

# AGENDA



For a meeting of the
<b>LICENSING COMMITTEE</b>
to be held on
<b>FRIDAY, 23 MARCH 2012</b>
at
<b>11.00 AM</b>
in the
<b>COUNCIL CHAMBER, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM, NG31 6PZ</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillor Pam Bosworth (Chairman), Councillor Robert Broughton, Councillor George Chivers, Councillor Breda Griffin, Councillor Reginald Howard, Councillor Vic Kerr, Councillor Graddon Rowlands, Councillor Bob Russell (Vice-Chairman), Councillor Susan Sandall, Councillor Mrs Jean Taylor and Councillor Frank Turner
Committee Support Officer:	Lucy Bonshor 01476 40 61 20 <a href="mailto:l.bonshor@southkesteven.gov.uk">l.bonshor@southkesteven.gov.uk</a>

**Members of the Committee are invited to attend the above meeting to consider the items of business listed below.**

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**  
Members are asked to declare an interest in matters for consideration at the meeting.
- 3. MINUTES OF THE MEETING HELD ON 2ND MARCH 2012**

(Enclosure)

**4. AMENDMENTS TO THE STANDARD SOUTH KESTEVEN CARAVAN SITE LICENCE CONDITIONS IN ACCORDANCE WITH THE REGULATORY REFORM (FIRE SAFETY ORDER) 2005**

Report ENV538 from the Environmental Health Service Manager

**(Enclosure)**

**5. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT.**

# MINUTES

LICENSING COMMITTEE  
FRIDAY, 2 MARCH 2012



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## COMMITTEE MEMBERS PRESENT

Councillor Pam Bosworth (Chairman)  
Councillor Robert Broughton  
Councillor George Chivers  
Councillor Breda Griffin  
Councillor Reginald Howard

Councillor Vic Kerr  
Councillor Graddon Rowlands  
Councillor Susan Sandall  
Councillor Mrs Jean Taylor  
Councillor Frank Turner

## OFFICERS

Licensing Officer (Peter Harrison)  
Principal Lawyer (John Armstrong)  
Democratic Officer (Lucy Bonshor)

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### 30. APOLOGIES

An apology for absence was received from Councillor Russell.

### 31. DECLARATIONS OF INTEREST

None declared.

### 32. MINUTES OF THE MEETING HELD ON 6TH JANUARY 2012

The minutes of the meeting held on 6th January 2012 were agreed as a correct record.

## EXCLUSION OF THE PUBLIC

**In accordance with Section 100A(40) of the Local Government Act 1972, it was resolved that the public be excluded because of the likelihood in view of the nature of the business to be transacted that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.**

**33. DECISION TO RENEW OR REFUSE TO RENEW HACKNEY CARRIAGE DRIVER'S LICENCE**

**Decision**

**That the Committee approve the renewal of the Hackney Carriage Drivers Licence as they believe the applicant to be a fit and proper person to hold such a licence under Section 61(i)(a) of the Local Government (Miscellaneous Provisions) Act 1976.**

**The Committee were also minded to issue a strong warning to the applicant about his future conduct.**

The Licensing Officer submitted report CSL003 which concerned the renewal of a hackney carriage driver's licence. Members were being asked if they were satisfied that the person met the fit and proper test which was applied to all hackney carriage and private hire drivers following the applicants offences.

The applicant's solicitor, Mr Fraser then presented the applicant's case and detailed the background to the offences. He circulated to Members reference letters in support of the applicant.

Members asked for clarification on certain points to which the applicant replied.

The Licensing Officer then gave his closing statement and the options available to the Committee. He read out an extract of the Department of Transport Circular 2/92 and Home Office circular 13/92 relating to the offences before the Committee today.

The applicant's solicitor then gave his closing statement.

*(10.46am the Licensing Officer, applicant and applicant's solicitor then left the meeting)*

Members considered the information before them and the representations made, including the reference letters circulated by the applicant. Members were mindful of the circumstances which had lead to the offences and felt that perhaps the applicant was a victim of circumstance. It was proposed, seconded and unanimously agreed to renew the hackney carriage driver's licence.

