

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF HOUSING SCRUTINY STANDING PANEL
HELD ON THURSDAY, 28 JUNE 2012
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING
AT 5.30 - 7.12 PM**

Members Present:	S Murray (Chairman), A Mitchell MBE (Vice-Chairman), K Avey, K Chana, Ms J Hart, Ms H Kane, L Leonard, Mrs J H Whitehouse and N Wright
Other members present:	Mrs J Lea, Mrs M Sartin, D Stallan, Ms S Stavrou, G Waller and C Whitbread
Apologies for Absence:	Ms G Shiell
Officers Present	A Hall (Director of Housing), L Swan (Assistant Director (Private Sector & Resources)), S Devine (Private Sector Housing Manager), M Jenkins (Democratic Services Assistant), D Gooding (Technical Officer) and S G Hill (Senior Democratic Services Officer)

1. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

There were no substitutes present.

2. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 31 May 2012 be agreed, subject to the following amendment to Minute 72 (Call-In Cabinet Decision on Fire Safety) which should read as follows:

(a) "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 fire providing all conditions were met as stated in the Cabinet decision;" and

(b) "The Housing Portfolio Holder re-affirmed that currently there was no money in the budget for replacing the carpets, but call-in members made it clear that they were asking for non-complying carpets to be removed free of charge, officers were aiming to complete this work within 4 months."

3. DECLARATION OF INTERESTS

There were no declarations of interest made pursuant to the Member's Code of Conduct.

4. TERMS OF REFERENCE

The Terms of Reference were noted.

5. NEW SITE LICENCE CONDITIONS FOR PARK HOMES SITES

The Panel received a report from Mrs L Swan, Assistant Director of Housing, regarding New Site Licence Conditions for Park Home Sites.

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." The agreed conditions included some variations to the Model Standards 2008 and also allowed for certain contraventions to remain provided they were in existence on the date the new site licence was issued. Following the Cabinet decision, good progress had been made with officers completing inspections on all of the sites and identifying contraventions to the new site Licence Conditions. The officers' inspection reports would be presented to the respective site owners explaining both the contraventions that needed rectifying and the contraventions that existed but would be allowed to remain by virtue of the Cabinet's decision.

At its meeting on 19 July 2011, the 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 expected that this would be reported to the Panel in January 2012. However, certain issues had come to light since the Cabinet meeting in April 2011, which were not specifically covered in the conditions. Officers needed determination from members on the interpretation to be adopted for these matters.

Officers had held a meeting with Park Home Site Owners and representatives of each of the site residents associations to gauge their views on the issues. At the meeting, representatives were informed that their comments would be included in the officers' report to the Panel.

(a) Porches and Smoke Detectors

The 2008 Model Standards allowed one door to either the porch or the home. Many existing park homes had two doors, between the home and the porch and between the porch and the outside. This was preferred by many residents as it improved thermal efficiency and provided extra storage. The Cabinet had agreed that two doors could be allowed, provided that mains-linked smoke detectors were installed in the porch and the living space of the home. It was found that many homes only had battery-operated smoke detectors or hard-wired smoke detectors that were not interlinked to the porch and living space as such, they did not meet the agreed specification.

Whilst the Essex Fire and Rescue Service (ECFRS) remained strongly opposed to closed porches, they advised that interlinked smoke detectors would offer a degree of compensation for the risk of deviating from the Model Standards. It was advised that the Council's Home Improvement Agency (CARE), had been provided with £20,000 of funding by the Essex Supporting People Team to provide help for older and/or otherwise vulnerable people on Park Home Sites to meet certain site licence requirements. Some of this funding could be used for providing smoke detection systems, however, not all residents qualified for this financial support.

Although ECFRS installed battery-operated smoke detectors free of charge, these formed a part of their programme for improving fire safety generally. They did not meet the requirements for the Model Standards, nor was there a requirement in the licence for provision of smoke detectors in park homes generally. It was suggested that the provision and maintenance of smoke detectors, in the home, was a personal responsibility.

At the meeting on 17 November 2011, site owners and park home residents felt that battery-operated smoke detectors were sufficient. Officers recommended where homes had a closed porch, the installation of mains powered, interlinked smoke detection with battery back-up, provided in the porch and home. Where residents preferred battery-powered detection, these could be allowed as battery powered systems as long as they were interlinked with one alarm in the porch and one in the home. These were available around £50.00 per detector. It was considered reasonable for a six month period to be allowed for this work to be carried out from the date of the licence being issued.

(b) Timber Decking

The issue under consideration was whether timber decking constituted a “structure” under the terms of the Site Licence Conditions. It had been established that there were many cases on the sites where timber decking had extended well into the separation distance between park homes. At the consultation meeting home owners were strongly of the view that decking should not be considered as a structure, and therefore not restricted in terms of size and construction. However fire officers considered decking to be a structure. They argued that fires in mobile homes generated thermal radiation at levels in excess of that required for igniting timber. ECFRS said that this was proved empirically through experimentation by the Building Research Establishment (BRE).

(c) Fences

The issue considered the definition of the term “fences.” Following the previous decision of the Cabinet, the Council’s Standard Licence Conditions stated that fences and hedges should be a maximum of 2 metres high where they formed a boundary between homes. The ECFRS had previously stated, and had re-iterated again more recently that, in its view, hedges and fences should be no more than 1 metre high in accordance with Model Standards. Site residents argued that this condition related to fencing only, and therefore other timber construction attached to fencing should remain regardless of height. Site owners and residents argued that with regard to a sloping site, a 2 metre fence was not sufficient for privacy. However planning legislation included a requirement that fences over 2 metres required planning permission, it was considered that this should apply here.

