

**Scrutiny Standing
Panel Agenda**



***Housing Scrutiny Standing Panel
Thursday, 28th June, 2012***

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

Time: 5.30 pm

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

Members:

Councillors S Murray (Chairman), A Mitchell MBE (Vice-Chairman), K Avey, K Chana, Ms J Hart, Mrs S Jones, Ms H Kane, L Leonard, Ms G Shiell, Mrs J H Whitehouse and N Wright

SUBSTITUTE NOMINATION DEADLINE:

16:30

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1. APOLOGIES FOR ABSENCE

2. SUBSITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

3. NOTES OF THE LAST MEETING (Pages 3 - 6)

To agree the notes of the last meeting of the Panel meeting held on 31 May 2012 (attached).

4. 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.

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 7 - 8)

(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.

6. NEW SITE LICENCE CONDITIONS FOR PARK HOMES SITES (Pages 9 - 38)

(Director of Housing) To consider the attached report.

7. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

8. FUTURE MEETINGS

The next programmed meeting of the Panel will be on Tuesday 24 July at 5.30p.m. in Committee Room 1.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF HOUSING SCRUTINY STANDING PANEL
HELD ON THURSDAY, 31 MAY 2012
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.30 - 8.30 PM**

Members Present:	S Murray (Chairman), A Mitchell MBE (Vice-Chairman), K Angold-Stephens, A Boyce, Ms J Hart, Ms H Kane, Mrs J Lea, B Rolfe, Ms G Shiell and H Ulkun
Other members present:	J Knapman, Mrs C Pond, D Stallan, Ms S Stavrou and C Whitbread
Apologies for Absence:	K Chana, Mrs A Grigg and Mrs S Jones
Officers Present	P Pledger (Assistant Director (Property and Resources)), S G Hill (Senior Democratic Services Officer) and M Jenkins (Democratic Services Assistant)

67. APOLOGIES FOR ABSENCE

It was noted that Councillor D Stallan was attending the meeting as Housing Portfolio Holder and not as a Housing Scrutiny Standing Panel member, therefore he had no vote at the meeting.

68. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The following substitutions were noted:

- (a) Councillor K Angold-Stephens substituted for the former Panel member and Councillor Ms R Brookes;
- (b) Councillor A Boyce substituted for Councillor Mrs S Jones;
- (c) Councillor Ms H Kane substituted for former Panel member D Stallan, present at the meeting as Housing Portfolio Holder;
- (d) Councillor Mrs J Lea substituted for Councillor Mrs A Grigg;
- (e) Councillor B Rolfe substituted for Councillor K Chana; and
- (f) Councillor Ms G Shiell substituted for former Panel member and Councillor B Pryor.

69. DECLARATION OF INTERESTS

Pursuant to the Council' Code of Member Conduct, Councillor J Knapman declared a personal interest in the following item of the agenda by virtue of having been a member of the Cabinet when the decision on fire safety in Council blocks was made. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the duration of the discussion and voting thereon:

- Item 6 Call-In Cabinet Decision on Fire Safety in Flat Blocks

70. NOTES OF THE LAST TWO PANEL MEETINGS

RESOLVED:

That the notes of the last two Panel meetings held on 5 and 13 March 2012 be agreed.

71. TERMS OF REFERENCE

The Panel's Terms of Reference were noted.

72. CALL-IN CABINET DECISION ON FIRE SAFETY IN FLAT BLOCKS

The Panel considered the call-in of a decision by the Cabinet of a Housing Portfolio Holder report (C/067/2011/12) regarding Fire Safety in Flat Blocks made on 12 March 2012. The following reasons for the call-in were given:

- (a) No distinction had been made between 2 storey flat blocks and flat blocks of 3 or more storeys;
- (b) The conditions set in paragraphs 2 and 3 of the Cabinet Decision were too onerous to comply with;
- (c) That in relation to paragraphs 2 and 3 above, the 4 month permitted period should be extended to 2 years, due to the time taken for mains alarms, approved fire doors and other measures taken into place;
- (d) That the Council should remove, free of charge, any non-complying carpets; and
- (e) That residents of 2 storey flat blocks install carpets conforming to BS5287, once all conditions were met.

The Chairman requested that the lead member of the call-in Councillor Mrs J Hart, open the discussion. She began by stating that residents should be safe in their homes, the call-in was not opposed to fire safety measures being undertaken. It was felt that there was no distinction made between 2 and 3 storey flat blocks in the decision, with the four month compliance period being too prohibitive. The Councillor suggested that flats in the district had easy escape routes and advised that fire safety experts had stated that no one could be held responsible for deaths and injuries caused in fires so long as a fire risk assessment had been carried out. In conclusion she thought that the décor of flat communal parts gave home pride to tenants and avoided a drab environment.

The Chairman requested that two other call-in signatories present, Councillors K Angold-Stephens and Mrs C Pond added their comments. Councillor K Angold-Stephens said that in the event of a fire it was extremely unlikely that the Housing Portfolio Holder would be held responsible. The Local Government Association Fire Safety Advice for Flat Blocks stated that there was no evidence for tenants being in danger, deaths from flat fires were less likely to occur than in houses and bungalows. He added that flats were encased in a fire resistant area, it was very rare for anyone outside the flat to die. It was also rare for a fire to originate in the common area. Whilst accepting that the Fire and rescue Service attempted to eliminate all risk, the

best housekeeping could only be maintained with the co-operation of residents. Concrete steps were far more dangerous than the hazard posed by carpets in common areas. He concluded by saying that the cost of removing carpets should be borne by the Council. Councillor Mrs C Pond spoke last, she supported the comments made, she said that there should be a more flexible approach regarding safety in maisonettes.

The Housing Portfolio Holder, Councillor D Stallan made his opening statement. He reminded the Panel that he had not been a Cabinet member when this decision was made. He advised that there currently was no financial provision within the budget for compensating tenants who require new carpets and mats. On the point of differentiating between 2 and 3 storey blocks, it was best that safety was enforced irrespective of height.

Following these opening comments, the Chairman requested that the Panel members participate. Members were concerned about the lack of resources in the budget for compensation. However members were satisfied that this issue had been debated thoroughly and that the decisions involved along the way had improved.

The lead member for the call-in and the Portfolio Holder were asked to make their concluding statements.

Councillor Mrs J Hart said that the Portfolio Holder was taking a zero tolerance approach to this. Two storey flat blocks were similar to small houses, there was no difficulty in evacuating them in emergencies. Fires could not start on British Standard carpets. There were no incidents of fires starting in the common parts of blocks. These blocks were little havens, homely and inviting. The Council's approach was too heavy handed.

The Housing Portfolio Holder re-affirmed that currently there was no money in the budget for replacing the carpets, officers were aiming to complete this work within 4 months. He advised that almost all local authorities had adopted a zero tolerance policy on fire safety in flat blocks, unlike the District Council which was a managed policy.

