply the Model Standards to new or substantially developed park home sites

45. It is felt difficult to justify why the Model Standards should not apply to new sites, since they are accepted good practice and there are unlikely to be any justifiable reasons for not being applied.

Option 5 – Do not adopt the Model Standards 2008 (at all) for either existing or new sites

46. This is not considered appropriate since it would result in the Council not amending its site licence conditions for many years, despite two sets of Model Standards being published by the Government in the meantime. Moreover, it should also be noted that it is necessary for the Council, in any event, to revise all its existing site licences (where there is more than one park home situated on the site) in order to take into account the requirements of the Regulatory Reform (Fire Safety) Order 2005, which was introduced after all the existing site licences were issued by the Council.

Officers' comments

47. The Council's DCSS advises that, although it is the Council's decision which, if any, conditions to attach to or vary existing site licences, having regard to the Caravan Sites and Control of Development Act 1960, it would require compelling reasons to depart from the professional advice of the Fire Authority, whose officer advises that the 2008 Model Standards should be adopted.

48. Consequently, it is officers' view that the licence conditions for both new and existing park home sites should, wherever possible and practical, be the same and that, wherever possible, they should be the same as the Model Standards, with the exception of the proposed differences set out at Paras 21 & 22 above.

49. However, officers also acknowledge the strength of feeling amongst existing residents, and the difficulties that residents would be caused, and the associated cost, if some or all of the conditions that have raised concerns amongst residents, are applied to existing sites. Officers are also concerned about the practicalities of enforcing the conditions that have raised concerns, bearing in mind the huge number of contraventions that would apply across all of the sites, and the costs, officer time and work that would be involved.

50. Therefore, officers accept that members may conclude that different standard licence conditions should apply to all new and all existing sites, with the licence conditions for existing sites departing from the Model Standards in respect of some conditions, for the reasons given in Paragraph 41 above, provided that members feel that they have had due regard to both the Model Standards and the advice of the Fire Authority. It should be noted that, to ensure consistency, officers believe strongly that **all** existing sites should have the same set of licence conditions (except sites with just one park home – see Paras 111 & 112 below); there is no reason why existing sites cannot have the same licence conditions.

(g) Distance of park homes from site boundaries

51. The Model Standards 2008 state that park homes should not be located less than 3 metres from a site boundary. The Explanatory Notes to the Model Standards state that:

"The 3 metre separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side of the boundary, such as a road, and other developments, such as houses".

52. This condition is therefore for the sole benefit of park home residents (presumably to deter site owners from locating park homes close to boundaries – perhaps to maximise the number of homes that can be provided on the site - and affecting the residents' privacy). There does not appear to be any reasons for this condition relating to fire safety.

53. It appears that members therefore have two options in relation to this condition – **the condition can either be:**

(a) Included within the site licences for existing sites; or

(b) Excluded from the site licences for existing sites, on the basis that:

- ***It would be difficult to enforce (since a number of existing park homes are currently located within 3 metres of the site boundary); and***
- ***The clear view from existing residents (for whose benefit the condition within the Model Standards is included) is that they have no objections – mainly because most sites border fields.***

Officers' Comments

54. Officers accept that this would probably be one of the most difficult conditions of the Model Standards to enforce and, in view of the concerns raised by residents (for whom the model condition benefits), if members wish to depart from the Model Standards, this is probably the easiest to justify, having regard to the explanation in the Model Standards set out in Paragraph 41 above.

(h) Height of trees/hedges and combustible fences between park homes

55. Based on the concerns raised by residents, restricting the height of trees/hedges and combustible fences appears to be the most contentious proposed condition, and one of the two reasons for the Call-in to the Overview and Scrutiny Committee.

56. None of the current site licences refer to any maximum height for trees, hedges or combustible fences (e.g wooden) in the separation space between park homes – although it should be noted that planning permission is required if any residents or site owners wish to erect a fence in excess of 2 metres in height. It should also be noted that the Model Standards **1989** did not restrict the height of trees/hedges and fences.

57. However, the Model Standards **2008** state that:

“Fences and hedges, where allowed and forming the boundary between adjacent caravans (park homes), should be a maximum of 1 metre high.”

58. Numerous existing residents across all sites currently have hedges/trees and fences in excess of 1 metre. The concerns of residents appear to be two-fold:

- (The main concern) Restricting the height of dividing hedges and fences would severely reduce the amount of privacy between park homes, which could also lead to a reduction in their value because the purchase of a home would not be as appealing to prospective purchasers; and
- The cost of reducing the height of trees and hedges, and particularly replacing existing fences over 1 metre in height with new fences no more than 1 metre in height, would be very expensive - especially for those on low incomes and/or unable to undertake the work themselves.

59. As explained earlier, the Cabinet did agree that the deadline for reducing the height of hedges and trees to no more than one metre within separation spaces should be set at six months, and that the deadline for reducing the height of fences to no more than one metre within separation spaces should be set at three years. The Cabinet also agreed that financial assistance, in the form of the Council's Handyperson Service and the Small Loans Scheme, should be made available to residents that qualify, in order to assist them in complying with conditions related to the removal or replacement of sheds (see later), fences and trees/hedges.

Option 1 – Require that all trees/hedges and combustible fences on existing sites be reduced to a height of 1 metre (in accordance with the Model Standards), within agreed timescales (either those already agreed by the Cabinet or other)

60. The reasons for inclusion within the Model Standards relate to fire safety, no doubt having regard to the BRE Information Paper on “*Fire spread between caravans*”. The Assistant Divisional Officer from the Essex Fire and Rescue Service advises that the presence of combustible materials between park homes can form a bridge, that assists/accelerates fire spread. The fact that the Model Standards allow any form of dividing tree/hedge/fence is in recognition of the practical need to have a physical division between park homes. However, the higher the tree/hedge/fence, the more combustible material is present, and the greater the risk. It should be noted that **non-combustible** fences (e.g. made of metal) in excess of 1 metre in height would be permissible, subject to planning requirements.

61. However, it has to be recognised that requiring trees/hedges/fences to be reduced to a height of 1 metre will cause real difficulties for existing residents; their quality of life will be affected; it would be costly; and it would be very unpopular.

62. Many residents also make the point that the sites have been in existence for many years without any height restriction, so what's changed ? The answer, of course, is that new Model Standards have been introduced by the Government, with height restrictions, to which the Council must have regard.

Option 2 – Require that all trees/hedges and fences on existing sites have a maximum height of 2 metres

63. This was the proposal suggested within the Call-in to the Overview and Scrutiny Committee. It is felt that it would be accepted by most existing residents, although it should be noted that a number of existing trees and hedges are currently in excess of 2 metres, and would still need to be reduced. The proposal from the Cabinet that older and vulnerable residents could be assisted either through the Handyperson Scheme and/or the Small Loans Scheme could be adopted.

64. However, the important drawback is that it would increase the mass and height of combustible material within the separation space between park homes, thereby increasing the risk and speed of fire spread between park homes, and would be contrary to the advice of the Fire Authority, to which the Council must have regard (but not necessarily comply).

65. Again, if members wish to depart from the Model Standards in respect of this condition, they may decide to do so, having regard to the explanation within the Model Standards set out in Paragraph 41 above.

Option 3 – Include no maximum height restriction for hedges/trees and/or fences

66. This is similar to Option 2, but with no height restriction, which would allow existing hedges/trees in excess of 2 metres in height to remain, or existing hedges/trees below this

height to grow above 2 metres, without any requirement to trim them.

67. The comments contained within Option 2 above apply, although it should be noted that the mass and height of the combustible items would be greater, and the risk of fire spread increased further.

68. Members are reminded that fences in excess of 2 metres in height would require planning permission.

(i) Width of hedges and their distance from park homes

69. Another issue relating to hedges only is their width and their distance from park homes. Although not a requirement of the Model Standards 2008, the Fire Officer has advised that hedges should not be located within 3 metres of a park home. This is because not only may a thick hedge encroach substantially into the separation space between park homes, it would also impact heavily on the fire load.

Option 1 – Restrict the distance of the edges of hedges from a park home to no less than 3 metres

70. This is the approach recommended by the Fire Officer. It should be noted, however, that there are likely to be a number of hedges that would not comply with such a requirement, and it could be difficult for residents to trim the width of their hedges, which is therefore likely to be unpopular with residents. Furthermore, since many park homes are precisely 6 metres from each other, any hedge of any thickness is likely to contravene this requirement.

Option 2 – Restrict the distance of the edges of hedges from a park home to less than 3 metres (e.g. 2 metres)

71. This would go some way to meeting the Fire Officer's recommendation and would allow most existing hedges to remain, whilst still ensuring a reasonable and practical distance from park homes.

Option 3 – Do not restrict the distance of the edges of hedges from a park home

72. As explained above, this would not contravene the Model Standards 2008, since they make no reference to this issue. However, it could allow the provision of a very thick hedge, located very close to a park home, which could significantly increase the risk of fire spread between park homes. It would also appear to have no regard to the Fire Officer's advice.

Officers' Comments

73. Again, it is officers' view that the Fire Officer's advice should be accepted, as far as practically possible. However, they do have a concern with the practicalities of enforcing a condition that would probably disallow the provision of almost any hedge, since it is likely that the thickness of most hedges would result in the edge of the hedge being less than 3 metres from a park home. For this reason, and since there is no reference to this requirement within the Model Standards 2008, it may be more practicable to restrict the distance to slightly less than 3 metres.

(j) Location of combustible sheds in the separation space between park homes

74. This is another major concern of residents. Although the requirements of existing site licences vary, a typical existing Council site licence states (Appendix 1 of Annex 1):

“At least 30 square feet of covered storage space shall be provided for each mobile home standing. The structure to be separate from the mobile homes they

serve and, unless constructed of non-combustible materials, to be at least 13 feet (3.96 metres) from any other mobile (park) home”.

However, this condition has rarely been enforced over the years.

75. Although the Model Standards 2008 make no specific reference to combustible sheds not being allowed within the separation space between park homes, they do state within the Explanatory Notes (which it is considered applies to sheds):

”If structures, other than garages, are on pitches within the separation distance and are of a combustible construction, then the local authority should consider allowing sufficient time for them to be replaced with an acceptable non-combustible model.”

76. The Council’s proposed site licence conditions, agreed by the Cabinet, therefore state that:

“any shed for storage purposes will only be permitted within the separation distance if it is made of non-combustible material”.

77. Numerous existing park home residents across all sites currently have combustible sheds located within the separation space. A survey by officers undertaken in 2003 identified around 240 combustible sheds within separation spaces.

78. As explained earlier, the Cabinet did agree that the deadline for relocating sheds should be set at six months. Again, the Cabinet agreed that financial assistance, in the form of the Council’s Handyperson Service and the Small Loans Scheme, should be made available to residents that qualify, in order to assist them to relocate combustible sheds.

Option 1 - Require that no combustible sheds be allowed between park homes on existing sites, and that existing sheds must be removed within an agreed timescale (either that already agreed by the Cabinet or another)

79. This would reduce the risk of fire bridging the separation space between park homes, for the same reasons as set out under Option 1 above in respect of the heights of trees/hedges and fences.

80. However, again, it has to be recognised that not allowing sheds to be located between park homes will cause an inconvenience to existing residents.

Option 2 – Allow combustible sheds to be located between park homes, subject to them complying with planning regulations

81. As explained above, many residents already have combustible sheds located between park homes. However, the presence of a combustible item, such as a wooden shed will again increase the risk of fire spread between park homes, and again would be contrary to the advice of the Fire Authority.

82. However, as before, if members wish to depart from the Model Standards in respect of this condition, they may decide to do so, having regard to the explanation within the Model Standards set out in Paragraph 41 above.

83. It should be noted, though, that sheds constructed of certain materials (e.g. brick/blockwork) and/or above a certain size would still require planning permission.

Officers' comments on (a) the height of trees/hedges and fences and (b) the continuing provision of sheds between park homes

84. Officers must remind members that, in accordance with the Caravan Sites and Control of Development Act 1960, they must have regard to the Model Standards and that it would require compelling reasons to depart from the professional advice of the Fire Authority, whose Assistant Divisional Officer advises that the Model Standards should be applied in full, especially where the risk of fire spread is increased.

85. Officers are particularly concerned that, if there is subsequently a fire at a park home site, that spread to neighbouring park homes due to the presence of combustible materials between mobile homes that contravened the Model Standards, the Council could be criticised for not following the Model Standards in the light of the scientific evidence, especially if the fire resulted in a loss of life.

86. Therefore, it is officers' view that the Model Standards' conditions restricting the height of trees/hedges and combustible fences to 1 metre in height, and the proposal to require no combustible sheds to be located between park homes should be included within the Council's site licence conditions, but that – as previously agreed by the Cabinet - residents be allowed 6 months to reduce the height of existing trees/hedges and remove combustible sheds, and 3 years to reduce the height of combustible fences – although it should be noted that such a time allowance in itself presents a risk.

87. However, again, officers also acknowledge the strength of feeling amongst existing residents, and the difficulties that residents would be caused, and the associated cost, if some or all of these “contentious” conditions are applied to existing sites. Officers are also concerned about the practicalities of having to enforce the contentious conditions, bearing in mind the huge number of contraventions that would apply across all of the sites, and the costs, officer time and work that would be involved.

88. Therefore, officers accept that members may conclude that trees/hedges and fences above 1 metre in height, and sheds located between park homes, should be allowed on existing sites, for the reasons given in Paragraph 41 above, again, provided that members feel that they have had due regard to both the Model Standards and the advice of the Fire Authority.

(k) Other issues

89. As part of this comprehensive review of the proposed park home site licence conditions, officers have identified two further issues that may cause concern to some residents, even though they have not yet been raised by most residents. For the sake of completeness, the Scrutiny Panel is asked to form a view on their inclusion within the proposed licence conditions.

(l) Separation distance between park homes

90. The Model Standards 2008 state that there should be a separation distance between park homes of at least 6 metres. This has been a standard requirement for many years, and is featured within the Council's current site licences (although they refer to “20 feet”), the Model Standards 1989 and the Model Standards 2008. This is both to reduce the risk of fire spread between park homes and to ensure privacy. The Building Research Establishment's Information Paper on “*Fire spread between caravans*” re-inforces the importance of a 6 metre separation distance for park homes.

91. However, a survey by officers in 2003 identified that, in 17 cases, the separation distance between park homes was less than 6 metres. Officers have recently re-visited these locations, and established that there are now only 4 cases where the separation

distance is less than 6 metres (3 at Breach Barns and 1 at Abridge Park). The distances are 3.3 metres, 5.6 metres, 5.7 metres and 5.75 metres.