*(10.56am the Licensing Officer, applicant and applicant's solicitor returned to the meeting)*

The Solicitor to the Committee then read out the decision of the Committee. Having considered the representations made and having regard to the references provided, the Licensing Committee have unanimously agreed to renew the hackney carriage drivers licence on the basis that they believe the

applicant to be a fit and proper person to hold such a licence under Section 61(i)(a) of the Local Government Miscellaneous Provisions Act 1976. The Committee did however wish to issue a very strong warning to the applicant as to his future conduct as previously mentioned under Home Office Circular 13/92 the applicant should have regard to the warning in terms of his future conduct.

**34. CLOSE OF MEETING**

The meeting closed at 10.58am.

## REPORT TO LICENSING COMMITTEE

**REPORT OF:** Environmental Health Service Manager

**REPORT NO:** ENV538

**DATE:** 23<sup>rd</sup> March 2012

<b>TITLE:</b>	Amendments to the Standard South Kesteven Caravan Site Licence Conditions in accordance with the Regulatory Reform (Fire Safety Order) 2005	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Committee Decision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Paul Carpenter (Deputy Leader) – Access and Engagement Portfolio	
<b>CONTACT OFFICER:</b>	David Price, Environmental Health Service Manager	
<b>INITIAL IMPACT ASSESSMENT:</b>	Not applicable	Full impact assessment Not applicable
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Local Democracy link on the Council’s website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Regulatory Reform (Fire Safety) Order 2005 Caravan Sites and Control of Development Act 1960 Model Standards (2008) for Caravan Sites in England Model Standards for Holiday Caravan Sites (1989) Model Standards for Touring Caravan Sites (1989)	

### 1. RECOMMENDATIONS

That the South Kesteven District Council Standard Caravan Site Licence Conditions be amended to reflect the requirements of Section 5 of the Regulatory Reform (Fire Safety) Order 2005. This is to ensure that where the Regulatory Reform (Fire Safety) Order 2005 applies to land, that no condition is attached to a site licence relating to any matter in which requirements or prohibitions are or could be imposed by or under the Order.

### 2. PURPOSE OF THE REPORT

Caravan sites are licensed under the Caravan Sites and Control of Development Act 1960. The Secretary of State issued Model Standards for licence conditions in 1989 and updated these in 2008 for residential caravans to include the requirements of the Regulatory Reform (Fire Safety Order) 2005. The model standards are not statutory but represent what would be expected as good practice. The Council is required to have regard to these standards when deciding what conditions to attach to a licence. The Council currently has standard licence conditions for Permanent Residential sites, Holiday Sites and Touring Caravan sites. The

Regulatory Reform (Fire Safety) Order 2005 requires that where the Order applies to land on caravan sites, that no conditions are attached to the site licence which relate to any matter which would be addressed by the Order.

The purpose of this report is to allow for the amendment of the South Kesteven Standard Caravan Site Licence Conditions to reflect this requirement.

This decision will link to the priority theme “Keeping SK clean, green and healthy” by ensuring that the standards on caravan sites are maintained and enforced by the correct enforcing authority depending on the type and area of the site.

### 3. DETAILS OF REPORT

Following the introduction of the Regulatory Reform (Fire Safety) Order 2005 (RRO) a meeting was held on 23 March 2010 with Lincolnshire Fire and Rescue and all Lincolnshire local authorities to discuss the changes in responsibility for fire safety on caravan sites (Guidance notes issued at this meeting are attached in Appendix A).

It was determined and agreed that under the Regulatory Reform (Fire Safety) Order 2005, that the Fire Service is the enforcing body for caravan site fire safety where:

- Common parts and amenity facilities are run by the site owner for the use of all residents on residential sites, and private owners of caravans on holiday sites.
- Caravans and mobile homes are let as holiday accommodation

Whilst the 1989 Model Standard for Holiday and Touring Caravan Sites will still apply, the RRO requires that the enforcement of the elements relating to fire safety on the sites described above will be the responsibility of the Fire Service. The Secretary of State has now also issued new model standards for residential sites which reflect the requirements of the RRO and it is proposed that the new Standard Licence Conditions for fire safety are based on these. The enforcement of fire safety on other sites will remain the responsibility of the local authority e.g. individual owner occupied residential caravans.

Where a mobile home/caravan is site subject to licence conditions the “responsible person” will be made aware of the areas of the site which are covered by the RRO during inspections and will be provided with a copy of the updated conditions. The RRO makes it their responsibility to decide what fire fighting equipment is required and to undertake a risk assessment for their site.