RESOLVED:

That the Cabinet Decision on Fire Safety in Flat Blocks C/067/2011-12 be upheld.

73. FUTURE MEETINGS

The following scheduled meetings were noted as follows:

- (a) Thursday 28 June 2012 at 5.30p.m. (Extra-Ordinary Meeting regarding Licences for Park Homes);
- (b) Tuesday 24 July;
- (c) Tuesday 23 October;
- (d) Tuesday 29 January 2013; and
- (e) Tuesday 19 March

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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: 28 June 2012

Portfolio: Housing – Cllr David Stallan

Subject: New Site Licence Conditions for Park Home Sites

**Officer contact for further information: Sally Devine,
Private Housing Manger (Technical) (01992 564149)**

Committee Secretary: Mark Jenkins (01992 56 4607)



Recommendations/Decisions Required:

1. That the Housing Scrutiny Panel considers the following interpretations with regard to the Standard Licence Conditions for Permanent Residential Park Home Sites in Epping Forest District Council and recommends them to Cabinet accordingly:

- a) **Fences.** That the same guidelines that are applied under Planning legislation, in terms of adornments and calculation methodology, be used to assess whether the height of fences meet the requirements of the Site Licence Conditions; and,
- b) **Hedges.** That the following definition, that a hedge is '*a number of woody plants, whether capable of growing into trees or not, which are so planted as to be intended to be in line and which, when mature, to be so integrated together as to form a screen or a barrier*' is adopted for the purposes of the Site Licence Conditions.

2. The Panel recommend to Cabinet :

- a) That mains-powered, interlinked smoke detection with integral battery back up should be installed in all homes that have a closed porch, within 6 months of the date of the site licence. However, where home owners prefer battery powered detection, that they be allowed to install battery powered systems provided that they are interlinked, with one alarm being placed in the porch and one in the home, within no more than 6 months; and
- b) That funding for the home owners preferred option is offered, whilst available, through C.A.R.E's Handyperson Service to eligible home owners.

3. That, with regard to timber decking, the Panel considers the following options for interpretation and recommends one of them to the Cabinet accordingly:

- a) That decking is a structure within the terms of Condition 2(iv)(c) and, therefore, require that any combustible decking that extends more than 1 metre into the separation distance or reduces the space between homes to less than 4.5 metres is removed within 12 months of the date of the Licence;

- b) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) but to allow any decking that is in place on the date the Licence is issued to remain;
- c) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) but to impose a maximum protrusion into the separation space (e.g.1.5m), and / or allow a minimum distance between structures (e.g. the required 4.5m); or
- d) To interpret decking as being part of the property and as such allow existing decking to remain by virtue of Condition 2(i).

4. That, with regard to porches, the Panel considers the following options for interpretation and recommends one to the Cabinet accordingly:

- a) That porches are 'structures' for the purposes of Condition 2(iv)(c) and, therefore, any that are positioned closer than a 4.5m clear distance from any adjacent park home are removed within 12 months of the date of the Licence;
- b) That porches are 'structures' for the purposes of Condition 2(iv)(c) and should not be positioned closer than a 4.5m clear distance from any adjacent park home, but that any that are so positioned at the time the Site Licence is issued shall be allowed to remain; or,
- c) That porches are not 'structures' for the purposes of Condition 2(iv)(c) and are, therefore, allowed to be positioned closer than 4.5m from any adjacent park home.

5. That the Director of Housing be authorised to amend the licensing conditions to take account of any alterations to the licensing conditions agreed by the Cabinet on the recommendation of this Panel and any other changes made by the Cabinet itself.

6. That, if in the future, Councils are able to charge for licensing functions, this Council reserves the right to charge park owners for such functions in line with the relevant statutory legislation introduced. However, any such charge will be subject to prior consultation with interested parties and a further report to Cabinet. A new site licence condition to cover this point shall be added stating: 'This Council reserves the right to charge for site licensing functions in line with future statutory legislation introduced.'

Report:

1. On 18 April 2011, the Cabinet agreed to the adoption of the 'Standard Park Home Licence Conditions for Permanent Residential Sites in Epping Forest District Council' (ref: C-069-2010/11). The agreed Conditions include some variations to the Model Standards 2008 and also allow for certain contraventions to remain provided they are in existence on the date the new site licence is issued.

2. Following the Cabinet decision, good progress has been made and Officers have completed inspections on all of the sites, measuring and recording existing arrangements with respect to the positioning of homes and identifying any contraventions to the new Site Licence Conditions, both those that will be allowed and those that need to be remedied. It is important to identify the contraventions that the Cabinet has agreed may continue because if they are not agreed as exceptions to the Conditions, home-owners will have to remove them. The Officers' inspection reports will be presented to the respective site owners to explain

both the contraventions that need to be remedied and the contraventions that exist but are allowed to remain by virtue of the Cabinet's decision.

3. At its meeting on 19 July 2011, the Housing Scrutiny Panel agreed to add an additional item to its Work Programme to receive a progress report on the implementation of the new licence conditions for park homes. It was noted that it was likely that this would be submitted to the Panel around January 2012.

4. During the course of Officers' inspections, however, certain anomalies have come to light since the time of the Cabinet meeting in April 2011, which are not specifically covered in the Conditions. Officers therefore now need determination from Members on the interpretation to be adopted for these matters, which are explained below, so that they can interpret the decisions of the Cabinet correctly and in accordance with the spirit of the Members' decisions, particularly bearing in mind the strength of feeling of the residents and site owners. The particular anomalies, and the number of recorded occurrences on each of the sites, are shown in the table at Appendix 1.

5. Officers held a meeting with Park Home Site Owners and representatives of each of the site residents associations to gauge their views on the matters below. Apart from the owner of Woodbine Close and Breach Barns in Waltham Abbey and any representative of the residents on the Woodbine Close site, all the sites were represented. At the meeting representatives were informed that their comments would be included in this Report of which they have received a copy. The comments received are attached in Appendix 2.

Views of ECFRS

6. Following this meeting the former Leader, the Housing Portfolio Holder and Council Officers met with Officers from Essex County Fire and Rescue Services (ECFRS) on 24 January 2012 to seek the ECFRS's further views on the matters under consideration. Their response to the discussions that took place is attached in Appendix 3. Their comments are important since it is a requirement of the Caravan Sites and Control of Development Act 1960 that the Council has regard to the views of the Fire Authority when agreeing their licence conditions

Porches and Smoke Detectors

7. This issue relates to park homes with a porch attached. The 2008 Model Standards 2008 allows only one door to either the porch or the home, however, many existing park homes have two doors; one between the home and the porch and another between the porch and the outside. Many residents prefer two doors as it improves thermal efficiency as well as providing extra storage.