92. The Notes to the Model Standards 2008 state that:

“In considering the enforcement of the separation distance the local authority should consult with the local Fire and Rescue Service. It should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce the standard, where practicable.

Before the local authority undertakes any enforcement action, it should consider the benefit of the works against the potential impact on the residents’ enjoyment of their homes and the cost to the site owner.”

93. It should be noted that, although all the site owners have been formally consulted on the proposed continuation of the 6 metre separation space, park home owners have not. One of the recommendations to the Housing Scrutiny Panel (see Paras 115 & 116 below) is that all park home owners should be consulted on the Scrutiny Panel’s recommendations to the Cabinet. It is suggested, therefore, that the particular attention of site owners and park home owners whose homes contravene the separation distance requirement is drawn to whatever the Scrutiny Panel’s recommendations on issue are to the Cabinet, and that the Cabinet then makes its decision having regard to their specific views (if any).

Option 1 – Include a separation distance of 6 metres within site licences for both new and existing sites, but allow existing contraventions to continue indefinitely

94. This option would allow these contraventions to continue, which could be for a significant period of time. Although three of the separation distances contravene by less than 40cm, one contravenes by 2.7 metres – meaning that these two park homes are located very close together. If a fire was to occur within one of these two park homes, there is a very high risk that the fire would spread to the other.

Option 2 - Include a separation distance of 6 metres within site licences for both new and existing sites, but allow existing contraventions to continue until such time as a contravening park home is replaced

95. As can be seen from the above, over the years, site owners have remedied 13 of the 17 contraventions that were identified in 2003. This will mainly have been through site owners replacing park homes when they have been sold by the park home owners. Therefore, such an approach could continue, but with a requirement for site owners to remedy the situation on replacement, enforced within the licence conditions.

96. It should also be noted that the sales value of park homes that have to be replaced would be very low, which would inevitably result in a, potentially significant, loss of investment for the park home owners.

Option 3 – Include a separation distance of 6 metres within site licences for both new and existing sites, and require site owners to remedy the situation within a specified time period

97. This option recognises that the contraventions need to be remedied, and would give the site owner a reasonable period of time in which to remediate. It is suggested that this period could be between, say, 2 and 5 years. However, the Scrutiny Panel needs to appreciate that this would cause the park home owners real difficulties since, in each case, one of the pairs would not only be required to give up their home, but would also not receive any sales value because their home could not be sold-on.

Option 4 – Any (or a combination) of Options 1-3, but the position of park homes with a separation distance of less than 5.5 metres being remedied more quickly than the others

98. This option would result in Options 1-3 applying to park homes with a separation distance of at least 5.5 metres, but Options 2-3 applying to any park homes with a separation distance of less than 5.5 metres (including the pair of park homes identified above, with a separation distance of just 3.3 metres). This would recognize the significantly increased risk of fire spread between park homes very close together, which would be treated in a tougher way than those with a larger separation space.

Officers' comments

99. Officers would strongly recommend that Option 1 is not adopted since, having identified homes with separation spaces of less than the recommended 6 metres, some sort of plan should be in place to overcome this contravention.

100. Although most of the contraventions amount to less than 40cm, the two park homes with only a 3.3 metre separation space are a particular and serious cause for concern and there may be a case for treating such a case (and any similar cases not identified by officers) differently from the others.

(m) Distance of park homes from roads

101. The Model Standards 2008 require that no park home should be stationed within 2 metres of any road or communal car park within the site. It is understood that this is not for reasons relating to fire safety, but primarily for the benefit of park home owners, as well as for road safety.

102. When the site surveys were undertaken in 2003, it was identified that 12 park homes were stationed within 2 metres of a road within the site.

Option 1 – Require all park homes on new and existing sites to be stationed no less than 2 metres from a road within the site

103. This would be in accordance with the Model Standards 2008. However, it would be very difficult for site owners and park home owners to comply with this requirement, if they are not currently, since it would require the re-location of the park homes, which would be both costly and, in some cases, practically very difficult.

Option 1 – Require all park homes on new and existing sites sites to be stationed no less than 2 metres from a road within the site, except for those park homes in situ as at the date of the site licence

104. This would accord with the Model Standards for the future, both on new and existing sites, but allows any current contraventions to continue.

Officers' comments

105. As with the licence condition relating to the distance of park homes from site boundaries, this would be another very difficult condition of the Model Standards to enforce on existing sites. Again, since the condition benefits park home owners, who presumably are quite happy with the position of their park home, if members wish to depart from the Model Standards, this is probably another departure that could easily be justified, having regard to the explanation in the Model Standards set out in Paragraph 41 above.

(n) The overall view of officers on the issues

106. Officers acknowledge that members have a difficult task in balancing the recommendations of the Model Standards 2008 and the Fire Authority on the one hand, and the costs, inconvenience and quality of life to/of residents on the other. As reported above, some issues are more contentious than others, and some potential conditions would be more difficult to enforce than others.

107. If members do decide to depart from the Model Standards and/or the advice of the Fire Authority, they are able to do so – and, as explained at Paragraph 41, the Model Standards sets out possible reasons for departure. However, members must ensure that their reasons are clear and rational, and that their decisions can be defended at any time in the future, if challenged.

(o) The views of the Fire Authority on the options within this report

108. The Fire Authority has been consulted on the contents of this report, and it had been hoped that its views could be incorporated before the report was published. However, due to annual leave within the Fire Authority, this was not possible.

109. However, the Fire Authority has committed to provide its views in advance of the Scrutiny Panel meeting. Therefore, it is hoped that, when received, the Fire Authority's comments can be circulated to Scrutiny Panel members, and the other invited parties, in advance of the meeting.

110. Since Assistant Divisional Officer Stuart McMillan will be attending the meeting, he will be able to answer any questions on the Fire Authority's views.

(p) Sites comprising only one park home

111. Some park home sites within the District only comprise one park home. However, under the Caravan Sites and Control of Development Act 1960, they still need a site licence.

112. Although most of the Model Standards and proposed licence conditions apply equally to sites with just one park home, there are clearly some conditions that do not apply (e.g. separation distance between park homes). Officers have assessed that the following licence conditions within the proposed site licences previously recommended to the Cabinet (Annex 1, Appendix 2) do **not** need to apply:

- 4. Density & Spacing – Conditions (i), (iii) and (iv)(b) to (iv)(i) only
- 7. Lighting
- 16. Communal Recreational Space
- 17. Notices and Information – Conditions (ii),(iv) and (v) only

(q) Licensing reforms

113. Members may be interested to know that, although it does not have an effect on the issues under consideration by the Council at present, in March 2010, and following a consultation exercise, the former Government issued a paper entitled "*Park homes site licensing reform: The way forward and next steps*". A copy of the paper's Executive Summary is provided at Annex 8.

114. The Government says that it is committed to a comprehensive licensing regime, which ensures that only "fit and proper" persons are engaged in the management of park home sites, and which is backed by effective enforcement tools. The former Government's intentions included:

- Setting up a national task force to consider key aspects of licensing reform and to report back to Government on how these may be best achieved.
- The introduction of a requirement that a site owner must be a “fit and proper” person.
- Giving local authorities the power to refuse applications for licences and the power to revoke existing licences, whilst ensuring that suitable management arrangements are in place when an application is refused.
- Park homes being licensed for a specific number of homes, with local authorities given enforcement tools to ensure compliance.
- Giving local authorities power to serve enforcement notices to require site owners to undertake repairs and maintenance to sites, and ensure that sites are properly managed. Where they are not properly managed, giving local authorities the power to revoke the site licence and manage the site itself.
- The introduction of a range of new licensing offences which, on conviction, will attract “robust financial penalties”.
- The introduction of licence fees.

(r) Proposed way forward

115. The Scrutiny Panel is asked to consider the issues and options set out in this report (including any other additions, amendments or omissions that the Scrutiny Panel wishes to make) and to make recommendations to the Cabinet on the approach to be taken to the licensing of permanent residential park homes within the District.

116. It is proposed that, following the Scrutiny Panel agreeing its recommendations to the Cabinet, *all* park home residents and site owners are consulted on both the proposed licence conditions previously agreed by the Cabinet and the Scrutiny Panel’s recommendations (and provided with copies of this report to the Housing Scrutiny Panel and Annex 1 (only) for their information), with the results of the consultation exercise reported to the Cabinet at the same time as the Scrutiny Panel’s recommendations.

117. The Leader of Council has indicated that, if considered appropriate, she may decide to hold a Special Meeting of the Cabinet to consider the Scrutiny Panel’s recommendations, and the outcome of the subsequent consultation exercise.

Reason for decision:

118. The Overview and Scrutiny Committee has asked the Housing Scrutiny Panel to consider the issues relating to the licensing of permanent park home sites in the District, and to make its recommendations to the Cabinet.

Resource implications:

Budget provision: Within existing resources, unless legal action has to be taken against a large number of site owners, which could be costly and unable to estimate at present.

Personnel: Nil

Relevant statutory powers: Caravan Sites and Control of Development Act 1960

Background papers: Letters received from residents

Environmental/Human Rights Act/Crime and Disorder Act Implications: The purpose of the Model Standards are to ensure a safe environment for residents. As explained in the report, there are no contraventions of the Human Rights Act

List of Annexes

- Annex 1 Report to the Cabinet on 7th June 2010, including:
Appendix 1 – Example of current licence conditions
Appendix 2 – Proposed licence conditions for EFDC
- Annex 2 Copy of the Call-in to the Overview and Scrutiny Committee
- Annex 3 Supplementary Report to the Overview and Scrutiny Committee on 12th July 2010, including:
Appendix – List of consultees consulted on the draft licence conditions
- Annex 4 Further Supplementary Report to the Overview and Scrutiny Committee, providing a copy of the Building Research Establishment's (BRE's) Information Paper (September 1991) on "*Fire spread between caravans*"
- Annex 5 Letters of objections and petitions from:
Abridge Park Residents Association
The Owls residents
The Elms residents
Ludgate House residents
Breach Barns residents
The Woodbine residents
- Annex 6 Letter of objection from Roydon Parish Council
- Annex 7 Extract of the Minutes of the Overview and Scrutiny Committee held on 12th July 2010
- Annex 8 Executive Summary of the CLG's "*Park homes site licensing reform: The way forward and next steps*"

Report to the Cabinet

Report reference: C-001-2010/11

Date of meeting: 7 June 2010



**Epping Forest
District Council**

Portfolio: Housing

Subject: Adoption of Revised Standard Caravan Site Licence Conditions for Permanent Residential Sites

Responsible Officer: Sally Devine (01992 564149).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the revised 'Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council' attached at Appendix 2 be adopted; and,**
- (2) That financial assistance in the form of the Council's Handyperson Service and the Small Loans Scheme be made available to residents that qualify, to assist them in complying with conditions related to the removal / replacement of sheds, fences and hedges.**
- (3) That following a second consultation exercise, site licence conditions based on these standard site licence conditions be also applied to Gypsy & Traveller sites that have planning permission as permanent residential caravan sites.**
- (4) To note that in due course it is intended that holiday sites will be similarly licensed in accordance with the relevant model standards.**

Executive Summary:

It is a statutory requirement for local authorities to issue licences on all their mobile homes sites and to decide what conditions to attach. In 2008, the Government produced new standards for permanent residential mobile homes sites, providing a framework upon which Councils can base the conditions they attach when re-licensing sites.

The Council's current standard site licence conditions have not been revised for many years and it is considered that it would now be appropriate to set new conditions for the permanent, residential sites that are in line with these national 'model' standards, but also include minor variations to take account of local circumstances and historic agreements.

Following a consultation exercise 'Standard Caravan Site Licence Conditions for Residential Sites in Epping Forest District Council' have been drafted and these are attached as an addendum to this document. Members are asked to agree these conditions so that they can be issued to all site owners of existing residential mobile home sites on the District.

Reasons for Proposed Decision:

The existing site licence conditions for caravan sites in Epping Forest District have not been reviewed for many years. New proposed standard caravan site licence conditions for permanent residential sites have been drafted to ensure conditions are relevant, consistent and will adequately protect the health and safety of people residing at, or visiting, sites within the District.

Other Options for Action:

The option of not setting new licence conditions and allowing the remaining ones to remain in place has been discounted as the existing conditions are outdated and such an approach would compromise the health and safety of those living on or visiting mobile home sites.

The option of imposing new conditions when a site is licensed with a new owner has been discounted as this would result in improvements only being made when sites changed ownership. Such an approach would also mean that standards across the District would be inconsistent.

Report:

1. It is a statutory requirement under Section 5(6) of the Caravan Sites and Control of Development Act 1960 for local authorities to issue licences on all their mobile homes sites and to decide 'what (if any) conditions to attach'. This applies to all mobile homes sites, including permanent residential sites, static holiday and touring caravan sites. There are currently 16 residential sites, 5 agricultural and 5 holiday sites on the District, the two largest of which are licensed for 250 and 209 units each. Site licence conditions cover health, safety and fire prevention issues and it is an offence for the site owner to fail to comply with the conditions set. An example of a current set of site licence conditions is attached at Appendix 1.

2. The Cabinet is advised that for legislative purposes the term 'caravan site' is used. However, this is synonymous with the terms 'mobile home' and 'park home' which are more appropriate descriptions of the permanent residential sites now found, and are terms preferred by site owners and residents.

3. In order to ensure that conditions are relevant and are in line with current legislation and guidance it is necessary to review and update conditions from time. The Council's current standard site licence conditions are outdated and have not been revised on many sites for some 30 years. For example, the introduction of the Regulatory Reform (Fire Safety) Order 2005 means that some fire related conditions that previously lay with the Council to enforce, are now the responsibility of the Essex Fire Authority.

4. In April 2008, the Government produced new standards for permanent residential mobile homes sites, the 'Model Standards 2008 for Caravan Sites in England', providing a framework upon which councils can base the conditions they attach when re-licensing sites. The model standards incorporate changes in legislation and regulatory practice such as those outlined above. It is therefore now considered appropriate to set new standard licence conditions for the Council's permanent residential sites in line with these national model standards but also including minor variations that take account of local circumstances and historic agreements. The proposed 'Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council' is attached as at Appendix 2.

5. Before amending any site licence the Council is obliged to consult the owner of the park home site and other relevant parties. A consultation process has been undertaken on the Council's behalf by a specialist consultant, Park Homes Legal Services Ltd, on suggested new

site licence conditions for the District. The consultation took into account the government's guidance, 'Local Authority Licensing of Park Home Estates' and included site owners and residents associations, other interested parties such as Council Planning Officers, Essex Fire and Rescue Service, the Environment Agency and the Health and Safety Executive.

