

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Housing Scrutiny Standing Panel	Date:	Wednesday, 8 September 2010
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.30 - 10.35 pm
Members Present:	S Murray (Chairman), R Barrett, D Dodeja, Mrs A Grigg, Ms J Hart, Ms J Hedges, D C Johnson, Mrs S Jones, Mrs J Lea, L Leonard and J M Whitehouse		
Other Councillors:	K Angold-Stephens, Mrs P Brooks, Ms R Brookes, K Chana, Mrs D Collins, J Knapman, R Morgan, B Rolfe, Mrs M Sartin, Mrs P Smith, D Stallan, Ms S Stavrou, Mrs L Wagland, Mrs E Webster, C Whitbread and D Wixley		
Apologies:	Mrs M Carter (Tenants and Leaseholders Federation), Mrs R Gadsby, A Lion and Mrs J H Whitehouse		
Officers Present:	A Hall (Director of Housing), S Devine (Private Sector Housing Manager - Technical), L Swan (Assistant Director (Private Sector & Resources)), P Callaghan (Technical Officer), M Jenkins (Democratic Services Assistant), T Carne (Public Relations and Marketing Officer) and P Seager (Chairman's Secretary)		
Also in attendance:	Fire Officer S McMillan & Fire Divisional Officer A Stapleton		

18. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor D Johnson and J Whitehouse were substituting for Councillors A Lion and Mrs J Whitehouse respectively.

19. DECLARATION OF INTERESTS

- Pursuant to the Member's Code of Conduct, Councillor Mrs J Lea declared a personal interest in Item 5 of the agenda – Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites, by virtue of her brother living on a Park Home Site;
- Pursuant to the Member's Code of Conduct, Councillors D Dodeja and J Whitehouse declared a personal interest in Item 5 of the agenda – Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites, by virtue of a Member of their Group living on a Park Home Site;
- Pursuant to the Member's Code of Conduct, Councillor D Johnson declared a personal interest in Item 5 of the agenda – Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites, by virtue of having been a signatory to the Call-In of the Cabinet decision for Park Homes;
- Pursuant to the Member's Code of Conduct, Councillor Mrs P Brooks declared a personal interest in Item 5 of the agenda – Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites, by

virtue of being a resident on a Park Homes Site and Chairman of a Resident's Association;

- Pursuant to the Member's Code of Conduct, Councillor Mrs E Webster declared a personal interest in Item 5 of the agenda – Review of Proposed New Licence Conditions for Permanent Residential Park Homes Sites by virtue of her sister running a Park Homes Site;
- Pursuant to the Member's Code of Conduct, Councillor J Knapman declared a personal interest in Item 5 of the agenda – Review of Proposed New Licence Conditions for Permanent Residential Park Homes Sites by virtue of being a member of Essex County Council and Chairman of the Audit Committee;
- Pursuant to the Member's Code of Conduct Councillors Mrs M Sartin, Ms S Stavrou, B Rolfe and Mrs L Wagland declared personal interests in Item 5 of the agenda – Review of Proposed New Licence Conditions for Permanent Residential Park Homes Sites by virtue of being members of the Cabinet. They had not yet formalised an opinion on the issue but were encouraging the review; and
- Pursuant to the Member's Code of Conduct Councillor S Murray declared a personal interest in Item 5 of the agenda – Review of Proposed New Licence Conditions for Permanent Residential Park Homes Sites by virtue of having received around 25 letters from residents and at the request of residents had visited two Park Homes Sites, in addition he also declared that he knew one of the public speakers.

20. ELECTION OF VICE-CHAIRMAN

In the absence of the Vice-Chairman, the Chairman of the Panel invited nominations from the Panel Members for the appointment of a Vice-Chairman for the duration of the meeting.

RESOLVED:

That Councillor Mrs A Grigg be appointed as Vice-Chairman for the duration of the meeting.

21. TERMS OF REFERENCE

The Panel's Terms of Reference were noted.

22. REVIEW OF PROPOSED NEW LICENCE CONDITIONS FOR PERMANENT RESIDENTIAL PARK HOME SITES

The Panel received a report from Mr A Hall, Director of Housing, regarding the Review of Proposed New Licence Conditions for Permanent Residential Park Home Sites.

In April 2008, the Government produced new standards for permanent residential mobile home sites, the Model Standards 2008 for Caravan Sites in England, which provided a framework upon which councils could base the conditions they attach when re-licensing sites. At its meeting on 7 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. It was a statutory requirement for local authorities to issue licences on all their mobile homes sites and decide what, if any, conditions to attach. There were currently 16 residential, 5 agricultural and 5 holiday sites in the District.

Two aspects of this decision were called-in by five members for review by the Overview and Scrutiny Committee. The Committee meeting on 12 July 2010 considered the call-in and referred the two issues back to the Cabinet for further consideration and asked the Housing Scrutiny Standing Panel to undertake a detailed review of all the proposals and report its recommendations to the Cabinet, at the same time as the Overview and Scrutiny Committees recommendations on the call-in.

There were two specific issues related to the call-in which were:

(a) The view that Insufficient consultation had been undertaken with residents and ward members; and

(b) The view that Insufficient consideration had been given to the impact on the privacy of residents by requiring the lowering of hedges and fences to 1 metre, and requesting existing hedges/fences to remain at a maximum of 2 metres.