8. Following the recommendations of the Housing Scrutiny Panel and consultation with residents, the Cabinet agreed that two doors could be allowed, provided mains-linked smoke detectors are installed both in the porch and the living space of the home, for fire safety. During inspections, however, many homes were found to have two doors but only had battery operated smoke detectors (as opposed to hard wired) or had hard-wired smoke detectors that were not interlinked to the porch and living space and as such do not meet the specification agreed by Members.

9. There is considerable resistance from residents against complying with the requirements as they stand. Residents appear prepared to put in smoke detectors but consider that battery operated ones are adequate on the basis that:

- When ECF&RS has installed smoke alarms at home-owners' request (as part of the Home Fire Safety Scheme), the Fire Service has considered it sufficient to install one battery operated alarm even where porches with two doors were present;

- There is no requirement in the Conditions to test that the system is properly maintained, therefore there is no advantage to require mains-powered rather than battery operated detectors (although it should be noted that, by definition, batteries discharge and make the detector inoperable unless the battery is changed);
- At an estimated cost of £300, the work to install detectors that meet the specification would be costly; and,
- The installation of new mains powered detectors will be disruptive to occupiers and destructive to property, requiring either chasing-in and redecoration, or surface mounting which will be unsightly.

10. Officers sought the opinion of ECF&RS who initially restated their position that there should be no deduction from the Model Standards which stipulate that closed porches should not be tolerated on park home sites at all. More recently an ECFRS officer did indicate informally that battery-operated smoke detection might be acceptable (orally), however, at the meeting with the former Leader, the Housing Portfolio Holder and Council Officers on 24 January, Senior Fire Officers made it clear that they remain strongly opposed to closed porches. However, whilst not agreeing to the variation from the Model Standards already agreed by Members, they advised that the fitting of interlinked smoke detectors, either mains or battery powered, would offer a degree of compensation for the increased risk of deviating from the Model Standards. Their comments in full on this matter are included in their report which is attached at Appendix 3.

11. The Council's Home Improvement Agency, C.A.R.E., has been provided with £20,000 of funding by Supporting People to provide help to older and/or otherwise vulnerable people on Park Home Sites to meet certain Site Licence requirements, such as the removal of fences and hedges. Some of this funding could be used to provide smoke detection systems that meet the terms of the Conditions, however, not all residents would qualify for this financial support.

12. It should also be noted that ECF&RS currently install battery-operated smoke detectors free of charge. As these are fitted as part of ECF&RS's programme to improve fire safety generally, they are not intended to, and will not, meet the requirements of the Model Standards.

13. The purpose of smoke detectors is to provide early warning to residents to leave their home rather than to prevent fires or stop them spreading from home to home, which many of the Licence Conditions relate to. There is no requirement in the Licence to provide smoke detection in park homes generally; it could therefore be argued that the provision and maintenance of smoke detectors in the home is a personal responsibility and choice, the implications of which affect a single household, rather than general fire safety affecting the wider park home community.

14. At the meeting on 17 November 2011, the Site Owners and representatives of park home residents felt that battery-operated smoke detectors were sufficient. In the light of the ECFRS comments - it is recommended, therefore that Officers should recommend, where homes have a closed porch, the installation of mains-powered, interlinked smoke detection with battery back up, provided in the porch and the home. However, where home owners, although having been advised of the benefits of mains powered smoke detection, prefer battery powered detection, that they be allowed to install battery powered systems provided that they are interlinked, with one alarm being placed in the porch and one in the home. These are readily available on the market at a current price of approximately £50 per individual detector. It is considered reasonable that a period of six months is allowed to carry out this work.

15. It is further recommended that funding of their preferred option is offered, whilst available, through C.A.R.E.'s Handyperson Service to eligible home owners

Timber Decking

16. The issue under consideration is whether timber decking constitutes a 'structure' under the terms of the Site Licence Conditions. Condition 2(iv)(c) states that, 'Any structure including steps, ramps etc. (except a shed, garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be 4.5 metres clear distance between any such structure and any adjacent park home.' The reference to sheds within the Condition is not within the Government's Model Standards, but was added by the Cabinet within the Council's own Condition.

17. It has now been established that there are many cases on the sites of timber decking extending more than 1 metre into the separation distance and in some cases decking surrounds the home on 3 sides. While timber decking is not specifically mentioned as a 'structure' in Condition 2(iv)(c), neither is it listed as an exception. Furthermore, in some cases, the installation of timber decking has resulted in the 4.5 metre separation space between structures being compromised, particularly if the distance between the 2 mobile homes is less than the required 6 metres (but is being tolerated by virtue of being in place before the new site licences are issued).

18. At the consultation meeting, home-owners were strongly of the view that decking should not be considered to be a structure and, therefore, not be restricted in terms of size or construction. Decking is expensive to provide and lay; some decking is very elaborate and forms an attractive surround to the home. In addition, on some of the sites, the value of park homes is enhanced by their view over the surrounding countryside. Residents argue that removing it will devalue their property. In a number of cases, the decking is integral to the home as it provides a useful platform between the home and garden that are on different levels. In addition, if the condition with regard to a separation distance of 6m was imposed, in situations where adjacent homes have decking within the separation distance, the decking may only be 750mm, which is not wide enough to allow access for disabled people.

19. At the meeting on 17 November, one site owner reported that she had commissioned fire risk assessments on her sites and had been informed that extremely high temperatures must be reached before decking would burn. Another site owner suggested that treating the timber with a fire retardant might offer an increased level of safety and the consensus view of residents and site owners was that in future decking should only be allowed if it is suitably fire treated or non-combustible.

20. However, Fire Officers do consider that decking is a structure as is confirmed in their Report at Appendix 3. In response to the comments made at the consultation meeting on 17 November they have responded that in the event of fires in mobile homes, thermal radiation is generated at levels in excess of that required to ignite timber. This was proved empirically through experimentation by the Building Research Establishment (BRE). As a result of their testing, the BRE made recommendations on the minimum distances between 'items' within the separation space. Their recommendation with regard to decking (or 'verandas' as they are termed by the BRE) are that there should only be one per unit and that these should not project more than 1.5m into the separation space (0.5m more than the current Model Standards). As long as the separation space between the homes was at least 6m, this would provide a 4.5m clear distance to any adjacent unit.

21. To summarise, the owners of mobile homes that have decking vehemently oppose removing or modifying it. They consider that decking is part of the main home and, as such, should be allowed to remain by virtue of Condition 2(i) of the Standard Licence Conditions, which states:

'Every park home must where practicable be spaced at a distance of not less than 6 metres (the separation distance) from any other park home which is occupied as a separate residence. *However, any park home that contravenes this condition at the date on this licence will be allowed.*'

22. However, both Fire and Council officers are of the view that timber decking is a structure (similar to steps and ramps), is of a combustible material, is therefore covered by Condition 2(iv)(c) and requires a 4.5m separation distance. Officers are also concerned about the increased risk of fire spreading between park homes if the provision of decking does not provide a 4.5m separation distance.