6. Responses have been received from:

- (a) The site owners of The Elms Park Home Site and the Abridge Park Home Site;
- (b) The Abridge Park Residents Association;
- (c) The Environment Agency; and
- (d) Essex Fire and Rescue Service.

7. Their comments have been considered and where appropriate the draft conditions have been modified accordingly. The site owners and residents association's concerns centre principally around issues of the positioning of sheds, fences and hedges between homes. The Fire Service advised that condition 4(vi)(g) be modified to prohibit hedges within 3 metres of an adjacent caravan; the Environment Agency advised rewording condition 14 relating to Domestic Refuse Storage and Disposal in line with this Council's waste disposal arrangements;

8. Existing standards and the new model standards set requirements on maintaining a 'separation space' between mobile homes, predominantly to reduce the risk of the spread of fire from one unit to another. A condition already exists in current licence conditions prohibiting combustible sheds within the separation space but the new model standards extends this to include fences and hedges in response to the recommendations produced in the British Research Establishment Information paper relating to fire spread between caravans (BRE IP15/91). The proposed 'Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council' includes conditions relating to combustible sheds, fences and hedges (conditions 4(vi)(e) and (g)).

9. Over the years some residents have installed structures that did not comply with their existing site licence conditions and will not comply with the new conditions. Limited Council staff resources have meant that sometimes these contraventions have not been picked up. During the consultation, however, concerns were raised by residents of one mobile home site in particular, relating to non-compliant structures which will have to be removed at their own cost. In recognition of the fact that many occupiers of residential park home sites are older people with limited finances it is proposed that while the conditions relating to sheds, fences and hedges should remain, financial assistance in the form of the Council's Handyperson Service and the Small Loans Scheme will be made available to those who qualify. The Handyperson Scheme provides a grant of up to £250 for older people on benefits and the Small Loan Scheme will help by providing an interest free loan.

10. The Table below shows the differences between the model standards and the proposed new site licence conditions and outlines the reasons the changes were made.

Comparison between 'Model Standards 2008' and 'Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council'

Structure	Model Standards 2008	Proposed EFDC	Reasons
Porches	2(vi)(a). Dimensions are restricted; only one door allowed to either porch or home.	4(vi)(a). Dimensions restricted as for model stds; to allow door on porch and home if mains	Allowing two doors improves thermal efficiency and gives extra storage

		linked smoke detector installed.	provision; smoke detector mitigates fire risk.
Sheds	2(vi)(c). Any structure extending more than 1m into the separation distance between mobile homes to be non combustible.	4(vi)(e). Any shed within the separation distance must be non combustible. 6 months to comply.	This is a common contravention on many sites. Specific condition put in place for clarity.
Fences and Hedges	2(vi)(f). Maximum 1m high between adjacent caravans.	4(vi)(g). as for model stds; plus hedges not permitted within 3m of adjacent caravan.	Recommendation from Essex Fire Service and BRE IP15/91: hedges increase the fire load and potential for fire transfer from home to home.
Domestic Refuse Storage and Disposal	12. General storage and disposal requirement.	14. Domestic waste to use EFDC facilities; waste from common parts is commercial waste.	Clarifies requirements for EFDC.

11. If Members agree to adopt the proposed site licence conditions as the 'Standard Caravan Site Licence Conditions for Residential Sites in Epping Forest District Council', new site licences will be issued to all site owners of existing residential caravan sites together with an explanatory guide to the conditions. A new Technical Officer will be employed as agreed by the Cabinet on 16 November 2009 (Ref: C-052-2009/10) to issue and enforce the new site licences. It is recognised that a reasonable time period needs to be allowed for compliance with the more high risk matters being dealt with first. Note (a) to the Schedule of Conditions will allow 'for site owners to agree a scheme of work or time span within which the site will be brought back into compliance with the conditions'.

12. The Government's Model Standards 2008 for Caravan sites in England excludes Gypsy/Traveller sites. However, several sites in the District have Planning Permission to be occupied by Gypsy families on a permanent, residential basis and these sites are currently licensed in accordance with the existing licence conditions for our residential sites. In recent months several new Planning applications have been received from Gypsy families on unauthorised sites wanting to legitimise them. It is proposed that a second consultation process will involve these sites with the objective that the Epping Forest Model Standards be extended to include Gypsy sites that are occupied on a permanent residential basis.

13. Separate model standards exist for holiday caravan sites (revised 1989). A review of our existing licence conditions for these sites, to bring in line with the 1989 model standards, is proposed in due course.

Resource Implications:

A new part time Technical officer post is approved to specifically issue new site licences and enforce the standard conditions

Legal and Governance Implications:

Caravan Sites and Control of Development Act 1960
Model Standards 2008 for Caravan Sites in England

Safer, Cleaner and Greener Implications:

Adopting new standard conditions in line with the Governments Model Standards 2008 for Caravan Sites in England will ensure measures are in place to protect the health and safety of residents on permanent residential mobile home sites.

Consultation Undertaken:

Specialist Consultants Park Homes Legal Services have carried out the consultation process and produced the draft standard conditions

Background Papers:

The British Research Establishment Information paper IP15/91 relating to fire spread between caravans

Impact Assessments:

Risk Management:

Failure to set and ensure compliance with appropriate licence conditions would compromise the health and safety of residents on permanent residential mobile home sites by limiting the control measures that may be imposed.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

Example of a current set of Site Licence Conditions for Permanent Residential Caravan Sites in Epping Forest District Council.

**CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960
SCHEDULE OF CONDITIONS**

Density and Space between Mobile Homes

1. The gross density of the park shall not exceed 20 mobile homes to the acre. The licence shall only apply to that parcel of land in respect of which planning permission has been obtained to station mobile homes for residential occupation. The number of mobile homes shall not exceed 35 plus one unit occupied by a person employed by licensee for Management purposes.
2.
 - (a) Every mobile home shall be not less than 20 feet from any other mobile home in a separate occupation.
 - (b) Application in writing to the Local Authority to reduce this distance to not less than 18 feet may be made when the following circumstances apply:
 - (i) Where a mobile home not to the standard defined in condition 5 is to be replaced by a mobile home meeting that standard, and
 - (ii) It is not possible to re-position adjoining mobile homes in order to maintain a 20 foot distance, and
 - (iii) The average distance between mobile homes on the park is not less than 20 feet. Distances in excess of 20 feet provided by reason of vacant sites, roads, footpaths, buildings, recreation areas or open spaces not to be included when the average distance is calculated.
 - (c) The distance between units shall not be reduced until formal approval in writing has been received from the Local Authority.
3. Every mobile home shall not be less than 10 feet from any carriageway used by vehicular traffic, and not less than 10 feet from any site boundary or 5 feet if the external surface of the mobile home complies with BS.3632 and is of non-combustible material.

Prevention of Overcrowding

4. No mobile home shall be used to accommodate a number of persons in excess of the number of bedrooms installed by the manufacturer, except for a child below the age of 3 years accommodated in a cot, or a number of persons in excess of the following standard:
 - (a) Adults and children over 10 years of age – 50 square feet of floor space per person.
 - (b) Children from birth to 10 years of age, for the first two, 25 square feet each. Any in excess of two, 50 square feet each.

- (c) Except for married couples and children under 10 years of age, separate sleeping compartments for persons of opposite sex.
- (d) No sleeping compartment for adults to be less than 6 feet 3 inches in any one plan dimension.

Replacement of Mobile Homes

5. When an existing mobile home on the park is replaced the mobile home replacing or any mobile home brought onto the park for residential occupation shall:
- (a) If a new mobile home meets the standards of British Standard 3632:1963 as revised. Compliance with this standard may be recognised by the badge issued under the scheme operated by the National Caravan Council, and
 - (b) Only accommodate the number of persons for which it was originally designed and constructed, and
 - (c) Be provided with a wash-hand basin, a bath or shower, a sink, and a hot water system sufficient to supply all these fittings, and
 - (d) Be provided with a W.C. and
 - (e) Have a connection to mains electricity on the parks to the standards recommended by the Local Electricity Board.
 - (f) Each new unit to be fitted with an approved fire extinguisher.
6. The park operator shall keep a register dating mobile home movements with access for Local Authority Officers to examine such registers.

Porches

7. Any person who wishes to erect a porch or conservatory type extension onto a mobile home shall submit plans to the Local Authority for approval. Unless such agreement is given in writing the Local Authority reserve the right to require the person responsible to remove any such structure.

Hard Standings

8. Every mobile home shall stand on a hard standing of concrete which shall, except that a centre section of hogging or similar material to allow for flexibility of toilet and waste water connections will be permitted, extend over the whole area occupied by the mobile home 'and shall extend 2'6" outwards to form a footpath leading to the main entrance of the unit and to the storage facilities.

Water Supply

9. The site shall be provided with a water supply complying with British Standard Code of Practice C.P.310 (1952).
10. Every mobile home shall be provided with and connected to a sufficient and wholesome piped water supply.

Storage Space

11. At least 30 square feet of covered storage space shall be provided for each mobile home standing. The structures to be separate from the mobile homes they serve and unless constructed of non-combustible materials to be at least 13 feet from any other mobile home. The structures to be capable of being locked.

Refuse Disposal

12. Every mobile home shall be provided with a proper refuse receptacle, of at least 2¹/₄ cubic feet capacity, fitted with a close fitting lid. Access arrangements shall be made for regular emptying.

Drainage, Sanitation and Washing Facilities

13. The park shall be provided with a foul drainage system connected to a public sewer. If this is not possible the system to be connected to a properly constructed treatment plant, septic tank or cesspool as approved by the Local Authority.

14. Every mobile home standing shall be provided with a connection to the foul drainage system and the connection shall be made airtight when not in use.

15. Adequate provision for the surface water drainage of carriageways, footpaths, paved areas and the site generally shall be made.

16. There shall be provided facilities on the following scale for mobile homes without such facilities, unless alternative arrangements are agreed in writing with the Local Authority.

(a) W.Cs

Male: 1 W.C. plus 1 urinal per 15 mobile homes or part thereof.
Female: 2 W.Cs per 15 mobile homes or part thereof.

The W.Cs shall be not more than 100 feet from any mobile home for which this facility is provided.

There shall be provided a wash-hand basin with hot and cold water to every W.C.

(b) Baths or showers

There shall be provided a bath or shower with hot and cold water for each sex per 20 mobile homes. Hours of opening for such unit to be agreed in writing with the Local Authority.

(c) Laundry Facilities

There shall be one automatic washing machine per 75 mobile homes or part thereof.

Fire Precautions

17. If a water supply of sufficient pressure and flow is available a fire hydrant

conforming to B.S.S. 750 shall be provided. Fire hydrants and any associated bypass valves shall be clearly indicated by standard marking plates and shall be situated within 300 feet of any unit.

18. In addition, there shall be provided fire points, each equipped with a water tank provided with a hinged cover, two buckets and one hand or bucket pump on the scale of one such point for every two acres or part of two acres. Provided that on parks with no hydrants, each water tank shall contain at least 100 gallons of water and shall be situated not more than 100 yards from any mobile home; or as an alternative.

19. There may be provided a fire alarm and fire points and extinguishers in accordance with the following scale:

No of Mobile Homes	No of Fire Points	Equipment
Under 12	1	1 x 2 gallon water (soda/acid) or water (gas pressure) extinguishers 1-10 lb. dry powder extinguisher
12 – 50	2	2 x 2 gallon water extinguishers as above. 2-10 lb. dry powder extinguishers at each point
50 and above	2 fire points and then 1 to every 50 or part thereof	2 x 2 gallon water extinguishers as above. 2-10 lb. dry powder extinguishers at each point

Adequate measure shall be taken to prevent water type extinguishers from freezing.

One gallon size water extinguishers may be found easier to handle. If this size is preferred two such extinguishers shall be provided in place of each 2 gallon size specified, or as a further alternative.

20. There may be provided in an approved position a fire alarm and a 1/2 inch heavy duty hose pipe, sufficiently long to reach any mobile home from the nearest tap, fitted with a nozzle and screw attachment. Such standpipe taps to be within 60 feet of every mobile home and to be adequately protected against frost.

21. All fire points shall be clearly marked and easily accessible in case of fire.

22. Bottled gas stores shall be well ventilated and constructed of non-combustible materials and be sited a minimum of 20 feet from other risks. A fire point shall be provided near, but not in the store. Such stores to be constructed to the Local Authority's specification. Empty cylinders to be stored within such stores and not in the open.

23. When possible a telephone shall be available on the park.

24. A notice giving the following information shall be prominently displayed and protected against inclement weather.

- (a) Telephone number of fire brigade
- (b) The position of the telephone on the park, or the nearest telephone
- (c) Situation of the fire alarm and the fire points
- (d) Appropriate action to take in case of fire

(e) A copy of the Schedule of Site Licence Conditions

25. Mobile home leg braces and towing brackets shall be readily accessible. Wheels shall not be removed.
26. Bonfires and the burning of rubbish in dustbins is prohibited.
27. Nothing shall be stored beneath mobile homes. The area beneath mobile homes shall be kept clear. Where units are boarded in adequate ventilation and access must be provided.
28. There shall be access to within 150 feet of any mobile home by fire appliances.
29. The park entrance shall be adequately signposted to facilitate identification.

Roads and Footpaths

30. Roads of concrete, tar macadam or other similar hard, permanent material shall be provided so that no mobile home or communal facility is more than 150 feet from a road. Such roads to be not less than 13 feet wide, or if they form part of a one way system, 9 feet wide. Such roads to be properly maintained at all times.
31. No parking on site roads shall be permitted.
32. One way traffic systems shall be adequately signposted.
33. Each mobile home main entrance door and any communal facility shall be connected to a road by a footpath of concrete, tar macadam or other similar hard permanent material. The footpaths shall be not less than 2 feet 6 inches wide.

Lighting

34. Adequate lighting of carriageways, footways and communal facilities shall be provided as necessary.

Car Parking

35. Suitably surfaced parking places shall be provided with space for at least one car per mobile home standing with additional space set aside for visitors as required.

Recreation Space

36. Space equivalent to one tenth of the total area of the park shall be allocated for childrens games and other recreational purposes. Such area to be fenced off, signposted and maintained in a satisfactory condition.

Park Maintenance

37. The park operator is required to maintain the park and all facilities in a clean and satisfactory condition.

Noise

38. No musical instrument, radio, record player, petrol engine generator or any

noisy equipment shall be used or operated to the prejudice of other persons at any time.