Following A Hall's outline of the issues involved, the Panel received presentations from seven invited speakers who spoke on behalf of site owners and residents of park home sites. Their views are summarised below:

Peter McMillan – The Owl Caravan Park

- The park had a safe record;
- Periodic fire risk assessments were carried out;
- There was no evidence of fires spreading to neighbouring properties; and
- Park homes were four times safer than other houses.

Estelle Martin – Ludgate House Mobile Home Site

- The proposed licence conditions imposed would have an impact on re-sale of park homes;
- Most properties, currently, had high fences and residents took pride in their gardens;
- In 40 years there had never been a fire at the Ludgate House site; and
- £250.00 earmarked as compensation for replacement fences was an insult.

Dr. Claire Zabell – Ludgate House Mobile Home Site

- There had been fire risk assessments carried out since April 2006;
- The assessment was updated each year by the London Fire Brigade;
- Professional practice should not apply new standards if there was no need for them;
- It was not possible to remove sheds and trees etc;
- There were trees from Epping Forest backing onto the site; and
- Fire hydrants existed on the site and were self contained boxes which anyone could use.

Peter Baines – Chairman Abridge Park Resident's Association

- Aware that old fences, felt roofs were dangerous. However there were risks with everything.
- There were 650 park homes, there had been only four fires; and
- Three of these fires were due to the structure of the homes, there was no danger to other homes.

Bernard Leverett – Woodbine Close Resident’s Association

- Represented 210 homes.
- Residents continued to worry about their future; and
- No recorded statistics supplied by the fire officers.

John Sweeney – Roydon Mill Park Resident’s Association

- Residents put through distress;
- One park homes’ site bordered the River Stort, which was open to residents with a 300 boat marina potentially infringing privacy if fences and hedges were removed; and
- Needed higher fences as can be seen from the river side.

Paul Burling – Chair The Elms Resident’s Association

- The Cabinet on 7 June 2010 were not made aware of all the issues;
- There were no residents’ representations made at the Cabinet meeting;
- The Elms Park was similar to a suburb, the licence standards should not be imposed retrospectively, this may amount to discrimination; and
- Old cars cannot be made illegal because they did not have modern safety features.

The Divisional Officer A Stapleton and Assistant Divisional Officer S McMillan from the Essex Fire and Rescue Service answered members’ questions and stated that their prime concern was public safety. They made the following key points:

- The Fire Authority recommends that the Model Standards 2008 should be adopted in full by councils, for both new and existing park home sites, and that no deviations from the Model Standards are recommended;
- Combustible material should be reduced as much as possible between buildings. This may stop a resident from having a garden shed;
- The wider the separation between park homes the better from a fire safety point of view; and
- Enforcement was undertaken by Fire Officers on behalf of the Fire Authority.

Members were concerned about the lack of statistical evidence regarding fires at park home sites in Epping Forest.

RECOMMENDED:

(1) That the following licence conditions proposed by the Cabinet, that differ from the Model Standards 2008, be included within the Council’s proposed new site licences for both new and existing permanent residential park home in the District;

(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 in the porch and the living space of the home;

(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; and

(c) Existing porches that do not comply with the Model Standards at the date of the site licence issue be allowed to remain until either the porch or the park home is replaced, unless they pose a fire risk or danger;

(2) That the consultation undertaken by officers in respect of the proposed introduction of new licence conditions was appropriate at the time but, with hindsight, and in the light of concerns raised by, in particular, park home residents, lessons can be learnt for the future, including the fact that both park home site freeholders and leaseholders should be consulted;

(3) That in future having regard to:

(a) The Communities and Local Government's Model Standards 2008;

(b) The advice of the Fire Authority; and

(c) The views of site owners, park home residents and other agencies, expressed through the formal consultation exercise;

and subject to (1) above the Council's licence conditions for both new and existing permanent residential park home in the District be in full accordance with the Communities and Local Governments Model Standards 2008, subject to the following contraventions that take place on existing park home sites on the issue date of the licence being allowed:

(i) Park homes located within 3 metres from a site boundary;

(ii) Fences and hedges in excess of 1 metre in height;

(iii) Combustible sheds situated within the separation space between park homes;

(iv) Separation distances between park homes of less than the required 6 metres; and

(v) Park homes located within 2 metres of any roads within the site on the basis that (having regard to Paragraph 3 of the Introduction to the Model Standards 2008), it would be inappropriate to apply these conditions at existing sites on the issue date of the new licences since:

(aa) 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;

(bb) 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;

(cc) 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;

(4) That the following licence conditions set out in the Model Standards 2008 be excluded from the site licences for park home sites that comprise only one park home:

- (a) Section 2 (Density and Spacing) – Conditions (i), (iii), (iv)(b) – (iv)(q) and (v) only;
- (b) Section 5 (Lighting);
- (c) Section 7 (Communal Recreational Space); and
- (d) Section 14 (Notices and Information – Conditions (ii), (iv) and (v) only; and

(5) 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 the results of the consultation exercise be reported to the Cabinet at the same time as the Scrutiny Panel's recommendations.

23. FUTURE MEETINGS

It was noted that the next scheduled meeting of the Panel was on Thursday 28 October 2010 at 5.30p.m.

CHAIRMAN