23. Notwithstanding this concern, Members are reminded that the Model Standards on which the proposed Site Licences are based do allow the Council to depart from the Model Standards, to exclude or change one or more of the conditions about which residents have concerns if, having regard to the Model Standards and the views of the Fire Authority, it considers that:

(i) the current licence conditions are adequate in serving their purpose in respect of these issues, and the new standards/conditions should not therefore, be applied;

(ii) having regard to all the relevant circumstances of the sites, the Council is satisfied that it has justifiable reasons for allowing these contraventions that take place on the date of the new licence, after taking account of the representations made by existing park home owners and site owners; and,

(iii) the benefits that the new licence conditions will achieve (by complying with the Model Standards) are outweighed by the interests of existing residents and site owners in respect of these issues, having regard to the substantial representations made.

Options:

24. The following appear to be the main options of interpretation for consideration by the Scrutiny Panel and Cabinet:

- a) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) and, therefore, require that any combustible decking that extends more than 1 metre into the separation distance, or any decking that reduces the space between homes to less than 4.5m to be removed within ,say, 12 months;
- b) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) but to allow any decking that contravenes the Condition, but is in place on the date the licence is issued to remain;
- c) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) but impose a maximum protrusion into the separation space (e.g. 1.5m), and/or allow a minimum distance between structures (e.g. the required 4.5m); or
- d) To interpret decking as being part of the property and as such allow existing decking to remain by virtue of Condition 2(i).

25. If Members are minded to allow all, or some, decking to remain (Options b) c) and d)) they may wish to consider the possibility of requiring the installation of smoke detectors in order to provide an early warning to residents if a fire occurs. In addition, or alternatively, they may consider making it a requirement for decking to be treated with a fire retardant preparation, either by pressure treatment or brush application. However, in their consideration of this, Members should also take into account the fact that Officers will need to

make sure that the Conditions are being adhered to, and it may prove difficult to ensure that any fire retardant treatments have been applied in accordance with manufacturer's instructions and as frequently as required. The effectiveness of any brush application is likely to be compromised with time by pedestrian traffic and inclement weather; and pressure treatment of structures already in situ is likely to be cost prohibitive

26. In addition, if Members agree that decking may not remain, either by virtue of Option a) or Option c), all parties need to be aware that Officers will ensure that this condition is enforced and that park home owners will be made to remove any decking not meeting the requirements, which will be unpopular.

Fences

27. The issue under consideration concerns the definition of the term 'fences'. Condition 2(iv)(f) of the Council's Standard Licence Conditions states that, 'fences and hedges, where allowed and forming the boundary between adjacent homes should be a maximum of 2 metres high'. It should be noted that the Government's Model Conditions state that the height should be 1 metre, but this was varied by the Cabinet for the Council's own Conditions.

28. Over the years many residents have erected decorative and sometimes elaborate constructions to separate themselves from their neighbours. These may be incorporated in the fencing (e.g. trellis on top of fencing) or an extension of it (e.g. archways and pergolas) and, as a result, it is subject to interpretation where the fencing starts and finishes as it appears to continue around the whole perimeter of the home.

29. As is stated on Page 5 of the report from ECF&RS attached at Appendix 3, Fire Officers are, and have always been, of the opinion that fences and hedges should be no more than 1m high in accordance with the Model Standards. Their report confirms that for trellises, archways and pergolas the issues regarding combustibility are the same as they are for fences and hedges and, therefore, the requirements of the Model Standards in this respect should apply.

30. Site residents have argued that the Condition relates to 'fencing' only and, therefore, any other timber constructions attached to the fencing should be allowed to remain and at any height. Many are very reluctant to remove some of these decorative arrangements as they add character and individuality to their homes and in many cases have been costly to provide.

31. At the meeting on 17 November, the Site Owners and representatives of the residents also put forward the view that, on a sloping site, a 2m high fence is not sufficient to provide privacy. Officers informed them, however, that Planning legislation includes a requirement that fences over 2m in height require Planning Permission and it is considered that it would be sensible to apply the same criteria and to measure the height of fences in the same way. When applying this legislation, Planning Officers measure the height of fences from ground level to the top including any gravel board and/or trellising.

32. It is recommended, therefore that the same guidelines that are applied by Planning Officers are used to assess whether the height of fences meet the requirements of the Site Licence Conditions, namely that any construction made of combustible material and attached to a fence or forming a barrier between two homes within the separation distance is considered to be 'a fence'. The '2m rule' applies to it all, thereby requiring any structures that do not comply to be removed within 6 months of the date of the Site Licence.

Hedges

33. This issue relates to the definition of trees and hedges. The height of fences and hedges are covered in Condition 2(iv)(f) of the Site Licence Conditions but this does not

mention trees. Fire Officers from ECF&RS are of the view that although trees are not specifically mentioned, the issues regarding combustibility are the same as they are for hedges and, therefore, they should not exceed the height of 1m as stated in the Model Standards.

34. However, at the Cabinet meeting of 18 April 2011 (C-069-201/11), Members agreed that the Council's own Conditions should depart from the Model Conditions and state that, 'trees are not considered to be hedges and therefore not being subject to any height restriction, provided they do not present any nuisance or health and safety risk'. This means that distinguishing between a tree and a hedge has implications in determining whether there is a height limit or not and it is not always a straightforward decision particularly where a row of trees stand close together to form something looking like a hedge.

35. It is recommended, therefore, that the following definition, which exists in common law, is used as a guide. A 'hedge' is, '*a number of woody plants, whether capable of growing into trees or not, which are so planted as to be intended to be in line and which, when mature, to be so integrated together as to form a screen or a barrier*'. Site Owners and representatives of the residents at the meeting on 17 November expressed agreement with this approach.

Porches

36. Condition 2(iv)(a) states that, although porches may protrude 1m into the separation distance, they must be no more than 2m in length and 1m in depth. Members have already agreed that porches that do not comply with these dimensions at the date of the site licence will be allowed to remain until the home is replaced.

37. In addition to this, however, Officers have always considered that porches are 'structures' for the purpose of Condition 2(iv)(c) and, therefore, there should be a clear 4.5m clear distance between any such structure and any adjacent park home. This is for fire safety, to reduce the risk of fire spread between park homes. Under Condition 2(iv)(c) this requirement must be met regardless of whether the porch is in place on the date the Licence is issued.

38. The reason that this may be an issue is that Members have also agreed that any park home that was positioned closer than the recommended 6m from any other park home could remain provided it was in position on the date of the Site Licence. This means that if homes that are already closer than 6m apart have porches that protrude more than 1m into the separation space, this may reduce the separation space to less than 4.5m. This would only be an issue if porches are considered to be 'structures' within the terms of Condition 2(iv)(c).