Definition - Mobile Home includes caravan as defined by Caravan Sites and Control of Development Act 1960.

Draft 'Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council'

STANDARD CARAVAN SITE LICENCE CONDITIONS FOR PERMANENT RESIDENTIAL SITES IN EPPING FOREST DISTRICT COUNCIL

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

SITE LICENCE CONDITONS – PERMANENT RESIDENTIAL SITES

(Name of Site)

Schedule of Conditions

Notes:

- (a) The term, 'caravan', 'mobile home' and 'park home' is interchangeable when the structure complies with the legal definition of a 'caravan' in accordance with Section 29 of the Caravan Sites and Control of Development Act 1960 (as amended). The term 'caravan' will be used throughout this document.
- (b) These licence conditions apply to caravan sites used for the siting and occupation of caravans used as the occupiers permanent residence. Where a residential caravan site contains both residential mobile homes and static holiday caravans, these residential conditions shall apply.
- (c) Where previous licence conditions conflict with the conditions in this licence, the owner shall agree with the local authority a scheme of work or time span within which the site will be brought into compliance with the conditions contained in this licence.
- (d) Existing porches attached to caravan structures which do not comply with these conditions will be tolerated until the mobile home is eventually replaced. If, by virtue of size, form of construction, condition, location or other reason the Council considers an existing porch to be a fire risk or to offer some other potential danger, they may require the porch to be modified. From the date of this licence, all new porches if permitted will need to comply with Condition 4(iv)(a) beneath.

1. General

- (i) () site is licensed for a maximum of () residential caravans;
- (ii) All residential caravans sited must be manufactured in accordance with the version of BS 3632: 'Residential park homes – Specification' applying at the time of siting or replacement;
- (iii) No caravan may be occupied by numbers of persons in excess of that for which the caravan was designed to accommodate.

2. This Licence shall only apply to that area of land in respect of which planning permission has been obtained to station caravans for permanent residential use.

3. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

4. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) of this paragraph and subject to sub paragraph (iv), every caravan must be spaced at a distance of not less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed such that there is a door to the porch and to the home, there shall be fitted in the porch and the living space of the home, a mains linked smoke detector complying with current British Standards.
 - (b) Eaves, drainpipes and bay windows may extend into the separation

distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.

(c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.

(d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.

(e) Any shed for storage purposes will only be permitted within the separation distance if it is made of non-combustible material. Existing timber sheds within the separation space must be removed within 6 months of this licence coming into force.

(f) Windows in structures within the separation distance shall not face towards the caravan on either side.

(g) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high. Hedges are not permitted within 3 metres of an adjacent caravan.

(h) Where Park Rules allow cars to be parked within the separation distance provided, they must not obstruct entrances to caravans around them and they must be a minimum of 3 metres from an adjacent caravan.

(i) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

5. Roads, Gateways and Overhead Cables

(i) All roads shall provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.

(ii) New roads shall be constructed and laid of suitable bitumen macadam or concrete with a suitable compacted base.

(iii) All roads shall have adequate surface water/storm drainage.

(iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.

(v) One-way systems shall be clearly signposted.

(vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.

(vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.

(viii) All roads shall be maintained in a good condition.

- (ix) Cable overhangs must meet the statutory requirements.

6. Footpaths and Pavements

- (i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Communal footpaths and pavements shall not be less than 0.9 metres wide.

7. Lighting

- (i) Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

8. Bases

- (i) Every unit must stand on a concrete hard-standing.
- (ii) The concrete hardstanding must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.
- (iii) There shall be no more concrete hard-standings constructed than the number of caravans permitted to be sited under this licence.

9. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

10. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.
- (iii) Any work carried out on any gas or oil installations on the site shall be done by a competent person fully conversant with the relevant statutory requirements.

11. Electrical Installations

(i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.

(ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.

(iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.

(iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

12. Water Supply

(i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.

(ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.

(iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.

(iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

13. Drainage and Sanitation

(i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.

(ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority. Where effluent is removed from the site the licensee shall provide the local authority if demanded, with a copy of their Discharge Consent as issued by the Environment Agency.

(iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.

(iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

14. Domestic Refuse Storage & Disposal

(i) Domestic waste including green waste originating from the individual plots are to be disposed of in a safe and proper manner using the Council's waste collection facilities. Disposal of waste from all common parts is to be dealt with as commercial waste.

15. Communal Vehicular Parking

(i) Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

16. Communal Recreation Space

(i) On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

17. Notices and Information

(i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

(ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.

(iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.

(iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:

(a) A copy of the most recent periodic electrical inspection report.

(b) A copy of the site owner's certificate of public liability insurance.

(c) A copy of the local flood warning system and evacuation procedures, if appropriate.

(d) A copy of the fire risk assessment made for the site.

(v) All notices shall be suitably protected from the weather and from direct sunlight.

18. Flooding

(i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.

(ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

19. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

(i) Since 8th June 2005, caravan sites with common or shared parts i.e. permanent residential sites and individual caravans rented out for permanent residential use or those of the holiday-let type, are subject to the Regulatory Reform (Fire Safety) Order 2005.

(ii) The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

20. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

(i) The standards in this section only apply if the site is **NOT** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

(ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

(iii) Where water standpipes are provided:

(a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.

(b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.

(c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.

(iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.

(v) Access to hydrants and other water supplies shall not be obstructed or obscured.

(vi) Where standpipes are not provided or the water pressure or flow is not

sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

(vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

(viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

(ix) A record shall be kept of all testing and remedial action taken.

(x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

(xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the caravan or site building involved is evacuated.*
- II. Raise the alarm.*
- III. Call the fire brigade (the nearest phone is sited at).”*

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EPPING FOREST DISTRICT COUNCIL

Notification Of Call – In Of Cabinet Or Portfolio Holder Decision Under Rule 20 (8) (Page J13 of the Constitution) Of The Overview And Scrutiny Rules

This form must be signed and completed and the original returned to the proper officer in person no later than 10.00 a.m. on the 5th working day following publication of the decision

Decision to be called-in: Adoption of Standard Caravan Site Licence Conditions for permanent Residential Sites
Decision reference: Cabinet meeting 7 June 2010; Decision 13.1 a and b published 15/6/10 (C-001-2010/11)
Portfolio: Housing
<p>Description of Decision:</p> <p>1. That as attached at appendix 2 of the report the revised standard caravan site licence conditions for permanent residential sites in EFDC be adopted, subject to the following amendments:</p> <p>a) The deadline for removing combustible sheds and reducing the height of hedges/trees to no more than 1 metre within separation spaces be set at 6 months; and</p> <p>b) The deadline for reducing the height of fences to no more than 1 metre within separation spaces to be set at 3 years.</p>
<p>Reason for Call – in:</p> <p>Insufficient consultation with residents. Consulted landowners only. No contact at all with residents. Insufficient consultation with local/ward members – i.e. Cllrs Lea and Brookes not consulted.</p> <p>Insufficient consideration of impact on privacy of residents by lowering hedges/fences to 1 metre. Members requesting ‘call-in’ would like existing hedges/fences to remain – at a maximum of 2 metres.</p> <p>Please note – on average units are 1 metre above ground level – so no point in reducing hedges/fences to 1 metre.</p>

Members requesting call – in (3 members of the Overview and Scrutiny Committee or 5 other members)

Members Name:	Signed:
Lead member: Cllr E A Webster	
Cllr D Johnson	
Cllr Y Knight	
Cllr R Gadsby	
Cllr J Wyatt	
Office Use Only: Date Received:	

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Report to Overview and Scrutiny Committee

Date of meeting: 12 July 2010

Subject: Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council



Officer contact for further information: Sally Devine x 4149

Committee Secretary: Adrian Hendry

SUPPLEMENTARY REPORT

1. This report provides additional information to the Committee in relation to the decision of the Cabinet on the 'Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council' which has been called-in by the Committee, in view of comments made at the Cabinet meeting in relation to the consultation process that had been undertaken.

2. The original consultation process was carried out on behalf of the Council by specialists consultants, Park Homes Legal Services Ltd (PHLS), following the requirements set by:

- The Caravan Sites and Control of Development Act 1960 s.8 (1) which states that, before altering the conditions attached to a site licence the local authority must 'afford to the holder of the licence an opportunity of making representation';
- The Model Standards 2008 for Caravan Sites in England, which states that, before varying a licence, the local authority must 'consult the site licence-holder on its proposed variations, and may wish to consult with the residents or a Residents' Association, where appropriate'; and
- Guidance note 129: Local Authority Licensing of Park Home Estates

3. Having regard to these requirements, it was agreed that it would be appropriate to consult with all site owners within the District and residents associations known to officers – these residents associations were:

- Breach Barns
- Woodbine Close
- Abridge Park
- Roydon Mill

4. These residents associations cover 566 (68%) of the 835 mobile home owners in the District. Officers have also only recently been informed that there is a Residents Association at The Elms, a site of 36 homes, therefore this Residents Association has not been consulted.

5. Statutory bodies such as the Health and Safety Executive, the Environment Agency, Essex Fire and Rescue Service, the Council's Planning Service and Essex Ambulance Service were also consulted. A list of the names of all the consultees is attached as an Appendix to this report.

6. All Members of Council were notified of the consultation process in an article within the Council Bulletin on 27 February 2009, which outlined the principle behind the standard site licence conditions and explained the consultation process.

7. PHLS's consultation letter, together with a draft of the proposed standard site licence conditions, was sent out to consultees on 8 July 2009, requesting comments within 30 days. The Council received copies of these letters, together with confirmation that they had been sent. Following this, officers were subsequently advised that there was also a residents' association at the Abridge Park site and a copy of the documents were also sent to their representative.

8. It was suggested at the Cabinet meeting that the "site owner" of Roydon Mill had not received a consultation letter. This has been investigated with PHLS and it has been confirmed that, having regard to the Land Registration Act, the "site owner" is either a person having a lease in excess of 7 years or, otherwise, the free-holder of the site. It was established at the time that there was a lease for the site at Roydon Mill for 5 years. For this reason, the free-holder – as site owner - was consulted. In hindsight, it is accepted that it would have been helpful if the leaseholder had been consulted as well, although it was felt reasonable to assume that the free-holder would have consulted, or passed on the consultation information, to the leaseholder.

9. Responses were received from:

- The site owner of The Elms;
- The site owner of the Abridge Park site;
- The Abridge Park Residents Association; and,
- The Environment Agency.

The site owners' and Residents Associations' concerns centred principally on the positioning and height of sheds, fences and hedges between homes, which are requirements included within the Government's Model Standards to reduce the potential for fire to spread from one home to another.

10. In response to the concerns of the residents, a meeting was arranged with representatives of the Essex Fire and Rescue Service to discuss this further. Fire Officers advised that the Council should not compromise on the proposals and recommended a further amendment 'that no hedge should be within 3m of an adjacent home'.

11. The possibility of varying the conditions to allow existing hedges and fences to remain at a height above 1m was dismissed, as this would contradict the scientific and evidential basis upon which both the national and local standards are set and would not be consistent with the recommendations of the Fire Service. It was also felt that, if there was subsequently a fire at a mobile home site, that spread to neighbouring mobile homes due to the presence of combustible materials between mobile homes that contravened the national model conditions, the Council would be severely criticised for not following the model standards in the light of the scientific evidence, especially if the fire resulted in a loss of life.

12. Consideration was also given to allowing the fences and hedges of occupants, that are already higher than 1m, to remain, until they move from their home. However, this was also dismissed for the same reasons, as well as a conclusion that this not only be impossible to administer; it would also result in a toleration of such contraventions over, what may be, many years, would invalidate the whole reasoning behind setting the conditions.

13. It was accepted that some residents may be critical of the fact that they have been allowed to retain combustible materials, over 1m in height, for many years leading up to the adoption of these new licence conditions. However, it should be noted that officers were aware that – for many years - the Government was intending to issue new model licence conditions, having regard to recent scientific tests and advice, and concluded that it would be

premature to take any enforcement action in advance of the model conditions being published.

14. All those that had responded to the consultation were notified by letter on 17 November 2009 of the amendments that would be made to the conditions and recommended to the Cabinet. As these were not materially different from the draft that had been consulted upon, it was not considered necessary to notify all of the original consultees.

15. Following the Cabinet meeting on 7 June, the Committee should be aware that, in addition to the call-in, officers have received a number of representations by letter, telephone and in person expressing concern at the proposals. Members representing some of the sites have also discussed the proposals directly with the Officer concerned.

16. It is re-iterated that the conditions proposed within the report to Cabinet have been formulated on the basis of national guidance and models, as well as significant scientific and statistical evidence which has been reinforced by the view of Fire Officers. The amendments agreed by Members at the Cabinet meeting, while they provide longer timescales to carry out any necessary remedial work, are still in keeping with these recommendations.

Permanent Residential Sites : List of Consultees**Site Owners****Site Name and Address**

1. Ashwood Farm
Muthering Lane
Stapleford Abbots
Romford, Essex
RM4
2. Abridge Mobile Home Park
London Road
Abridge
Romford, Essex
RM4 1XS
3. The Owl Caravan Park
Lippitts Hill
High Beech
Loughton
Essex
IG10
4. The Elms Mobile Home Park
Lippitts Hill
High Beech
Loughton
Essex
IG10
5. Ludgate House Mobile Home Site
Hornbeam Lane
High Beach
Sewardstonebury
Chingford
London
E4 7QT
6. Breach Barns Mobile Home Park
Galley Hill
Waltham Abbey
Essex
EN9 2AD
7. Roydon Mill Caravan Park
Roydon Mill
Roydon
Essex
CM19 5EJ

Site Name and Address

8. Woodbine Caravan Site
Waltham Abbey
Essex
EN9 3RD
9. Greenacres
Bassetts Lane
Willingale
Ongar
Essex
CM5
10. Hill House Farm
High Road
Chigwell
Essex
IG7
11. Fairways
Rear of the Duke of Wellington PH
Wellington Hill
High Beech
Loughton, Essex
IG10 4AH

Statutory Consultees

Entity	Address
1. HSE	Wren House Hedgerows Business Park Colchester Road Springfields Chelmsford, Essex CM2 5PZ
2. Environment Agency	Apollo Court 2 Bishops Square Business Park St Albans Road West Hatfield AL10 9EX
3. Essex Fire & Rescue Service (1)	West Division Fourth Avenue Harlow Essex CM20 2DU
4. Essex Fire & Rescue Service (2)	London Road Rivenhall Witham Essex CM8 3HB

- | | |
|----------------------------|---|
| 5. EFDC | Planning Department
Director of Planning & Economic Development
Civic Offices
High Street
Epping, Essex
CM16 4BZ
FAO: Mr John Preston |
| 6. Essex Ambulance Service | Broomfield
Chelmsford
Essex
CM1 7WS |

Residents Associations

1. Breach Barns Caravan Site RA
2. Woodbine Close RA
3. Roydon Mill
4. Abridge Park Homes RA

Report to Overview and Scrutiny Committee

Date of meeting: 12 July 2010

**Subject: Adoption of Standard Caravan Site Licence
Conditions for Permanent Residential Sites in Epping
Forest District Council**



Officer contact for further information: Sally Devine x 4149

Committee Secretary: Adrian Hendry, ext.4246

SUPPLEMENTARY REPORT

1. In addition to the Supplementary Report already circulated in relation to the decision of the Cabinet on the Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest District Council; the Committee may find useful the attached Information Paper produced by the BRE that was referred to at the Cabinet meeting and which provides supportive information upon which both national and local standards have been set.