(d) Hedges

The height of fences and hedges were covered under the Site Licence Conditions, although they did not mention trees. ECFRS were of the view that although trees were not specifically mentioned, the issues regarding combustibility were the same as they were for hedges, they should not exceed 1 metre. However, at the Cabinet meeting on 18 April 2011, members agreed that the Council’s own Conditions should depart from the Model Standards in that trees were not hedges and should not be subject to height restrictions, as long as they were not a nuisance or health and safety risk. Officers recommended that common law be used as a guide, in that a hedge was considered to be a number of woody plants, in a line and when mature, so integrated as to form a screen or barrier. It was advised that site owners and representatives of residents were in agreement with this view at the meeting on 17 November.

(e) Porches

Condition 2(iv)(a) of the Council's Site Licence Conditions stated that porches must be no more than 2 metres in length and 1 metre in depth. Members had previously agreed that porches which did not comply with these dimensions at the date of the site licence would be allowed to remain until the home was replaced. Additionally officers had always considered that porches were structures and that there should be a clear 4.5 metre distance between any such structure and any adjacent park home. This was for fire safety, reducing the risk of fire spread. However, site owners and residents at the meeting on 17 November were aggrieved at this as they had incorrectly understood that it had been agreed that all conventions could stay indefinitely 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. Representatives had asked officers to relay their feelings to members. The view of ECFRS had always been that there should be no deduction from the Model Standards.

Following the officer's presentation, the Chairman requested that the three public speakers present their representations.

(i) Mr Peter McMillan (Residents' Representative)

Mr P McMillan stated in summary that:

- The licence conditions were unnecessary and costly.
- Housing officers had entered site residents' gardens during the consultation without permission.
- Site residents were not tenants, they owned their own homes.
- No fire had spread through an estate of park homes in the District in 40 years.
- Decking, porches and fences should be left alone.

(ii) Ms Estelle Martin (Residents' Representative)

Ms E Martin stated in summary that:

- Site residents were shocked, angry and distressed. It was not apparent why park homes differed from other homes made from bricks and mortars.
- Fire risk in terraced houses was greater.
- There was a cost involved in replacing porches and landscaping gardens. This process would destroy their homes and de-value their properties.
- No fire had occurred on the Ludgate House site for 40 years.
- This was a cruel and inhumane act.
- Site owners and residents would take legal action.
- The rules should only be applied to new owners and residents.

(iii) Dr. Claire Zabell (Site Owner)

- The situation was untenable for site owners.
- A site owner failing to comply would be breaking the law site residents refusing to remove decking etc would lead to the site owners being held responsible.
- Research quoted by Essex Fire and Rescue Service, and by District Council Housing officers, came from the Building Research Establishment 20 years ago. The paper was based on a scenario where 1 park home and 1 trailer were burnt. This was based on a worst case scenario. Recent research in 2008 stated that damage was not catastrophic and fire would not spread.
- There should be appropriate housekeeping of the properties concerned.

In answer to a question, the Director of Housing advised that, the local housing authority, park home licences were the Council's responsibility. If there was a major incident involving a fatality, it was possible that an inquiry would be established to examine why this had happened, and that it was possible that this would include an examination of what had been included in, and/or excluded from the Council's Licence Conditions compared to the Model Standards and taking account of the views of the ECFRS.

Some members commented that they felt that the site owners and residents seemed had expressed their views strongly, having regard to all of the issues. They perceived that they were being treated as victims, for example parked cars with fuel were more flammable than decking and fences. The issue affected quality of life, gardens were an outdoor living area.

The Housing Portfolio Holder reassured members that the length of time this issue had been under consideration by the Council was not needlessly long. He pointed out that the only reason the Panel had been requested to re-examine this again was due to the issues identified by officers, who were seeking further guidance from members, instead of simply following the previous guidance. However, he also said that the Cabinet wanted this to be resolved as soon as possible.

RECOMMENDED:

That the following interpretations of the Standard Licence Conditions for Permanent Residential Park Home Sites in Epping Forest District be recommended to the Cabinet:

(1) (a) That same guidelines be used for fences 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) That the following definition of a hedge be adopted for the purposes of the Site Licence Conditions:

“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” for the purposes of the Site Licence Conditions.

(2) (a) That mains-powered, interlinked smoke detection with integral battery pack-up should be installed by residents in all homes that have a closed porch, within 6 months of the date of the site licence. However, where home owners preferred battery-powered detection, that they be allowed to install battery powered systems provided they are inter-linked, with one alarm being placed in the porch and one in the home, within no more than 6 months of the date of the site licence; and

(b) That funding for the home owners preferred option is offered through CARE's Handyperson Service to eligible home owners, whilst available.

(3) That timber decking be regarded as a structure within the terms of Condition 2(iv)(c), but that any decking that is in place on the date the licence is issued be allowed to remain.

(4) That, porches be regarded as "structures" for the purposes of Condition 2(iv)(c) and should not be positioned closer than a 4.5 metre 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.

(5) That the Director of Housing be authorised to amend the Licence 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, and that such charges be subject to prior consultation with interested parties and a further report to the Cabinet – and that a new site licence condition covering this point shall be added stating "This Council reserve the right to charge for site licensing functions in line with future statutory legislation introduced."

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

The Chairman advised that he would give a verbal update to the forthcoming Overview and Scrutiny Committee.

7. FUTURE MEETINGS

The next scheduled meeting of the Panel would be Tuesday 24 July at 5.30p.m. It was announced that there would be an extra-ordinary Panel meeting on Tuesday 7 August at 5.30p.m. as well.