39. Site Owners and the representatives of residents at the meeting on 17 November were aggrieved at this as they had understood that it had been agreed that **all** contraventions, not only those that had been specifically identified as exceptions, could stay forever if they were in place at the date of the new site licence. Officers clarified that this was certainly not the approach agreed by Members and that only specific agreed contraventions would be allowed to remain. However, representatives expressed a considerable strength of feeling on the issue of porches and asked Officers to relay this to Members.

40. As with timber decking, Officers are of the opinion that porches are structures and are therefore covered by Condition 2(iv)(c) and require a separation distance of at least 4.5m. However, Members are reminded that the Model Standards do allow the Council to depart from its provisions, to exclude or change one or more of the conditions about which residents have concerns, provided it has regard to the Model Standards and the views of the Fire Authority.

41 The Fire Authority's views which are set out in the Conclusion section of this report are

that there should be no detraction from the Model Standards condition 2(iv)(a) which specifically deals with porches and restricts their maximum dimensions. The Council, in already allowing existing porches that contravene the space requirements to remain, and in allowing closed porches, has provided the potential for storage, including electrical items, which in turn has the potential to significantly increase the fire loading and the possibility of ignition within the home. They consider that porches should not be considered within the context of 'structures' under Model Standard condition 2(iv)(c) as this could allow a porch to extend within 4.5m of another home and this would exacerbate the fire risk further.

Options:

42. The following appear to be the main options of interpretation for consideration by the Scrutiny Panel and Cabinet:

- a) To consider porches to be 'structures' and not to allow any new porches to be positioned closer than a 4.5m clear distance from any adjacent park home and to require any porches that are already closer than this to be removed, within a period of, say, 12 months from the date of the Site Licence.
- b) To consider porches to be 'structures' and not to allow any new porches to be positioned closer than a 4.5m clear distance from any adjacent park home but to allow any that are so positioned at the time the Site Licence is issued to remain.
- c) To not consider porches to be 'structures' for the purposes of 2(iv)(c) and therefore allow them to be positioned closer than 4.5m from any adjacent park home.

43. As with decking, if Members are minded to allow porches to remain (Options b) and c)), they may wish to consider imposing a requirement for smoke detectors to be provided (smoke detection in homes with 'closed' porches is already covered under Paragraphs 7-15 above) and/or improving the fire retardant properties. However, in their consideration of this, Members are reminded again that Officers will need to make sure that the Conditions are being adhered to, and it may prove difficult to ensure that any treatments have been applied in accordance with manufacturer's instructions and as frequently as required.

44. In addition, if Members agree that porches do not meet the requirements of the Conditions, either by virtue of being considered a 'structure' (Option a)) or by virtue of it being a structure that was installed after the date of the new Site Licence (Option b)), Officers will ensure that this condition is enforced and porches not meeting the requirements will have to be removed, which will be also unpopular.

45. Councils are currently unable to charge for licensing park home sites. The Government has recently produced a consultation document 'A Better Deal For Mobile Home Owners' which proposes amongst other things, to allow Council's to recover their costs in carrying out their licensing functions and to include the requirement to pay as a condition of the site licence conditions. Whilst any such implementation would require primary legislation, it seems appropriate now, whilst reviewing existing licence conditions, that the Council consider reserving the right to charge for licensing functions, should they be permitted in the future. However, any such charge will be subject to prior consultation with interested parties and a further report to Cabinet.

46. Site owners have been consulted on the possibility of introducing a charge for licensing functions in the future and the comments received are attached at Appendix 4.

47. For convenience, a copy of the Standard Licence Conditions for Permanent Residential Park Home Sites in Epping Forest District Council is attached at Appendix 5.

Conclusion

48. As has been outlined above, the view of ECF&RS has always been that there should be no detraction from the Model Standards. However, given that the Conditions already vary from the Model Standards, Members may consider it acceptable to make a decision on some, or all, of the issues outlined above which is at variance with the Fire Officer's recommendations, particularly given the extent of public and Member interest in this matter. As explained earlier, this is permissible, provided Members have regard to the Model Standards and the views of the Fire Authority.

49. The Scrutiny Panel is asked to consider the issues above as set out in the Recommendation and to make recommendations accordingly to the Cabinet as, unless these matters are clarified, the process of issuing the new licences will be delayed. Once these matters have been clarified, Officers will proceed to issue the new Site Licences and a further progress report will be made to the Housing Scrutiny Panel.

50. Subject to the views of the Scrutiny Panel and the decisions of the Cabinet, it may be necessary to amend some of the Council's previously-agreed License Conditions to incorporate and/or clarify the Cabinet's decision.

51. Finally, whilst the current licence conditions are being reviewed, it is recommended that the Council considers reserving the right to make a charge for licensing should this be permitted in the future, in accordance with the Government's consultation document 'A Better Deal For Mobile Home Owners'.

Reason for decision:

Officers have completed the inspection of all of the park home sites in the District but are not able to issue the Site Licences because the Conditions are unclear on the points outlined in the Report. Given the strength of feeling of residents and Site Owners, Officers feel that the Scrutiny Panel should give consideration to these issues and make a recommendation to the Cabinet accordingly.

Options considered and rejected:

Particularly because of the high profile that this issue has among Members, Site Owners and park home residents, Officers feel that it would be inappropriate to make a decision on them without them first being considered by the Scrutiny Panel. Therefore no alternative options have been considered.

Consultation undertaken:

Site Owners and representatives of park home residents were consulted at a meeting with Officers on 17 November 2011. Apart from the owner of Woodbine Close and Breach Barns in Waltham Abbey and any representative of the residents on the Woodbine Close site, all the sites were represented. All Site Owners and residents' representatives received a draft copy of this Report and their comments are attached as an Appendix.

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

Land: Nil

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

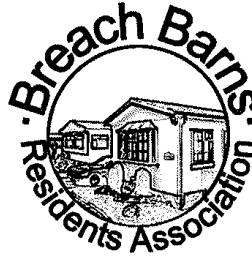
Background papers: Standard Licence Conditions for Permanent Residential Park Home Site Owners in Epping Forest District Council.

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

Appendix 1

Table Showing Contraventions for Each Site

Contraventions	Breach Barns	Woodbine Close	Abridge	The Elms	Ludgate	The Owl	Roydon Mill	Total
Less than 6m from neighbouring home	123	88	44	21	18	12	9	315
Less than 3m from boundary	7	4	7	3	15	4	3	43
Less than 2m from a road	22	13	1	13	0	0	0	49
Porches above 2m x 1m	26	39	20	20	10	6	10	131
Closed porches	21	31	23	18	12	3	8	116
Hedges above 2m	41	35	6	4	2	4	11	103
Fences above 2m	0	5	2	4	1	0	2	14
Decking more than 1m into separation and combustible	20	7	2	6	7	6	1	49
less than 4.5m between decking and neighbouring park home	12	2	0	4	5	4	1	28
Less than 4.5m between porch and park home	0	0	7	5	10	0	0	22



Comments on (DRAFT) Report to Housing Scrutiny Panel 31 January 2012

Recommendations/Decisions Required

P.3 1 a) Smoke Detection

We agree that residents be allowed to install one battery operated alarm in the porch and one in the home.