Fire spread between caravans

M P Shipp, BSc, CPhys, MInstP

This paper describes work carried out to examine the spacing distance required to prevent the spread of fire between park homes (mobile homes) and holiday caravans. Ignitability tests were conducted on samples of caravan material and two complete caravans were fire tested. Factors taken into consideration were the construction materials, combustible items kept near the caravans and fire screens. The paper will be of interest to the caravan industry, site owners and local authorities.

INTRODUCTION

Park homes are mobile homes that are permanently occupied, whereas holiday caravans may be occupied only for the holiday season. Both are controlled on sites by the Caravan Sites and Control of Development Act 1960¹ and the Caravan Sites Act 1968². The former calls upon Model Standards issued by the Secretary of State which required that every caravan should be not less than 6 m from any other caravan in a separate occupation.

In recent years there have been requests from the caravan industry and site owners for this separation requirement to be reviewed, their case being that the structure and contents of caravans have changed significantly since 1977 when the standard was last revised. With the Department of the Environment undertaking a further revision of the Model Standards and the British Standards Institution planning a standard for the spacing of caravans, the Fire Research Station was asked to re-examine the spacing requirements in the light of changes in caravan design. Only park homes (mobile homes) and holiday caravans were studied, touring caravans being excluded. Details of the research results are given in *Fire Spread Between Park Homes and Caravans*³ and the findings have been incorporated into revised Model Standards^{4,5}.

A desk study was carried out to seek and examine background and statistical information, review current caravan design and consider other aspects of the spacing problem, including the use of fire barriers and the effects of radiation on escaping occupants. In addition the FRS fire investigation team visited a site where a park home had been badly damaged by fire, to examine the radiation damage to adjoining properties.

TESTS

The National Caravan Council (NCC) arranged for materials and caravans to be supplied for testing. A number of samples

of wall materials, curtains, etc were tested for ignitability using the ISO ignitability⁶ apparatus at FRS. The ignition of vertically orientated samples of the same materials was also investigated. In addition existing ignitability data were sought.

Two complete caravans — one a holiday caravan, the other a park home — were instrumented and fire tested. Both were representative of the models currently manufactured. Results

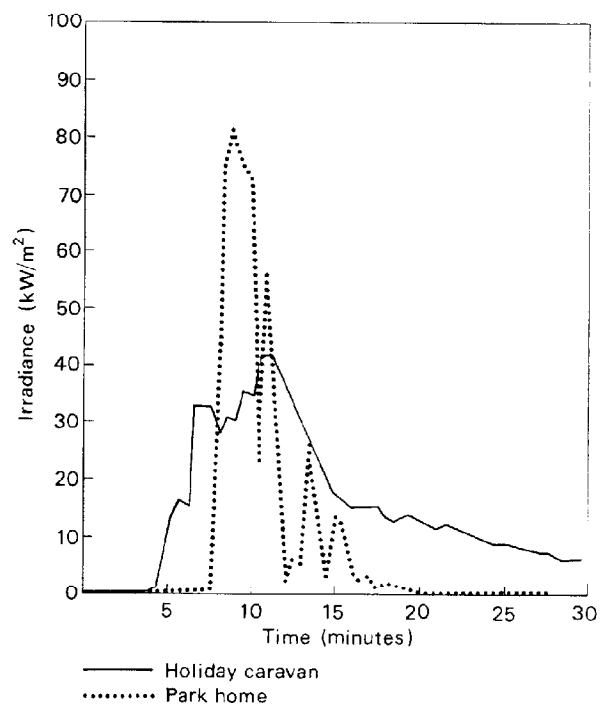


Figure 1 Heat radiation (irradiance) recorded 3m from each unit

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Telephone 0923 664444 (Access/Visa sales)

from the fire tests provided both input and validation data for a computer model which calculated the radiation field from a burning caravan.

RESULTS AND DISCUSSION

Full-scale tests

A holiday caravan and a park home were instrumented by Warrington Fire Research Centre and burnt at FRS's Cardington Laboratory. The heat radiation (irradiance in kW/m²) was measured at a number of locations around each unit. These tests were believed to be representative of the range of caravan model designs, ignition conditions, age of caravans, ambient conditions, etc. so that the results could be used to propose a 'design fire' for each type of unit. The tests were carried out in still air.

The two units were seen to burn in different ways (Figure 1). The roof of the holiday caravan gave way very quickly so that the fire burnt upwards with the air being drawn in through doors and windows, and later the walls (Figure 2). Because of the more robust construction of the park home its roof remained intact for some time and flames jetted from the doors and windows, resulting in a more severe fire than that in the holiday caravan (Figure 3).

The results of the ignitability tests on component materials had suggested that the aluminium of the holiday caravan could withstand thermal radiation for longer than the plywood of the park home. This difference in the standard of construction was evident in the burning behaviour of the two types, though the heating in the full-scale tests was by direct flame impingement, not just radiation.

Ignitability tests on materials

The wall structure of an aluminium skinned holiday caravan (ie outer skin, insulation and wood-based inner skin) did not ignite at irradiances below 50 kW/m², although the paint burnt briefly without sustained ignition. The external fixtures and fittings (eg window frames, vents, etc) probably would have ignited at irradiances below this figure, but the actual critical value was not determined from these tests, though published data suggested values of 15-20 kW/m². However, curtains exposed directly through an open window did not ignite at irradiances below 17 kW/m².

The plywood skin of a park home (with or without finish) did not ignite at irradiances below 17 kW/m².

Other materials such as the tyres of cars, wood-based products and gas cylinders — all of which are likely to be found close to caravans on a site — were found unlikely to ignite at irradiances below 15 kW/m², and more generally 20 kW/m², although wood may have done so at 12.6 kW/m².

Computer prediction of irradiance

A computer model was developed to enable the irradiance from a burning caravan to be calculated where it is incident on an adjoining unit at varying distances and orientations. The results from the full-scale tests were used to validate a design fire model for each of the two types of caravan. This was used to interpolate or extrapolate irradiances under selected conditions, such as the presence of a fire screen, for example. The model was used to show the distance from a burning caravan at which some defined irradiance would be experienced.

Some specific limitations of the model were:

- fire conditions 10 minutes after ignition when irradiances were at a maximum,
- results of a single fire (for each case) in a single model under specific conditions of ventilation and ignition,
- windless conditions,
- included some assumptions and were not exact, and
- only plane rectangular flames could be modelled.

Separation distances

The design fire

The ignitability criteria proposed, based on results of laboratory tests and available literature, and presuming the presence of a pilot flame (eg burning brand), were:

holiday caravan structure	50 kW/m ²
holiday caravan and park home generally	17 kW/m ²
other surrounding or intermediate items (eg cars, sheds, gas cylinders — including hazard to humans)	12.6 kW/m ²

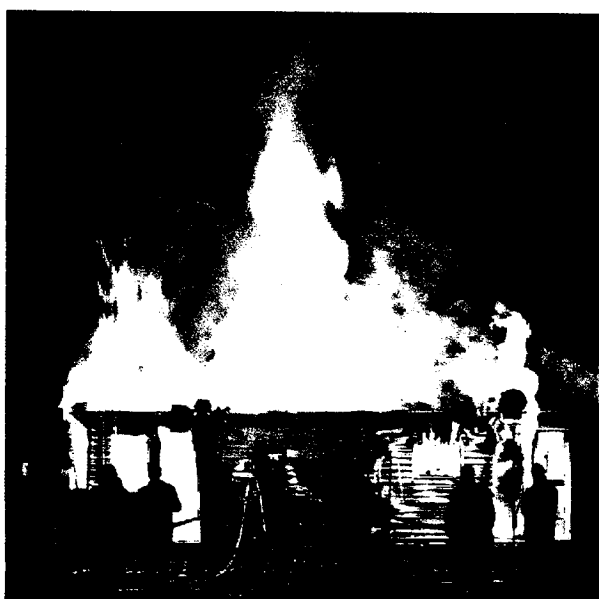


Figure 2 Holiday caravan after six minutes



Figure 3 Park home after six minutes

The results of these test fires were modelled to produce irradiance fields around the two types of caravan 10 minutes after ignition, and were used to create design fire contours for the holiday caravan (Figure 4) and the park home (Figure 5). Manufacturers' variations in materials were presumed not to affect the design fires.

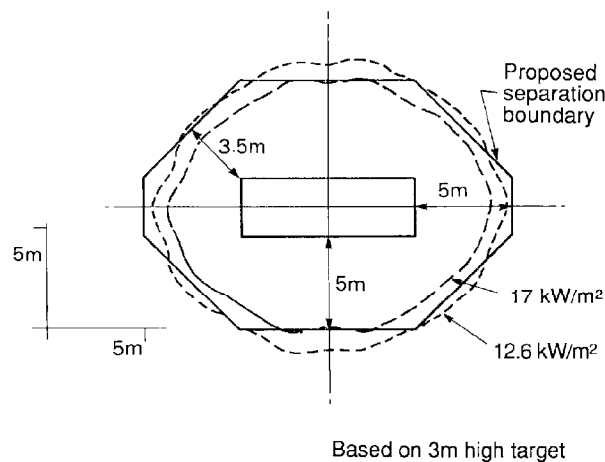


Figure 4 Holiday caravan design fire contours

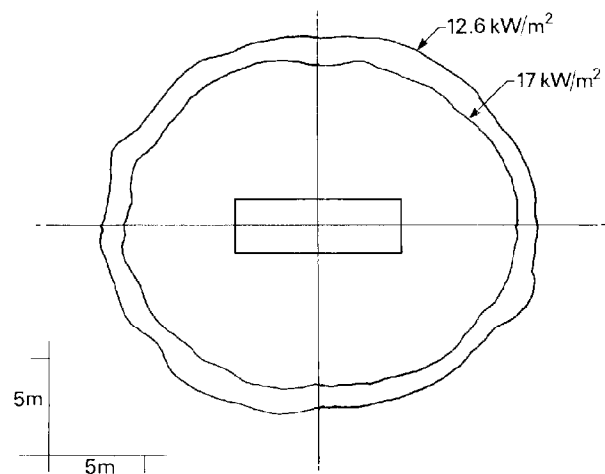


Figure 5 Park home design fire contours

Holiday caravan

The Model Standards⁷ spacing requirement of 6 m might be reduced to 5 m for holiday caravans with aluminium exteriors. The spacing contours at the corners could be cut off so that where the units are positioned 'corner to corner' a clear space of 3.5 m should be sufficient to ensure no fire spread (Figures 4 and 6). This presumes no major difference in the proportions of a holiday home caravan from the one that was tested. However, the 6 m spacing requirement should be retained for holiday caravans with a plywood exterior.

Park home

Figure 5 shows there was no flexibility to reduce the current 6 m spacing requirement for park homes. A simplified separation boundary was therefore inappropriate. There is, however, no evidence from reports of real fires to indicate any risk where the spacing is 6 m, so there was no reason to increase this distance.

Other intermediate items

There appeared to be no statistical or anecdotal evidence to suggest that the presence of sheds, cars, porches, etc between

park homes (or indeed between 6 m spaced holiday caravans) was creating a hazard to life. There was therefore little strong argument to support the use of these separation boundaries for intermediate items where holiday caravans or park homes are spaced 6 m apart.

On the basis of the fire test results it has to be presumed that any items (other than those classified as non-combustible⁸) within 3 m of a burning caravan could ignite and be an additional source of fuel and radiation, or indeed, direct flame impingement. However, certain items need to be located between units for practical reasons. The limitations that might be applied are summarised in Table 1.

RECOMMENDATIONS

- 1 There should be no change to the Model Standards³ 6 m spacing requirement for current designs of park homes.
- 2 The spacing requirement for holiday caravans with aluminium or other metallic exterior skin could be reduced to 5 m clear space, with 3.5 m space at the corners (Figures 4 and 6).
- 3 The spacing requirements for holiday caravans with an exterior skin of plywood or similar material should remain at 6 m.
- 4 Where there is a mixture of either park homes and holiday caravans, or holiday caravans made of aluminium (or other metal with similar ignitability characteristics) and plywood (or other material with similar ignitability characteristics), the separation distance should remain at 6 m.
- 5 Combustible intermediate items such as cars, gas bottles, etc associated with a separate holiday caravan occupancy with the 5 m spacing and within the separation boundary of an adjoining occupancy should be restricted (Table 1).
- 6 No combustible intermediate item should be within 3 m of an adjoining unit (ie there should be 3 m clear space between separate occupancies) except as specified in Table 1.

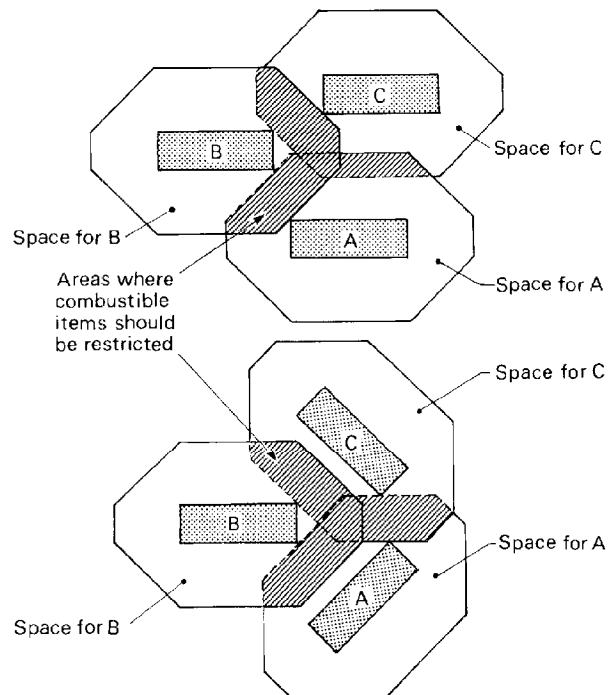


Figure 6 Holiday caravan layouts

Table 1 Restrictions on the placement of items within the separation boundary of an adjoining occupancy

- Notes: 1 The table applies to both park homes and holiday caravans, except where stated otherwise.
 2 Except for covered walkways* there need be no restriction on the size or location for items outside the separation boundaries of any adjoining occupancies.

