

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel

LICENSING COMMITTEE

Date

4 April 2012

Originating Service Group(s)

EDUCATION & ENTERPRISE

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Title/Subject Matter

PROPOSED MODEL STANDARDS FOR CARAVAN SITES IN ENGLAND

Recommendation

Members are recommended to:

- (i). Approve the adoption of the Model Standards 2008 for Caravan Sites in England as the basis for the licence conditions attached to caravan sites.
- (ii). Delegate authority to the Assistant Director (Regeneration) to issue licences authorising the use of land as caravan sites in accordance with the Caravan Sites and Control of Development Act 1960.
- (iii). Delegate authority to the Assistant Director (Regeneration) or nominee to apply appropriate conditions to new and existing site licences based on the New Model Standards 2008.

PROPOSED MODEL STANDARDS FOR CARAVAN SITES IN ENGLAND

1.0 PURPOSE OF REPORT

1.1 The report is intended to:

- Approve the adoption of the Model Standards 2008 for Caravan Sites in England as the basis for the licence conditions attached to caravan sites.
- Seek approval for new delegations' to the Assistant Director (Regeneration) to authorise the use of land as a caravan site in accordance with the Caravan Sites and Control of Development Act 1960
- Seek approval for the Assistant Director (Regeneration) or nominee to apply appropriate conditions to new and existing site licences.

2.0 BACKGROUND

2.1 The use of land as caravan sites is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960. Section 5(1) of the 1960 Act enables local authorities to set licensing conditions. Under the Act, most privately owned sites must be licensed by the local authority, unless exempted. A licence will be granted unless the applicant does not have relevant planning permission to operate the site or has had a licence revoked in the last three years

2.2 The Local Authority may attach conditions to the licence but these can only relate to the physical use of the site and its management. The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence. The authority may from time to time alter a site licence condition either on its own volition or upon the application of the licence holder. Previous Secretary of State standards were the "Model Standards 1989: Permanent Residential Home Sites".

2.3 In April 2008 the Department for Communities and Local Government replaced the 1989 Model Standards with the "Model Standards 2008 for Caravan Sites in England; a copy of which is produced in Appendix 1. The new model standards clarify and simplify some of the existing standards, and reflect changes in legal requirements, most notably in relation to fire safety. The annex to the Standards provides advice on the application and enforcement of the model standards when attaching conditions to licences

2.4 The Model Standards must be considered when applying licence conditions to new sites and variations to existing site licences. In the Model Standards the Department of Communities and Local Government advise that where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the local authority must have regard to the benefit the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition.

2.5 There are currently two residential caravan sites within Wolverhampton at Arthur Street, Blakenhall and Oxley Moor Road. The conditions attached to the current licences for these sites are based on the 1989 Model Standards.

3.0 LEGISLATION AND APPLICATION OF MODEL STANDARDS

- 3.1 Under Section 1(1) of the Caravan Sites and Control of Development Act 1960, subject to exemptions, land shall not be used as a caravan site without a site licence.
- 3.2 As outlined in paragraph 2.2 under section 5(1) of the 1960 Act Local Authorities may attach conditions to a site licence. Under section 5 (6) of the Act the Secretary of State may issue Model Standards which the Local Authority must have regard to in deciding what conditions to attach to a licence. The Local Authority are not limited by these Model Standards and can add extra conditions if required.
- 3.3 Under Section 8 of the 1960 Act the Local Authority may alter site licence conditions. As outlined in paragraph 2.4 if considering whether to apply the new standards the Local Authority must justify the reason for doing so. The Local Authority must also have regard to the benefit that the standard will achieve and the interests of the residents and licence holder.
- 3.4 Under Sections 7 and 8(2) of the 1960 Act a licence holder may appeal against the imposition of a condition in a licence or any proposed alteration to a condition or a refusal to alter a condition to the Magistrates Court. In considering such appeals the Magistrates will have regard to any Standards specified by the Secretary of State.
- 3.5 The new model conditions cannot be issued as a blanket policy each site should be considered on its own merits and appropriate conditions should be identified accordingly.
- 3.6 It is proposed that the Council adopts the new standards (1) as the basis for the licence conditions attached to any newly approved sites and (2) in reviewing licences and corresponding conditions for existing sites. For existing sites a formal consultation process will be undertaken with the site operator and any site residents. Failure to reach an agreement will necessitate the matter being presented to the Licensing Sub Committee for determination.
- 3.7 In respect of existing site licences annual inspections are undertaken by officers from the Environmental Health (Public Protection) Service to ensure that the site owners are complying with licensing conditions. If breaches of licensing conditions are identified during the inspection the site owner will be notified and given a reasonable time period to comply. Under Section 9 of the 1960 Act it is an offence to breach a licence condition and on summary conviction the offender can currently be fined up to £2500. If the person is convicted on two or more occasions the authority can apply to the court for revocation of the site licence. Further the Council may carry out works in default and recover from the licence holder the expenses it has reasonably incurred in doing so.

4.0 PROPOSED NEW DELEGATIONS

- 4.1 The power to issue licences authorising the use of land as a caravan site and to amend site licence conditions is currently delegated to Licensing Committee. In order to ensure that Members had sufficient capacity to deal with matters of policy or strategy Licensing and Environmental Protection Panel previously endorsed proposals to give officers delegated authority for a range of decisions in meetings of the 17.5.01 and 16.10.02.
- 4.2 On 24.9.2008 Licensing Committee approved further delegations to officers allowing other decisions which are of a routine and non technical nature to be delegated to officers. Determination and review of caravan site licences was not specified within the report.

4.3 It is proposed that officers are provided with delegated authority to agree and impose conditions on new caravan site licences or to revise existing site licences where agreement can be reached with the site operator and residents. Failure to reach an agreement will necessitate the matter being presented to the Licensing Sub Committee for determination.

5.0 LEGAL IMPLICATIONS

5.1 The statutory provisions and standards for the grant and review of caravan site licences, subject to conditions, together with appeals against and breaches of those conditions, under the Caravan Sites and Control of Development Act 1960 and Model Standards 2008 are detailed in Sections 2 and 3 of this report. **KR/22032012/X**

6.0 FINANCIAL IMPLICATIONS

6.1 There is no provision to charge for a caravan site licence.

6.2 The proposal costs contained within this report can be met through existing budgetary provisions. [JJ/21032012/O]

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

7.1 There are no equalities implications arising from this report

8.0 ENVIRONMENTAL IMPLICATIONS

8.1 There are no environmental implications arising from this report.

9.0 SHEDULE OF BACKGROUND PAPERS

Model Standards 2008 for Caravan Sites in England – Department for Communities and Local Government

Review of Decision Making Process - Licensing Committee Report (24/9/2008)

THE MODEL STANDARDS 2008 (Appendix 1)

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 caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a license 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 Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans 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) Roads shall be designed to 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) Roads shall be maintained in a good condition.

(ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

(i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.

(ii) Where practicable, 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.

6. Bases

(i) Every unit must stand on a concrete base or hard-standing.

(ii) The base 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.

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.

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 competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

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.
- (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) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

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.

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.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

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 local authority.

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 paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

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

Fire Fighting Equipment

- (iii) Where water standpipes are provided:

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

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

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

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

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

- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

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

Maintenance and Testing of Fire Fighting Equipment

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

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

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

Fire Notices

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

“On discovering a fire:

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