On P.5 ~~(8)~~(9) Essex Fire Service have been satisfied in the past with installing one battery operated alarm in the home regardless of the porch.

Batteries discharge and become inoperable; however we have had long power cuts into and sometimes throughout the night in recent years which would make mains operated alarms useless.

On P.5 (12) as pointed out this is not a measure to prevent spread of fire, just a warning to individuals. There is no condition in our Home Insurance policies that stipulates we have to install an alarm.

1 b) Fences

We agree

1 c) Hedges

We agree

2 We support option b)

Ref. P.6 (17) Comments made by a site owner regarding the likelihood that decking will take a long time to ignite and on P. 7 (23) the impracticality of application of fire retardant products to decking in any enforceable manner.

We support the comments made on P.7 ~~(20)~~ (i) (ii) and (iii) as a sensible way forward.

P.4 3. We support option b)

We would like to emphasise again the outstanding record of safety on Breach Barns Park since its inception in the 1960's and the low number of fires resulting in destruction of a home and no injuries.

Most of the porches, fences, hedges and decking have been in existence for many years and residents are well aware of measures that need to be taken to keep their homes safe.

We would like the site licence conditions to be based on common sense decisions regarding risk.

NB. para nos. amended by hand by virtue of new paragraph 6. being inserted in draft report after its circulation to residents associations and site owners

Further comments from Breach Barns Residents Association submitted May 2012

Our position on porches and decking remains as it was when we last submitted comments. Our fences and hedges have already been dealt with.

We would like to emphasise again the outstanding record of safety on Breach Barns Park since its inception in the 1960's and the low number of fires resulting in destruction of a home and no injuries resulting.

Most of the porches and decking have been in existence for many years and residents are well aware of measures that need to be taken to keep their homes safe.

We would like the site licence conditions to be based on common sense decisions regarding risk.

11 January 2012

My name is Estelle Martin and I speak on behalf of the residents at Ludgate House.

To say that our residents are upset with the latest developments is an understatement. Shocked, angry and distressed would be a better description. Like everybody else, they were under the impression that matters had been resolved and were looking forward to living a stress-free existence in a peaceful environment. However, it now appears that this is not going to be the case yet again. Their premises have been lovingly decorated and improved over the years and to find that this is now under threat is causing a great deal of anxiety and stress. They only ask to be left in peace to enjoy their properties and surroundings.

I cannot see how our premises differ from a bricks and mortar property where decking and porches are concerned. Most of these properties now have decking in their gardens but would the Council take such a stance in those circumstances? I think not. We take pride and care in our properties and would not put ourselves or any other resident at risk. I would say that we are most vigilant where this is concerned.

If such structures had to be removed, this would put residents to a great deal of expense, most of whom could not afford to replace them or make alterations, and this would seriously devalue the premises if they had to be sold in the future. Indeed, such structures have been in place for many years and a lot of these were installed by previous residents. In most cases, the decking has been installed to level off the gardens as a lot of these are built on an incline, and they also provide a safe and easy access to the gardens.

I would therefore ask that the Council not require residents to remove these structures but only to apply the rule to new premises which are erected.

E- mail response from the Site Owner of The Owls, The Elms and Ludgate Park Home Site

13 May 2012

Dear Sally

I have spoken to the Residents Associations on the Elms, Owl and Ludgate Parks.

We feel the best options would be:

C for porches

B for decking

As you are aware there is considerable anger and distress amongst the residents who feel victimised and deeply resentful of these restrictions.

Peter McMillan from the Owl, Estelle Martin from Ludgate and I would like to speak on 28 June.

Kind Regards

Dr Claire Zabell

Essex County Fire & Rescue Service



Model Standards

The Model Standards are specified by the Secretary of State under Section 5(6) of the Caravan Sites Control and Development Act 1960. The Act allows the Secretary of State to modify the Model Standards from time to time, the two most recent revisions to the standards being 1989 and 2008 respectively.

The Model Standards are considered to represent those standards normally to be expected as a matter of good practice on caravan sites, it should be remembered that the standards are minimum standards. For this reason, the Essex County Fire and Rescue Service (ECFRS) considers that the current Model Standards (2008)ⁱ should be the basis for the conditions of a new site licence.

The 2008 Model Standards were developed by the CLG following a Consultation Paper for the Office of the Deputy Prime Minister in December 2005ⁱⁱ taking into account recommendations made by the Park Homes Working Party and the Local Authority Licensing of Park Home Estates Report.

When comparing the 1989 standard and the 2008 standard in relation to separation distances and what may or may not be allowed to occupy the separating space, it is noticeable that the differences are minimal meaning little in the standards has changed in over twenty years.

Model Standards 1989	Model Standards 2008
Separation – Not less than 6m	Separation – Not less than 6m
Porches – May protrude 1m into the 6m and should be open	Porches – May protrude 1m into separation space, maximum size 1deep by 2m wide, not to exceed height of caravan. Porch must have only one door, either at the entrance to the home or on the porch
Eaves, Drainpipes and Bay Windows – May protrude into 6m space providing that the separation between adjacent units is not less than 5.25m	Eaves, Drainpipes and Bay Windows – May protrude into 6m space providing that the separation between adjacent units is not less than 5m
Ramps, Verandah's and Stairs – There should be 4.5m clear space between units, they should not face	Any Structure including steps, ramps etc. – Which extends more than 1m into the separation distance shall

each other, and if enclosed, need to be considered part of the unit and as such not protrude into the 6m space	be of non-combustible construction. There should be 4.5m clear distance between any such structure and an adjacent caravan
Garage, Shed or Covered Storage Space – Only permitted if of non-combustible construction, car ports or covered walkways not allowed within 6m space.	A Garage or Car Port – These may only be permitted within the separation distance if they are of non-combustible construction
	Windows - Where included in structures within the separation distance shall not face toward a caravan on either side
	Fences and Hedges – Where allowed and forming a boundary between adjacent caravans should be a maximum of 1m high
	Private Cars – These may be parked within the separation distances provided they do not obstruct access and are a minimum of 3m from an adjacent caravan

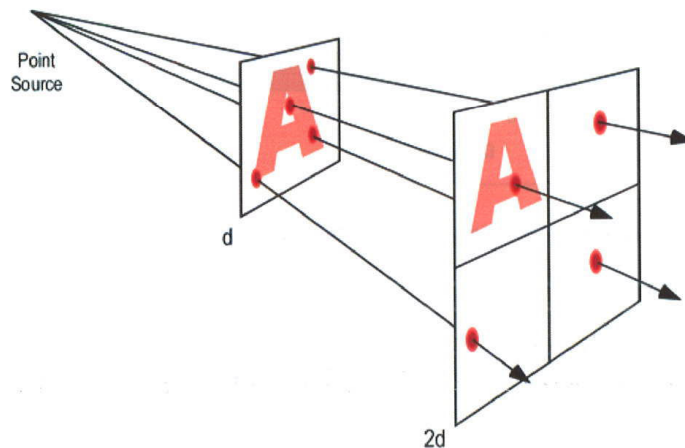
The basis of the separation distances used was testing conducted by the Building Research Establishment (BRE) in 1989, the results of which were published in the report 'Fire Spread between Park Homes and Caravans' ⁱⁱⁱ. The tests were conducted to see whether the separation distances from the previous 1977 Model Standards were still appropriate, the BRE conducted tests on both park homes and holiday caravans, here we shall concentrate on park homes.