Item	Non-combustible (NC) or combustible (C)		Recommended restrictions
Garages	NC C		Windows should not point towards an adjoining home or caravan Do not permit
Car parking	—		1. At ground level only 2. On a non-combustible surface 3. Near to associated unit 4. Only one vehicle per space
Ramps and steps	NC C		No restriction Only one such item per space, not more than 2m out from unit
Verandas	NC C		No restriction Only one per space, not more than 1.5m out from unit
Porches and bay windows	NC C	{	1. Not more than 2m wide (along unit) 2. Not more than 1m out from unit 3. Should not face similar item on adjoining unit
Eaves (park homes)	—		Clear space between eaves of adjoining units to be 5.5m
Eaves (holiday caravans)	—		Clear space between eaves of adjoining units to be 4.7m
Car ports	NC C		Do not permit (<i>will deflect flames</i>) Thin thermoplastic sheet only
Covered walkways*	NC C	}	Do not permit
Awnings	NC		Do not permit (<i>will deflect flames</i>)
	C	{	1. Conventional materials of low mass only 2. Not more than 3m out from unit 3. Only one per space
Fences	NC		No restriction
	C		Low (1m high max.) picket fences only
Gas bottles	—		Contained within fire resisting, ventilated and non-combustible housing only
Grass	—		To be kept trimmed
Vegetation	—		Avoid 'bridge' between units

- 7 3 m high fire screens may be used to reduce the spacing for holiday caravans to 3.5 m clear space. They would need to be imperforate, non-combustible and robust.
- 8 Consideration should be given to producing holiday caravans with an imperforate wall and roof. Such units, with blank walls facing, could be separated by only 3 m clear space.

NB Care must be taken that implementation of 7 and 8 would not compromise existing means of escape provisions.

REFERENCES

- 1 Caravan Sites and Control of Development Act 1960. London, HMSO, 1960.
- 2 Caravan Sites Act 1968, Chapter 52. London, HMSO, 1968.
- 3 **Shipp M P.** Fire Spread Between Park Homes and Caravans — Recommendations on the spacing prescribed in the Model Standards to prevent fire spread. London, HMSO, 1989.

- 4 **Department of the Environment and the Welsh Office.** Caravan Sites and Control of Development Act 1960. Section 5, Model Standards 1989: Holiday Caravan Sites. London, HMSO, 1989.
- 5 **Department of the Environment and the Welsh Office.** Caravan Sites and Control of Development Act 1960. Section 5, Model Standards 1989: Permanent Residential Mobile Home Sites. London, HMSO, 1989.
- 6 **International Organization for Standardization.** Fire tests — Reaction to fire — ignitability of building products. *International Standard ISO 5657*, Geneva, ISO, 1986.
- 7 **Department of the Environment and the Welsh Office.** Caravan Sites and Control of Development Act 1960. Model Standards (Revised 1977). London, HMSO, 1977.
- 8 **British Standards Institution.** Fire tests on building materials and structures. Part 4: Non-combustibility test for materials. *British Standard BS 476:Part 4:1970*. London, BSI, 1970.

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Abridge Park Residents Association

Chairman: Peter Baines Treasurer: Bob Foster
Committee: Ted Bailey; Jan Stevenson; Annette Reynolds
Social Secretary: Frances Barker
General Secretary: Graham Wise
31 Abridge Park
London Road
Abridge
Essex RM4 1 XS
Tel 01992 813988
arcatost@iscali.co.uk

3 June 2010

Mr Sally Devine
Epping Forest District Council
Council Offices
Epping

Dear Mrs Devine

Adoption of Revised Standard Caravan Site Licence Conditions

The enclosed petition was instigated and the signatures collected by a non-member of this Association. At the time this Association was in discussions with Epping Forest District Council and the committee declined from being involved in the petition.

Our discussions however have had no effect on the wording of the proposed Site Licence Conditions and we, the committee, now find we have no alternative but to fully agree with and support the petition. This means that 98% of occupied homes on Abridge Park have put their names to the petition.

The following committee members, and their partners, agree to have their names added to the petition:

Mr Peter Baines	14 Abridge Park
Mr Bob Foster	4 Abridge Park
Mrs Annette Reynolds	12 Abridge Park
Mrs F Barker	54 Abridge Park
Mrs J Stevenson	64 Abridge Park
Mr E Bailey	68 Abridge Park
Mr G Wise	31 Abridge Park

In view of the total support for this petition, we would request most strongly that the attached statement is read to the "Cabinet" at the meeting on 7th June 2010.

Yours sincerely

Peter Baines
Chairman

On behalf of the committee and members of
Abridge Park Residents Association

Graham Wise
Secretary

To be read at the Cabinet Meeting to be held on 7th June 2010 at which the Adoption of Revised Caravan Site Licence Conditions will be presented.

This statement is presented by Abridge Park Residents Association, a fully recognised Residents Association with 93% of Abridge Park homes as members.

Statement:

We fully accept the replacement of garden sheds, we understand this to be a Government recommendation since 1989, although this has never been part of Abridge Park Rules (issued by Abridge Park Owners) and indeed the Park Owners themselves were installing wooden sheds with new homes as late as 1997.

We do disagree most strongly on the refusal to allow the retention of privacy fences between homes. It is our belief that everyone has a right to privacy, especially where homes are situated fairly close together, this is indeed why your own planning department will not allow windows in the side of loft extensions.

We fully understand that wooden fences are liable to burn, this applies to any home anywhere, and is particularly a risk in traditional homes that have large wooden sheds and garages very close to them - on both sides of the fence.

Why therefore are Park Homes being "picked upon" when, in traditional homes, the rear garden is regarded as nothing to do with the council even though the homes may actually be joined together.

This would seem to be victimisation.

In the recommendations to the Cabinet it states that new porches will require linked fire alarms, but this requirement is not retrospective. Why are existing fences to be removed, surely this should only apply to new fences.

We are all fully aware of the wish for 100% safety, especially Park Home residents, who are required by law to have fire extinguishers and fire blankets, but we all feel the risk is far outweighed by our right to personal privacy in this instance.

Could we please be informed of the history of fire occurrences in Park Homes and Park Home sheds/fences when compared to traditional homes?

We feel, as do 98% of Abridge Park residents in their petition that the condition regulating fences is too rigid and should not be totally retrospective.

Abridge Park Residents Association

To Epping Forest District Council
Civic Offices, High Street,
Epping,
Essex,
CM16 4BZ.

4th July 2010

To Councillor Dave Stallan Housing Portfolio Holder and all Members of the Cabinet and The Overview and Scrutiny Committee.

From Residents of Owl Park, The Elms, Ludgate, Abridge Park, The Woodbine & Breach Barns.

Re: Revised Standard Caravan Site Licence Conditions

Enclosed

1 Report outlining our objections to the new regulations being imposed retrospectively

2. Challenges to the Cabinet Meeting 7th June

3. Petitions against the new regulations being imposed **Retrospectively**.

Petition from The Owl, Lippitts Hill, Loughton

Petition from The Elms, Lippitts Hill, Loughton

Petition from Ludgate House, Hornbeam Lane, Sewardstonebury

Petition from Breach Barns, Waltham Abbey,

Petition from The Woodbine, Waltham Abbey

Petition from Abridge Park, presented previously for Cabinet Meeting.

1 Report outlining our objections to the new regulations being imposed

The recent adoption by the Cabinet of the Revised Caravan Site Licence Conditions at the Cabinet meeting of the 7th June is causing untold worry and Stress to the residents of Owl Park and Elms Park. Some residents (many who are elderly) are so stressed that they are unable to sleep through worry about the possible ramifications, which could follow if the Licence Conditions are enforced in the current form.

We are aware that the Cabinet decision has been 'called in' and will now be considered by The Overview and Scrutiny Committee on the 12th July 2010. We are therefore requesting Members of the Overview & Scrutiny Committee and Cabinet Members to consider the points outlined in this report and to amend the decision in favour of our various objections and NOT to impose the new regulations retrospectively.

Use of word 'Caravan'

Firstly may we request that the word 'caravan' be removed from the title and replaced with the words 'Park Home' and also that all reference to 'caravan' be replaced with the same 'Park Home'. The Note (a) on Appendix 2 states that 'caravan', 'mobile home' and 'park home are interchangeable when the structure complies with the legal definition of a 'caravan'. The term 'caravan' is insulting and deriding to home owners. These homes are not caravans in the sense that 100% of all people would understand. The use of the word mobile home is also misleading as they are only mobile when they are on the back of a lorry when being delivered or are mobile in the sense they are placed on a chassis with wheels and can be nudged into position using the wheels when they are being sited. You cannot drive a Park Home nor can you tow a Park Home so by most peoples understanding of the word mobile it is not. They are occupied as a permanent residence and the Term Park Home is most appropriate.

General

We believe to adopt the new regulations retrospectively is unacceptable and we believe the new regulations should apply only to new homes from the date of adoption. We believe by the Councils own admission (Item 9 of the report to Cabinet) you have failed in your duty to enforce regulations and or give guidance to Site owners or home owners **has negated the Councils right to take enforcement action against any of the existing contraventions.** Many of the contraventions such as a minimum 3m distance of homes from the boundary of the site has stood from the inception of the Sites and the Council obviously gave permission at the time which was in fact in contravention of their own regulations. The 3m minimum distances from the boundary has not been known by the residents only by the Site owners. We are talking about a period of more than 45 years that many homes have been in their current position on the site and authorised through planning applications passed by the Council. Homes have been brought and sold many times during this period with the homeowners having no knowledge of this regulation. Also what about the 4 year rule?

Existing contraventions should therefore be tolerated **without condition** and the regulations should apply only to new homes. It is normal when new planning regulations are introduced over the years that they apply to new build only, otherwise half the homes in this country would be deemed to contravene modern regulations appertaining to toilets, bathrooms, footings, wiring, fuses, and fire rated building materials. We require the same sensible non-retrospective introduction of new regulations to apply to Park Homes.

Failure to remove the word **retrospective** and to introduce the new regulations from the date they are imposed **will** devalue our properties and make many homes virtually worthless. The unique nature and beauty of our homes has been built over many years with innovative planting and design with residents relishing their privacy and environment. No Solicitor would allow a client to purchase a home, which was in breach of the regulations. **Residents will seek full compensation from Epping Forest District Council and its Members for the loss of value and the unbearable stress caused home owners if the current homes are not fully exempt from the new regulations.**

Fences, Hedges and Sheds

With regard to the new regulations regarding wooden fences or hedges being a maximum of 1m high this is totally unacceptable and an infringement of residents 'Human Rights' and 'Right to Privacy' within their own gardens. The idea that Park Home owners should be subject to such a draconian regulation based on a Fire Service recommendation is insulting and condescending at the very least. There has been no fire at Owl Park in 45 years and only one fire in 40 years at The Elms and to our knowledge the fire did not spread and was contained within the one home. The fact is that there are hundreds of homes in Epping Forest with wooden structures (many terraced), barn conversions with wooden fences, wooden conservatories, Sheds and with Pergolas attached to the houses. The vast majority do not have an 18ft gap between them also of course brick houses burn as well. Park homes are always detached with a minimum of 18ft between every home surely making them less of a risk. These regulations must not be imposed retrospectively in fact it is doubtful they should be imposed even for new homes.

(Item 3. Appendix 2 Boundaries and Plan of Site ii) & (Item 4. Appendix 2 Density, Spacing and Parking Between Caravans ii)

Many or most of the residential homes on the Owl and Elms sites do not conform to the regulations and most worrying with regard to (Item 3. Appendix 2 Boundaries and Plan of Site ii) which states "No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site", **it would be impossible to comply** with this regulation because there is no room to move the home. This would involve about one third of the 60 homes on these sites. These homes have been in place for about 25 years and the site plan was obviously agreed by the Council at the inception of the site. Home owners were not even aware of this regulation and have bought and sold their homes freely over the past 45 years without fear or favour. During these years the Council been receiving Council Tax as with all home owners and the site owner has complied with all Fire and Alarm conditions. Also the same applies to (Item 4. Appendix 2 Density, Spacing and Parking Between Caravans ii) which states, " No caravan shall be stationed within 2 metres of any road or communal car park. Again this would be impossible to implement.

It is therefore imperative that these homes are declared **exempt without exception** from the said regulations as stated in the above paragraph on the basis that by their historic nature they have been accepted by the Council via original site plans for the past 45 years and that if they were not specifically exempt the value of the homes would be all but worthless. We believe this would be an infringement of our human rights and would place untold stress and worry on the residents who are mostly elderly some in their late eighties.

The consequences of you imposing these regulations retrospectively are unimaginable. As it stands today all homes not complying with the Boundary regulations (PROBABLY 400 HOMES) are unsaleable and have in effect been made worthless by the Council. We the residents will hold the Council and its Members fully responsible for the financial loss and the stress this is causing. This applies **today** for all those currently trying to sell their homes.

2. Challenge Specific to the Cabinet meeting 7th June 2010

1. The Cabinet started the discussion about this most important item at 9.40pm after a long meeting. Nearly every Councillor who spoke on this item apologised to Members along the lines of " sorry Members I know its getting close to the 10pm deadline but.....

It is obvious from the Webcast that this item was not given sufficient time and was rushed to beat the 10pm deadline. This is not acceptable. The item should have been deferred until the next Cabinet meeting.

2. Councillor Stallan opened the discussion by apologising that the letter from the Abridge Residents was only given to Members at the meeting and the letter was not read out as requested by the residents.

Again this is not acceptable, Members should have received the letter at least the previous day to have adequate time to study the content and it was only manners that the letter should have been read aloud as requested. Again this was probably because the 10pm deadline was looming. This is not acceptable. The item should have been deferred until the next Cabinet meeting.

3. A Councillor raised the issue that not all Site owners had received letters informing them of the proposed changes in fact only two site owners responded and others said they had not received a letter. The Officer said that he had instructed Park Homes Legal Services Ltd who had compiled the report to notify all Site owners and relevant parties. It was also admitted that none of the 835 home owners had been notified. It was agreed that letters would now be sent to all residents informing them about the revised regulations.