Whilst conducting the tests, the BRE established ignition criteria for the park homes through testing samples supplied by park home manufacturers in the BRE's ISO Ignitability apparatus in order to establish a baseline for thermal radiation, the full scale tests were preceded by test burns on half caravans to establish patterns of fire development, mode of failure etc. Computer modeling was also used to estimate a radiation field around the caravan, and an investigation into a park home fire was also undertaken.

The ignitability criteria for a park home was established through testing of samples as being 17kW/m² and the ignitability criteria of other surrounding or intermediate items such as cars sheds etc. was 12.6kW/m², the latter figure is that used in The Building Regulations^{iv} to assess the appropriate separation distances for buildings.

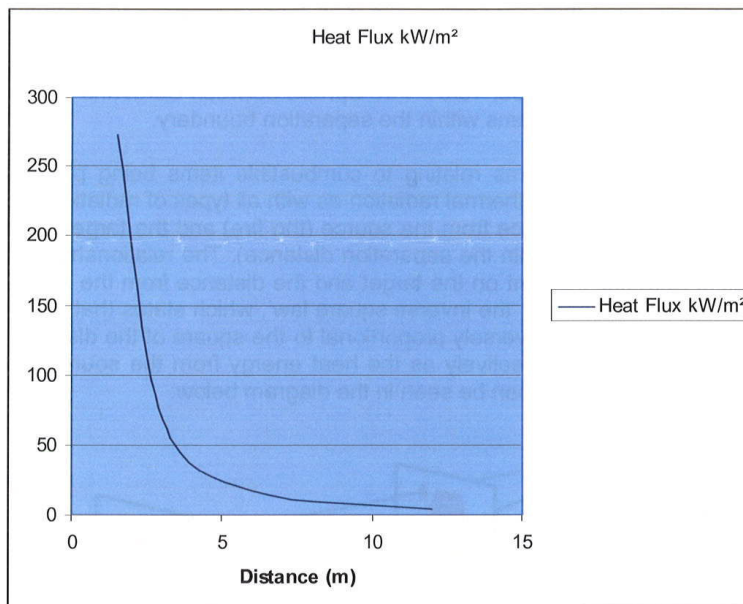
During the tests, a typical park home was burned and the heat flux levels were measured around the home, the heat flux levels indicated that the 6m spacing was still appropriate for a park home as the heat flux at this distance did not exceed 17kW/m^2 , the report also stated that 'On the basis of the fire test results it has to be presumed that any items other than those classified as incombustible within 3m of a burning caravan could ignite and be an additional source of fuel and radiation or indeed, direct flame impingement'. A paper based upon the report 'BRE Information Paper 15/91- Fire Spread between Caravans'^v includes a table of the placement of items within the separation boundary.

The reason for the concerns relating to combustible items being placed in the separation distance is that thermal radiation as with all types of radiation is highly dependent upon the distance from the source (the fire) and the target which the radiation strikes (items within the separation distance). The relationship between the radiant heat flux incident on the target and the distance from the source can be simplified and is termed 'the inverse square law', which states that the energy received by the target is inversely proportional to the square of the distance from the source of the heat, effectively as the heat energy from the source radiates from a point it diverges as can be seen in the diagram below.



As the distance increases, the area upon which the radiation is incident has increased and therefore the radiation per unit area is reduced. Conversely if the distance from the source to the target is reduced, the radiation per unit area is increased and by halving the distance, the thermal radiation incident on the target would be quadrupled. So assuming that at 6m the radiation is 17kW/m^2 at 3m, the radiation would be 68kW/m^2 , far in excess of that required to ignite timber sheds, structures, trees, bushes etc.

The relationship between heat flux and distance is shown in the graph below and of particular note is the effect of placing a target within the 6m separation distance as the heat flux incident on the target is increasing exponentially.



(Draft) Report to the Housing Scrutiny Panel 31/1/12

Porches - From Para 9.of the draft Report to the Housing Scrutiny Panel it states that the Fire Officers have agreed a variation allowing closed porches fitted with battery operated detection. This is not the case as the ECFRS have continually stated that in their opinion that the Model Standard 2008 should be the basis of any new licence. However from discussion with Epping Forest District Council we were advised that this had already been passed by the Council. In this case and whilst not agreeing to the variation it is advised that the fitting of interlinked smoke detectors either mains or battery powered would provide a degree of compensation for the increased risk arising from the Housing Scrutiny Panel accepting a variation from the Model Standard 2008.

Para.31 of the draft report acknowledges that the dimensions of a porch should be limited to 1m deep by 2m wide as required by the Model Standard 2008 2(iv)(a), but that housing officers actually consider porches as 'structures' under 2(iv)(c) despite porches having specific requirements under the previously mentioned section, 2(iv)(c) requires a clear 4.5m

space between the structure and an adjacent park home (although if it extends more than 1m into the separation distance it should be of non-combustible construction), this definition allows the porch to potentially protrude 1.5m into the 6m separation space but does not limit the width/area of the porch. This in conjunction with the external porch door that has been agreed by EFDC means that there is potential for significant storage in these 'structures', which has the potential to significantly increase fire loading of a caravan and heat flux incident on adjacent caravans. Also the enclosure of such porches may mean that appliances such as washing machines, tumble driers, fridges freezers etc will be placed within the porch and will not only add to the fire loading but also increase the possibility of ignition due to their power supplies. For this reason the ECFRS maintain the position that the Model Standards 2008 should be complied with in this area and that Porches should be considered as porches and not structures as per the definitions in the Model Standards 2008.

Fences - The Model Standard 2008 is clear that fences and hedges, where allowed and forming a boundary between adjacent caravans should be a maximum of 1m high (MS2008 2(iv)(f)), this is backed up by the BRE paper Fire Spread between Caravans discussed previously, Table 1 of the paper lists restrictions of items to be placed within the separation boundary of an adjoining occupancy, for fences it states if they are non-combustible, there is no restriction, but if they are combustible they should be restricted to 'low (1m high max.) picket fences only'. This is based upon the experimental data obtained from burning a Park home style caravan and measuring radiative heat flux profile around the home.