*This is totally unacceptable. The residents **who are** of course the most relevant parties have not had the opportunity to respond. Therefore the Council has failed to carry out their obligation to consult all Site owners and relevant parties as stated in item number 5 of the report to Cabinet. The Members were aware of this before they agreed to pass the report. This surely amounts to gross irresponsibility by the Members and a total disregard of the concerns of 835 residential home owners.*

4. Councillor Webster asked how the report by Park Homes Legal Services Ltd was compiled. The responsible Officer Sally Devine said that the main thrust of the report was aimed at preventing the possible spread of fire. She said that recommendations concerning the banning of wooden sheds between homes and the rule that fences and hedges should be no more than 1m high were taken from a Fire Services report, which was a general, report and was not specifically aimed at Park Homes. She then said that the information was fed into a computer simulation, which then produced the report.

It seems apparent that Members had not had the opportunity to study the report in depth and subsequently did not have the opportunity to evaluate the findings. The questions already covered above regarding letters to home owners and about how the

report was compiled demonstrate that Members were not in possession of the full facts and of course the whole discussion was being rushed to beat the 10pm deadline.

It is also clear that to impose these regulations on Park Homes only is blatant prejudice and victimisation of Park Home owners. The Officer said the Fire Services report was not specifically aimed at Park Homes so if the Council wish to impose these conditions it must include all properties of a wooden structure which would include all Barn conversions and many hundreds of homes built with wooden structures. Many of the new homes on the Meridian estate in Waltham Abbey fall into this category. If the Council are determined to impose these regulations they should not be retrospective.

To Epping Forest District Council

Petition against the Revised Standard Caravan Site Licence Conditions being imposed retrospectively.

We the Residents of BREACH BARNES

.....
Object to the Revised Standard Caravan Site Licence Conditions for Permanent Residential Sites being imposed retrospectively. We consider this to be an infringement of our Human Rights and our Rights of Privacy

Name & Address

Signature

We are writing to object to the following proposals which are detailed within the Revised Standard Caravan Site Licence Conditions to be considered by the Overview and Scrutiny Committee on 12th July.

1. No Park Home should be sited closer than 3m from the boundary of the site or within 2m of any road or communal car park.

The implications of this rule are that if your home is closer than 3m to the boundary or closer than 2m to any road or car park you are in contravention of the regulations, which could in effect make your home worthless because any prospective buyer would be advised by any solicitor not to purchase a home that was technically illegal. Additionally it is technically possible that the Site Owner or the Council could ask that your home be removed. We consider this regulation to be an infringement of our human rights and would impose unbearable stress and worry to any resident affected. Most of the homes in contravention of this regulation have been in their current position from the inception of the site many for over 40 years. This regulation cannot and must not be enforced retrospectively.

2. All wooden sheds or sheds of combustible material between homes must be removed within 6 months.

This is totally unacceptable it has not been enforced over the past 40 years. This regulation cannot and must not be enforced retrospectively. We consider this regulation to be an infringement of our Human Rights (Section 8) and would impose unbearable stress and worry to any resident affected. Why should we have such a draconian regulation imposed on Park Home owners when all our homes are detached with a minimum distance of 18ft between each home? Surely we are less of a fire risk than the thousands of terraced houses and many thousands of other wooden structure houses in the District who are not subject to the same regulations. This is pure victimisation.

3. Fences and Hedges must not be higher than 1m and should comply within 3 years

With regard to the new regulations regarding wooden fences or hedges being a maximum of 1m high this is totally unacceptable and an infringement of residents "Human Rights" (Section 8) and "Right to Privacy" within their own gardens. The idea that Park Home owners should be subject to such draconian regulation based on a Fire Service recommendation is insulting and condescending at the very least.

The fact is that there are hundreds of homes in Epping Forest with wooden structures (many terraced) barn conversions with wooden fences, wooden conservatories, sheds and with pergolas attached to the houses.

The vast majority do not have an 18ft gap between them. Also of course, brick houses burn as well.

Park homes are always detached with a minimum of 18ft between every home surely making them less of a risk. These regulations must not be imposed retrospectively, in fact it is doubtful they should be imposed even for new homes.

The proposals will down value the properties.

The uniqueness and charm of the site is due to the established gardens created by the

29 June 2010 AOL: paulabright

residents. This has afforded the homes to achieve a substantial investment value.

Should the proposals be approved, we intend to take legal action to claim full compensation from the council for any loss of value to our property and to recover any other costs that may be incurred implementing said proposals.

Yours faithfully

ALL THE RESIDENTS.

LUDGATE HOUSE
HORNBEAM LANE
E4 7QT

29 June 2010 AOL.

Page 12

Page 73

1 of 2

COPY OF
ORIGINAL
SENT
30/6/10

MR BERNARD J LEVERETT
11 The Lindens
Woodbine Close Park
(SINES S.E Ltd PARK HOMES)
Waltham Abbey
Essex EN9 3RN

(T.Ph: /

EPPING FOREST DISTRICT COUNCIL
Civic Offices
High Street
Epping
Essex
CM16 4BZ

29th June 2010

FOR THE ATTENTION OF:-

- 1. THE LEADER OF COUNCIL – COUNCILLOR DIANA COLLINS**
- 2. THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE –
COUNCILLOR RICHARD MORGAN**

I am in receipt of a copy of the 'revised Standard *Caravan* Site licence Conditions' which apparently were approved by cabinet in a very recent Epping Forest District Council meeting which has been 'called in' by Councillor Elizabeth Webster.

May I first correct the reference to the word 'caravan' which seems to refer to my home which is NOT a caravan and is a luxury 2 bed-room, two bath room *PARK HOME* which has full central heating, is double glazed and is built to very high standards with full smoke and carbon dioxide detection. It is also built to full flame retardant and flame resistant specifications, which is more than some conventional built brick and mortar homes. All *park homes* on this site and any park home site must adhere to these stringent requirements.

I have been a professional in the aviation world for most of my life and my wife and I moved to Woodbine Close Park in August 2007. We moved here for a quiet semi retirement and purchased our new park home here because it was a beautiful part of the country side and the residents here were all here basically for the same reasons. Many are quite elderly and the last thing they need is the hassle of councils passing 'retrospective' site licence conditions which are going to cause immense worry and unnecessary stress.

2 of 2

The three revised conditions proposed effect existing:-


1. Park Home Site Boundary limits.
2. Wooden Sheds/sheds of combustible material
3. Fences and Hedges height

Myself and the residents feel that there has been no consideration for the rights of the residents of Park Homes and the fact that existing boundary's, garden storage and fences and hedges have been there for many years. (Some for as long as 40 years). The new regulations would infringe their right of privacy and disrupt their lives so much that many would consider requesting re-housing and with all the stress that will cause the council may regret their lack of thought on this matter.

We would urge to re-consider the 'retrospective' enforcement of these revised Licence Conditions and consider a compromise by the gradual introduction of Fire Service recommendations by inspection/s by them and then a realistic gradual implementation with help where it is needed. We have no more a fire risk on our park home sites then any local housing estate, in fact in many ways we are safer by having fire hose points at regular intervals around the park.

The size of our partition which will be lodged by next week reflects the strong feelings that have been generated by the proposed 'retrospective' changes.

Yours sincerely



Mr B J Leverett

Copy to: - Councillor Elizabeth Webster

Dear Councillor,

MODEL STANDARDS 2008 FOR CARAVAN SITES IN ENGLAND

REPORT TO CABINET REF: C.001-2010/11

I am the Chairman of the Roydon Mill Residents Association (RMRA), and it is in that capacity I write to you.

We are very concerned about the Model Standards 2008 for Caravan sites in England especially as we had no idea of their existence. We were fortunate that one of our Members saw a report in the local newspaper that EFDC were going to discuss these Standards. We were surprised that District Councillors were going to make a decision about their residents without ever consulting them. Some of our Members attended the Cabinet meeting and were more shocked when this very important items was just passed "on the nod" at 9.50pm that evening. By the lack of questions it was quite obvious that Members had not read the Officers report or had not grasped the seriousness of the implementations the Model Standards posed. Having obtained as much documentation on the subject we could we found that the Officer has just taken the Model Standards and enshrined them in EFDC policy. When you read the Standards you will see that Section 3 states:

These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped.

In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply.

In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents' Association, where appropriate.

Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard.

Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site.

In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition).

We have approached other people to read this document and are all agreed that each park should be assessed individually.

The last part of this Section states the local authority must have regard for a number of things including costs. We do not consider a £250 interest free loan as having a regard to costs!!!

Section 16 covers flooding. This site is in a flood risk area, although Planning Officers ignore this point when dealing with applications. Most of the hedges will have to be removed to comply with the 3 meter rule, and this will exacerbate the flooding problem.

We think that the Committee should adjourn making any decision on this document until:

1. a full consultation takes place with all the residents who will be affected by this, as they are the ones who are going to have to pick up the costs
2. Decide are you really going to ask residents to pay for this Government folly and then ask them to pay the salary of an Enforcement Officer

Or better still adjourn this Model Standards 2008 for Caravan Sites in England sine die, because throughout this debacle Epping Forest District Council have not shown a duty of care to residents nor ratepayers.

John Sweeting,

Chairman – Roydon Mill Residents Association

Copies:

Members of the Scrutiny Committee

District Cllr. Mrs. M. Sartin

Robert Halfon MP,

Roydon Parish Council

PORA – Mr. A. Burgess

Hertfordshire Mercury

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ROYDON PARISH COUNCIL

JANET BALLARD

Clerk to the Council

P O Box 10752
Bishops Stortford
Herts, CM23 9GN

7th July 2010

The Members of the Overview and Scrutiny Committee
Epping Forest District Council
Civic Offices
High Street
Epping
Essex, CM16 4BZ

Dear Members

COMMITTEE MEETING MONDAY 12th JULY

(ITEM 6) CALL IN - CABINET DECISION ON ADOPTION OF STANDARD CARAVAN SITE LICENCE CONDITIONS

We are writing to express our concern that EFDC proposes to adopt the 2008 Modal Standards for Caravan Sites in England without considering how this would affect individual sites across the District.

In Roydon, we are particularly concerned about how these regulations will impact on the residential part of the Roydon Mill Caravan Park which is well established and well run.

The Model Standards state:-

- These standards should be considered when applying licence conditions to *new* sites and sites that have been substantially redeveloped
- In relation to variation of a licence the local authority *must consult* the site licence holder on its proposed variations and may wish to consult with residents or a Residents Association, where appropriate.
- In deciding whether to apply a new standard the Local Authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners.
- They (the Standards) should be applied with due regard to the particular circumstances of the relevant site.

However we cannot see that the above points are being taken into account with the proposals that EFDC now wish to put in place. The individual nature of Roydon Mill and the fact that these conditions would need to be applied retrospectively makes the site a special case. The regulations limiting the height of fences and hedges and the distance they need to be from caravans (which would mean the removal of many) would severely impact on the look and feel of a site which has been created by the residents over many years. The screening provides a degree of privacy which should not be under-estimated and removal of hedging would also increase the risk of flooding.

We feel that the fire risk has been over-stated - what evidence is there that this type of property has suffered an increased incidence of fire particularly in relation to other wooden residential buildings?

Finally, the costs to carry out the required work could be quite significant for many elderly residents even with an interest free loan.

We should be grateful if you could consider these points at your meeting and arrange further consultation on a site by site basis before implementing any new conditions. We feel sure that the residents of Roydon Mill would welcome the opportunity to show you around the site if you would like to visit.

Yours faithfully

Mrs Janet Ballard
Clerk to the Council

Tel/fax 01279 730475
roydon.council@btinternet.com

present the original decision and to answer questions as he was required to do under the Council's rules for call-in of executive decisions. There were no mobile home sites in his ward and he had no other interests in this item.

(ii) Councillors Ms S Stavrou, Mrs M Sartin and B Rolfe declared a prejudicial interest in agenda item 6 as a member of the Cabinet and because they were present for part of the debate on this item at the Cabinet meeting. They intend to exercise their right under paragraph 12(2) to make representations and give evidence on this matter before withdrawing. They had no other personal or prejudicial interest in this matter.

(iii) Councillor Mrs P Brooks declared a personal interest in agenda item 6 as she was a resident of a mobile home park and the Chairman of the residents association.

(iv) Councillors Mrs P Smith, R Bassett, C Whitbread and Mrs D Collins declared personal interests in agenda item 6 as they were members of the Cabinet. However, they had determined that their interests were not prejudicial. They had no other interests in this item.

(v) Councillor Mrs L Webster declared a personal interest in agenda item 6 as her sister owned a mobile home park in the area. However she was representing her residents in this matter.

(vi) Councillor J M Whitehouse declared a personal interest in agenda item 6 as he knew someone who lived in a mobile home park.

(vii) Councillor D Johnson declared a personal interest in agenda item 6 as he was one of the members who had signed the call-in.

(viii) Councillor Mrs Whitehouse declared a personal interest in agenda item 8 as she was a members of Essex Savers.

18. CALL-IN - CABINET DECISION ON ADOPTION OF STANDARD CARAVAN SITE LICENCE CONDITIONS

The Committee considered the call-in of a decision by the Cabinet of a Housing Portfolio report of the adoption of the Standard Caravan Site Licence Conditions for Permanent Residential Sites in Epping Forest. The call-in referred to the consultation process and the proposed limiting to 1 metre of the height of fences and hedges between park homes.

The lead member of the call-in Councillor Mrs Webster was asked to open the discussion. She started by saying she was concerned by the impact of the Cabinet's proposed decision would have on local mobile home parks. She had visited each park in Waltham Abbey and Abridge. The homes were owned by the residents; they paid their Council Tax and had the same rights as the rest of the population. The residents took great pride keeping their homes well tended.

She had attended the Cabinet meeting and asked for further consideration of this decision; there was a need to consult all park home owners as insufficient consideration had been taken of the residents need for privacy. Also if their gardens were reduced in size they would make the homes less attractive and harder to sell. Insufficient time had been given to consider the new rules and in hindsight the decision should have been deferred.

She compared the Government's Model Rules to the proposed EFDC rules. The Model Rules state that that new sites should consider the appropriateness of the new rules. Hedges and fences were an integral part of each home and should be maintained. She felt that this new rule should only apply to new or replacement homes.

Councillor Mrs Webster comments that according to the national body for park homes, there was a lack of clarity about who was responsible for enforcing the conditions on fire, it was not with the local authority; London authorities have nothing about fire conditions in their licences.

Councillor Johnson, a signatory of the call-in, added that he was concerned about the decision. He had read the Building Research Establishment Paper and noticed that they had no evidence that sheds create a hazard to life. It also did not exclude non-combustible fences or sheds. The parks should come under the 2005 fire reform act, so why did EFDC park residents have to conform to these extra rules as well.

The responsible Portfolio Holder, Councillor Stallan was then asked to make his opening statement. He started by saying that the Council was legally obliged to consult with the site owners and specific third parties. All members of the Council had been notified via the Council Bulletin in November 2009 of the consultation exercise and invited to contact officers for further information. A report also went to the Cabinet on 16 November 2009 asking for further staff resources to implement the new licence conditions once agreed and this agenda had been circulated to all members. The licence conditions had not been updated for 30 years and the height of fences and hedges had not been included in the conditions at that time. Officers had consulted various bodies about this and in response they had recommended only picket fences should be allowed.

It was stated in the Model Conditions that local authorities should have regard to the advice received from the Fire Authority and the local authority would have to have some compelling reasons to deviate from this. He then asked the attending Fire Officer, Assistant Divisional Officer Stewart McMillan, for his view. Mr McMillan said that Essex Fire Authority supported the model standards and as far as he was concerned it was all about public safety. In his experience, he had noted that fires in park homes did not behave in the same way as brick built buildings.

Councillor Stallan added that they had to have regard to advice given, but that the Cabinet had proposed that residents would have three years to reduce the height of their fences and six months to reduce the height of hedges. He also proposed that, following advice received fences could be 2 metres high if they were of a non-combustible material.

The Chairman then asked the five lead petitioners in turn to make a statement.

Peter Baines, of the Abridge Park Residents Association spoke first. He said that 35% of the properties could not comply with the proposed requirements that park homes should be at least 3 metres from a boundary. What was the point of a rule that was unenforceable. He noted that:

- There was a proposal to enable each resident to spend £300 each on replacing existing sheds with metal ones;
- There had only been one minor kitchen fire in five years;
- There were no legal requirement for fire or smoke detectors to be installed in properties; and
- BBQ's and bonfires were not allowed.

The local authority should have more regard to the benefit of residents, and he asked that the 3 metre rule was not applied and that the rules were not applied retrospectively.

Next to speak was Paul Burling, from The Elms Mobile Home Park. He agreed with what had just been said. The rules should apply to new or redeveloped sites. The condition about the 3 metre rule to the boundary site cannot be complied with. The fire risk had been overstated but they had already installed additional fire points. The retrospective conditions were unfair and unjust. The authority should come to the same conclusion as North Lincolnshire that only new sites or homes should comply with the new rules.

Peter Macmillan, representing the Owl Caravan Park spoke next. He said that the homes had been in the same position since the opening of the site 19 years ago and they could not be moved as there was no space, so they could not comply with retrospective rules. He asked that all established homes be made exempt. They never had a fire on their park and there was no evidence to suggest that fences and sheds create a hazard to life. It seems that the authority was cherry picking the bits that it wanted, treat park home residents the same as house owners and should not impose retrospective conditions.

The next speaker was Estelle Martin, representing the Ludgate House Mobile Home Site. She said she was devastated and angered by the decision. It would take away the residents' life style and was not appropriate for her site. This would result in depreciation of the value of their properties.

She thought that this was a breach to their rights of home and family life and the proposed standards did not provide any benefits to them. There had never been a fire on her site.

Also the proposed loan of £250 was too small and an insult that would not compensate for the loss. There was emotional and financial stress involved as this was an unreasonable and inhuman act and they would take legal action if the council persisted.

Lastly the representative from Woodbine Park Caravan Site, Bernard Leverett spoke. He said that there were 209 homes at Woodbine Park, many with elderly residents who were hoping for a quieter life after their retirement. Although meant with good intent, people need privacy from their neighbours. These new rules should be introduced for new homes only and it should have been done by discussion. The fire authorities have always been satisfied with our site. His residents felt victimised.

The Chairman then asked the three Cabinet members who declared a prejudicial interest to make their statements before they left the meeting.

Councillor B Rolfe had come to support the Abridge residents and wanted to expand on the question of the distance between plots, but as this was not covered in the call-in notice, it was ruled out of order. Councillor Rolfe then left the meeting.

Councillor Mrs Sartin had also come to speak for her local residents at Roydon Hill. This was a well established, well maintained site. She was concerned about the loss of privacy and the costs that were to be incurred. She believed that the consultation letter was sent to the wrong person, as the association chairman said that he had not received one. She noted that the park homes were raised above ground level and a 1 metre fence would afford no privacy. Also the homes were built from fire retardant materials. There had been only one fire in the last 30 years.

There should have no restrictions on fences of a non-combustible nature. Also the area has a high water table, which the hedges help to take up and also act as a haven for wild life.

Surely there was room for common sense here. Councillor Mrs Sartin then left the meeting.

Councillor Ms Stavrou said that she had received many emails from residents on the four sites within her ward. They were concerned that this decision would adversely affect their lives. Unfortunately this call-in limited a wider debate to the points raised tonight. The 1 metre fence is impracticable and home owners should have been consulted individually. Although she understood the need for updating the fire regulations, this should be done without having to make life too severe for the people who live in park homes. Councillor Ms Stavrou then left the meeting.

Councillor Barrett commented that people were living like this for a long time and suddenly the rules were changed. The fire regulations were common sense and people have a lot of common sense. The people in park homes live together and look after their homes and each other.

Councillor Mrs Grigg quoted from the model standards and asked for legal advice on the points raised. Councillor Stallan said they had looked at the evidence and came to the conclusion that the new rules should apply. They also had to listen to the advice given by the fire service. The Director of Housing said that the licensing conditions had not been reviewed for some time and the new Model Standards had been introduced after national consultation. By law, the Council had to have regard to the Model Standard and the advice received.

Councillor Breare-Hall commented that the intention was sound but any evidence of a problem was not that clear. Other authorities have adopted other ways to deal with this and we should do the same.

Councillor Jon Whitehouse added that imposing new rules and regulations should apply to new builds and not to existing ones. Existing sites should not have retrospective rules imposed. More information on current fire risks assessments was needed.

Councillor Stallan said he would refer to the Council Solicitor the view that the Council could not make retrospective changes. He added that the members were now talking about the whole set of conditions and not just the call-in. He had come to the conclusion that there needed to be a wider debate and would suggest that the Housing Scrutiny Panel be asked to look into this in detail.

The Solicitor to the Council, Colleen O'Boyle explained that the legislation was not retrospective. What could be acted upon was that if the asked for action had not been completed within a given future timetable. This would be the same as the high hedges legislation that was not retrospective but came into force from the time of the legislation.

Councillor Philip said that nothing in the report addressed a risk assessment about the difference between a 1 or 2 metre fence and this made him uncomfortable. The consultation had not worked very well and the full impact on the residents was not looked at.

Councillor Jacobs commented that other councils had got it right; these new rules should be applied only to new or redeveloped sites.

Councillor Mrs P Brooks said that was like taking a sledgehammer to crack a nut. She had lived in a park home for 15 years, where there had only been one fire, and since 1962 there had only been three fires. All the homes have safety certificates; fire hazards compare very favourably with brick build houses. She noted that the upheaval for elderly residents was unacceptable; and dog owners needed high fences. We needed to look at what other councils had done.

Councillor Mrs McEwen said that the Council had a duty of care for all its residents and if anything happened people would look to blame us.

Councillor Sue Jones agreed that it was a sledgehammer to crack a nut and there had been insufficient consultation. We needed to look to our moral requirements on the need for consultation and to consult with individual residents.

Councillor Johnson wanted to see this decision go back to the Cabinet for further consideration.

Councillor Webster in her closing remarks said she understood the position of the local authority, but this was not just a matter of updating an existing document, but it has ramifications. This decision needs to be referred back to the Cabinet. It all hinges around paragraph 3 of the Model rules.

The Park home sites should be looked at individually as each site is individual. There was also a need to obtain a fire record of any incidents, to consult with the national body and to look at what other local authorities and fire authorities do.

Councillor Stallan in his closing speech said the call-in was only based on two points. He had heard what had been said here tonight about consultation. The Council was not legally required to consult with resident associations, but it chose to. The resident associations that had been consulted with were listed in the report and it could be seen that the Council had gone beyond what they were legally obliged to do. They had also consulted with all members of the Council as far back as February 2009. The documents are there for members to read. The Cabinet report was circulated to all members of Council, but the report did not refer to non-combustibles materials but he would accept that fences up to 2 metres would be acceptable.

Based on advice from the fire service the Council was obliged to consider the safety of all its residents.

RESOLVED:

- (1) That the decision be referred back to the Cabinet for further consideration; and
- (2) Before the Cabinet reconsider the report that the Housing Scrutiny Panel be asked to consider the relevant issues in depth and make suitable recommendation to the Cabinet.

19. REVIEW OF THE LOCAL STRATEGIC PARTNERSHIP

The Chairman of One Epping Forest, Councillor Mrs D Collins introduced the annual review of the Epping Forest Local Strategic Partnership (LSP). They have had a good year, doing some good partnership working in the District and had secured

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Park homes site licensing reform:

The way forward and next steps Executive Summary



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Executive summary

This paper¹ sets out the Government's position following from its consultation, *Park Home Site licensing – Improving the Management of Park Home Sites*, issued jointly by Communities and Local Government and the Welsh Assembly Government in May 2009. The paper sets out the Government's views about the proposals in light of the responses received by consultees and also sets out our conclusions on how to take the proposals forward. Part four contains a summary of the responses to the individual questions in the consultation paper.

The Government wants to secure a thriving and well run park homes sector that provides sites where people want to live and invest. We believe a licensing system that raises and maintains the standards on sites and ensures sites are safe, well planned and well managed with appropriate facilities and services, will help achieve these objectives. Such a scheme must operate fairly, be proportionate, cost effective and enforceable. An effective scheme must deliver improvements in the management of park home sites, where improvements are necessary, whilst continuing to secure a vibrant, healthy sector.

Consultation proposals

The consultation paper sought to elicit views on a revised licensing scheme from that contained in the Caravan Sites and Control of Development Act 1960. The proposals build upon that regime by giving licensing authorities wider discretion on the grant of licences and powers to revoke them, whilst ensuring the interests of owners and residents continue to be protected when a licence is not granted (or is revoked).

We proposed that certain standards would need to be met in order to hold a licence and it would include conditions, such as in regard to the management of the site. We proposed that licensing authorities would be given powers to charge a fee to persons applying for licences and the authorities would be expected to use the revenue generated to monitor and enforce licence conditions.

Responses to consultation

The proposals in the consultation were generally welcomed by local authorities, park home residents and the trade. The need to reform the site licensing system was recognised as necessary and the overall approach, particularly the introduction of the "fit and proper" requirement was supported by a majority of consultees.

Government's intentions

The Government is committed to a comprehensive licensing regime, which ensures that only "fit and proper" persons are engaged in the management of park home sites, and which is backed by effective enforcement tools. This section summarises how the Government intends to take forward the licensing proposals in the consultation paper, which are explained in more detail in parts two and three.

¹ It has been prepared jointly by Communities and Local Government (CLG) and the Welsh Assembly Government. Accordingly the reference to "Government" means CLG and Welsh Ministers.

- We propose to set up a **task force** of representatives of Government and key stakeholders from trade bodies, national residents' groups, local authority representative organisations and local authority practitioners. The task force's terms of reference will be to consider further, in light of the consultation responses and the Government's comments, key aspects of licensing reform and to report back with recommendations on how these might best be achieved to help inform the Government how to proceed. An overarching role of the task force will be to ensure the licensing proposals are effective and practical and do not create undue burdens.
- The task force will consider and recommend whether to adopt a **single or two-tier licence structure** and shall advise the Government how the recommended option might be best implemented.
- The Government has decided to introduce a **"fit and proper" person** requirement as part of the new licensing requirements. The task force will consider, in light of the licensing structure options, how best to ensure that licence holders and those engaged in the management of park home sites are "fit and proper" persons and whether, and if so to what extent, measures need to be in place to ensure management arrangements are satisfactory and to advise the Government on these issues with recommendations.
- The Government has decided to give the relevant authority the **power to refuse applications for licences** and the **power to revoke existing licences**, where appropriate. The Government has also decided to introduce **management order** provisions to ensure that suitable management arrangements are in place when an application for a licence is refused or an existing licence is revoked. The task force will consider, having regard to the licensing structure options, the nature and scheme of alternative management arrangements to be put in place where a site is unlicensed and to advise the Government on these issues with recommendations.
- The Government intends that park home sites will be licensed for a specified number of homes, and local authorities will be given enforcement tools, such as **removal orders**, to ensure this is complied with. We will ask the task force to review the proposed scheme so as to ensure it operates effectively and fairly.
- The Government has decided to give local authorities powers to serve **enforcement notices** on licence holders to require them to carry out repairs and maintenance to sites and ensure they are properly managed and to recover their expenses in doing so and to do works in default, the cost of which is to be paid by the licence holder.
- The Government intends to give local authorities powers to enter sites and carry out **Emergency Remedial Action** in emergencies, where it is not possible to serve an Enforcement Notice, and to recover their expenses and costs in doing so from the licence holder.
- The Government has decided that all **appeals** on licensing decisions will be to the Residential Property Tribunal.

- The Government intends to introduce a range of new **offences** relating to licensing which on conviction will attract robust financial penalties to deter those in the management of sites from non compliance. We will ask the task force to consider, in light of the options for the licence structure, to advise how offences are to be reported, and which licensing body in relation to which offence should be the prosecuting authority.
- The Government has decided to introduce **licence fees**. The task force will consider, in light of the licensing structure options, what (if any) guidance is required to be given to licensing authorities in connection with licence fees and to advise the Government on this and on connected matters with recommendations.
- The Government intends to introduce a **transitional scheme** to bring within the scope of the new legislation existing sites and their owners and managers. We will ask the task force to assist in the development of a practical cost-effective scheme to do so.

Next steps

We shall now be inviting trade representative organisations, national resident groups and local authority bodies and practitioners to join a task force to consider the issues we have identified in this paper to help the Government in exploring the options and deciding on which ones to take forward.

We shall publish our findings once the task force has concluded its programme of work.

Changes to the current site licensing regime will require primary legislation. We will be working up a comprehensive scheme of reform for sites in England and Wales to present to Parliament and the Welsh Assembly at the earliest possible opportunity.