As identified previously, the heat flux required to ignite a park home was determined through testing to be 17kW/m², the heat flux required to ignite intermediate items such as cars, sheds, awnings, gas cylinders and fences was just 12.6kW/m², this is the same level of heat flux used to determine the separation distances of traditionally constructed buildings in order to comply with building regulations as this is the recognised temperature at which timber will ignite.

During the BRE tests the heat flux was recorded at heights of 3m and 1.8m and for a holiday caravan the recordings at 5m were 17kW/m² and 12.6kW/m² respectively and an assumption was made that intermediate items associated with a caravan were unlikely to be higher than 2m from the ground. For a Park home type caravan the heat flux profiles determined that the caravan should have greater spacing distances of 6m due to the difference in the way in which they burned and their larger heat flux profiles.

The apparent reason for restricting the fence height to just 1m is that the fences assumed to sit on a boundary between two Park homes will be just 3m from each home, and due to the exponential increase in thermal radiation with the reduction in distance from the source discussed previously any intermediate items within 3m of a caravan, other than those that are non-combustible therefore are at significant risk of ignition and will contribute both to the fire load and the radiation incident on surrounding homes. For this reason, the ECFRS are of the opinion that there should be no variation from the Model Standard 2008.

For trellis, archways and pergolas, it is clear that the same issues would apply and therefore they should not be located within the boundary unless they are constructed of non-combustible materials or conform to the requirements set out for structures in the 2008 MS 2(iv)(c).

Hedges – Hedges should be treated similarly to fences as per the Model Standards 2008 2(iv)(f) and limited in height to 1m when forming a boundary between adjacent caravans, the rationale for this has been explained previously, hedges are considered combustible.

Although the model standard does not specifically mention trees, similar to hedges trees are combustible indeed some species will burn particularly rapidly giving off significant heat radiation, which could assist fire spread between adjacent caravans.

For these reasons, ECFRS are of the opinion that there should be no variation from the Model Standard 2008 in relation to hedges and that trees represent a similar risk.

Timber Decking – It is the opinion of the ECFRS that timber decking should be considered as a structure, it will be constructed of similar materials and in a similar manner to ramps and steps that are mentioned in the Model Standard 2008 2(iv)(c)

Paragraph 13 of the draft report states that a Site Owner had commissioned a Fire Risk Assessment that stated high temperatures must be reached before decking will burn, ECFRS are in agreement with this, but it must be considered that in the event of a caravan fires high temperature are indeed reached and thermal radiation from such fires is generated at levels in excess of that required to ignite timber, this was proved empirically through experimentation by the BRE.

Sheds – These are also considered structures by the ECFRS, generally they are of lightweight timber construction, with combustible roof covering. Sheds are generally used either for storage purposes or as workshops and often contain flammable materials that will add to their fire load and

increase the radiant heat incident on neighbouring caravans, for this reason the ECFRS recommends that they should be in compliance with Model Standard 2008 2(iv)(c) & (e)

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- ⁱ Model Standards 2008 for Caravan Sites in England – Caravan Sites and Control of Development Act 1960-Section 5 (2008) Communities and Local Government
- ⁱⁱ Revising the Model Standards for Park Homes – Consultation Paper on Revised Standards and Guidance (2005) Office of the Deputy Prime Minister
- ⁱⁱⁱ Fire Spread Between Park Homes and Caravans (1989) Department of the Environment / Home Office / National Caravan Council
- ^{iv} The Building Regulations 2010 – Fire Safety Approved Document B Volume 1 Dwellinghouses (2010) HM Government
- ^v BRE Information Paper 15/91 – Fire Spread Between Caravans (1991) Building Research Establishment

**STANDARD LICENCE CONDITIONS FOR PERMANENT RESIDENTIAL PARK HOME
SITES IN EPPING FOREST DISTRICT COUNCIL**

Schedule of Conditions

General

- (i) (*name of park home site*) site is licensed for a maximum of () residential park homes;
- (ii) All residential park homes 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 park home may be occupied by numbers of persons in excess of that for which the park home was designed to accommodate.
- (iii) This licence shall only apply to that area of land in respect of which planning permission has been obtained to station park homes for permanent residential use.

1. 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 park home or combustible structure shall be positioned within 3 metres of the boundary of the site. However, any park home or combustible structure, that contravenes this condition at the date on this site licence will be allowed
- (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.

2. Density, Spacing and Parking Between Park Homes

- (i) Except in the case mentioned in sub paragraph (iii) of this paragraph and subject to sub paragraph (iv), every park home must where practicable be spaced at a distance of not less than 6 metres (the separation distance) from any other park

home which is occupied as a separate residence. However, any park home that contravenes this condition at the date on this licence will be allowed. *This condition will not apply to sites comprising just one park home.*

- (ii) No park home 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. However, any park home that contravenes this condition at the date on this licence will be allowed.
- (iii) Where a park home 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 park home may be reduced to a minimum of 5.25 metres. *This condition will not apply to sites comprising just one park home.*
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the park home 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 park home. Where a porch is installed such that there is a door to the porch and another door 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. However, porches attached to park homes which do not comply with the dimensions in this condition and that are in place at the date of this site licence will be allowed until the park 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, it may require the porch to be modified. From the date of this licence, all new porches if permitted will need to comply with this condition.
 - (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing park homes 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. *This condition will not apply to sites comprising just one park home.*
 - (c) Any structure including steps, ramps, etc (except a shed, 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 park home. *This condition will not apply to sites comprising just one park home.*
 - (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction. *This condition will not apply to sites comprising just one park home.*
 - (e) Windows in structures within the separation distance shall not face towards

the park home on either side. *This condition will not apply to sites comprising just one park home.*

(f) Fences and hedges, where allowed and forming the boundary between adjacent park homes, should be a maximum of 2 metres high. *This condition will not apply to sites comprising just one park home.*

(g) Where Park Rules allow, private cars may be parked within the separation distance provided that they do not obstruct entrances to park homes around them and they must be a minimum of 3 metres from an adjacent park home. *This condition will not apply to sites comprising just one park home.*

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

3. 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.

4. Footpaths and Pavements

(i) Every park home 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.

5. Lighting

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. *This condition will not apply to sites comprising just one park home.*

6. 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 park homes permitted to be sited under this licence.

7. 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.

8. 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 qualified person fully conversant with the relevant statutory requirements.

9. 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 qualified 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 qualified person fully conversant with the appropriate statutory requirements.

10. 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.

11. 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.

12. 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.

13. Communal Vehicular Parking

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

14. Communal Recreation Space

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. *This condition will not apply to sites comprising just one park home.*

15. 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. *This condition will not apply to sites comprising just one park home.*
- (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: *This condition will not apply to sites comprising just one park home*
- (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.

This condition will not apply to sites comprising just one park home.

16. 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.

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

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 Council.

18. 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 park home 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 park home 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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