As a result of the RRO, the current licence conditions relating to fire safety need to be amended to reflect the split in enforcement between the local authority and Lincolnshire Fire and Rescue. It is proposed that the South Kesteven District Council Standard Conditions are amended to include the following:

1. **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.*
2. That the following be inserted before the licence conditions relating to fire safety;  
**Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply.** *The standards in this section only apply if the site is NOT subject to the Regulatory Reform (Fire Safety) Order 2005*

Effectuated Site owners have already been consulted on the potential change to the standard site licence conditions and no objections have been received. Lincolnshire Fire Service has also been consulted on the proposals and have no adverse comments. Extracts of the current and proposed Standard Licence Conditions for holiday, touring and residential sites are attached in the Appendix A, along with the consultation letter.

#### **4. OTHER OPTIONS CONSIDERED**

Section 5 of The Regulatory Reform (Fire Safety) Order 2005 amends the Caravan Sites and Control of Development Act 1960. If the site licence conditions are not amended they will be contrary to the requirements of the Order.

#### **5. RESOURCE IMPLICATIONS**

Caravan sites within the district are currently inspected on a regular frequency depending on their risk rating. 19 sites will be affected by the proposed new licence conditions. The amendment to the licence conditions and re-issuing of new conditions to each site will be required.

#### **6. RISK AND MITIGATION**

Failure to amend the standard licence conditions will result in the conditions which relate to fire safety being unenforceable.

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

None

#### **8. CRIME AND DISORDER IMPLICATIONS**

##### **Caravan Sites and Control of Development Act 1960**

Section 9 Provisions as to breeches of conditions

- (1) If an occupier of land fails to comply with any conditions for the time being attached to a site licence held by him in respect of the land, he shall be guilty of an offence and liable on summary conviction, to a fine not exceeding level 4 on the standard scale.

##### **Regulatory reform (Fire safety) Order 2005**

Section 32 offences

- (1) It is an offence for any responsible person or any other person mentioned in article 5(3) to:-
  - (a) Comply with any requirement or prohibition imposed by articles 8 to 22 and 38 (fire safety duties) where that failure places one or more relevant persons at risk of death or serious injury in case of fire.

#### **9. COMMENTS OF FINANCIAL SERVICES**

There are no specific financial implications arising from this report.

## **10. COMMENTS OF DEMOCRATIC AND LEGAL SERVICES**

The Caravan Sites and Control of Development Act 1960 require the Council to issue licences to caravan sites throughout the district. Under Section 5 of the Act, the Council has the power to attach conditions to the licence. Any amendments to the conditions should be based on the Model Standards for Caravan Sites in England 2008 as issued by the Department for Communities and Local Government in 2008. The Regulatory Reform (Fire Safety) Order of 2005 has changed the regulation of fire safety enforcement depending on the type of caravan site. Those affected by the proposed amendments should be clear about which parts of the relevant sites are regulated by the local authority and which parts are regulated by the Fire Service. The Fire Service should be consulted about the proposed amendments to ensure that each authority is satisfied about its duties to promote fire safety.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

Not applicable

## **12. APPENDICES:**

Appendix A

- Guidance notes on Fire Safety and Caravan Sites issued by Lincolnshire Fire Service
- Consultation letter sent to effected site owners and the Fire Service
- Relevant section relating to fire safety from the current South Kesteven District Council Standard Site Licence Conditions for Holiday, Touring and Residential Sites.
- Relevant section relating to fire safety from the proposed South Kesteven District Council Standard Site Licence Conditions for Holiday, Touring and Residential Sites.

## **Appendix A – referred to in report number ENV538**

### **Contents**

**Current Holiday Caravan Site licence conditions**

**Current Permanent Residential Caravan Site licence conditions**

**Current Touring Caravan Site licence conditions**

**Proposed Holiday Caravan Site licence conditions**

**Proposed Permanent Residential Caravan Site licence conditions**

**Proposed Touring Caravan Site licence conditions**

**Consultation letter sent to site owners**

**Email confirmation of consultation with Lincolnshire Fire & Rescue on the consultation letter sent to site owners**

**Guidance notes issued by Lincolnshire Fire & Rescue on 23/3/2010 at the joint meeting on caravan sites fire safety and the Regulatory Reform Fire Safety Order 2005**

## CURRENT HOLIDAY CARAVAN SITE LICENCE CONDITIONS

### 5. Fire Fighting Appliances

#### *Fire Points*

These should be established so that no caravan or site building is more than 30 metres from a fire point. They should be housed in a weatherproof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

#### *Fire Fighting Equipment*

Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point. There should also be a reel that complies with British Standard 5306 Part 1, Fire Extinguishing Installations and Equipment on Premises, with a hose not less than 30 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 control nozzle. Hoses should be housed in a box painted red and marked "HOSE REEL".

Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants should be installed within 100 metres of every caravan standing. Hydrants should conform to British Standard 750. Access to hydrants and other water supplies should not be obstructed or obscured.

Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point should be provided with either water extinguishers (2 x 9 litre) complying with British Standard EN3 or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

#### *Fire Warning*

A means of raising the alarm in the event of a fire should be provided at each fire point. This could be by means of a manually operated sounder; eg metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.

#### *Maintenance*

All fire alarm and fire fighting equipment should be installed, tested and maintained in working order by a competent person and be available for inspection by, or on behalf of, the licensing authority. A logbook should be kept of all tests and any remedial action.

All equipment susceptible to frost damage should be suitably protected.

### *Fire Notices*

A clearly written and conspicuous notice should be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice should include the following:

"On discovering a fire

- i. Ensure the caravan or site building is evacuated
- ii. Raise the alarm
- iii. Call the fire brigade (the nearest telephone is sited.....)
- iv. Attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interests of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment."

### *Fire Hazards*

Long grass and vegetation should be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of the caravans. The space beneath and between caravans should not be used for the storage of combustible materials.

### *Telephones*

An immediately accessible telephone should be available on site for calling the emergency services. A notice by the telephone should include the address of the site.

## **CURRENT PERMANENT RESIDENTIAL CARAVAN SITE LICENCE CONDITIONS**

### **Fire Fighting Appliances**

#### **Fire Points**

6. These must be established so that no caravan or site building is more than 30 metres from a fire point. They must be housed in a weather proof structure, easily accessible and clearly and conspicuously marked 'FIRE POINT' to the satisfaction of the Fire Prevention Officer.

#### **Fire Fighting Equipment**

7. Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes must be situated at each fire point. There must also be a reel that complies with British Standard 5306 Part 1 Fire Extinguishing Installations and Equipment on Premises, with a hose not less than 30 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 control nozzle. Hoses must be housed in a box painted red and marked 'HOSE REEL' to the satisfaction of the Fire Prevention Officer.
8. When standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants must be installed within 100 metres of every caravan standing. Hydrants must conform to British Standard 750. Access to hydrants and other water supplies must not be obstructed or obscured to the satisfaction of the Fire Prevention Officer.
9. Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point must be provided with either water extinguishers (2 x 9 litre) complying with British Standard EN3, or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump to the satisfaction of the Fire Prevention Officer.

#### **Fire Warning**

10. A means of raising the alarm in the event of a fire must be provided at each fire point to the satisfaction of the Fire Prevention Officer. This could be by means of a manually operated sounder, eg metal triangle with a striker, gong or hand operated siren. The advice of the Fire Authority must be sought on an appropriate system.

#### **Maintenance**

11. All alarm and fire fighting equipment must be installed, tested and maintained in working order by a competent person and to the satisfaction of the Fire Prevention Officer and be available for inspection by, or on behalf of, the

licensing authority. A log book must be kept to record all tests and any remedial action.

12. All equipment susceptible to damage by frost must be suitably protected to the satisfaction of the Fire Prevention Officer.

### **Fire Notices**

13. A clearly written and conspicuous notice must be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice must 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 (nearest telephone is sited .....
- iv attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment'.

### **Fire Hazards**

14. Long grass and vegetation must be cut at frequent and regular intervals to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings must be removed from the vicinity of caravans. The space beneath and between caravans must not be used for the storage of combustible materials.

### **Telephones**

15. An immediately accessible telephone must be available on the site for calling the emergency services. A notice by the telephone must include the address of the site.

## **CURRENT TOURING CARAVAN SITE LICENCE CONDITIONS**

### **14 Fire Precautions**

- a Suitable and sufficient means of fire fighting shall be provided to the satisfaction of the Lincolnshire County Fire Officer.
- b No unit should be further than 90 metres from a fire point. At each fire point there should be two extinguishers complying with British Standard EN3 having a minimum rating of 13A: together with a means of raising the alarm in the event of fire (eg a manually operated sounder, gong or hand operated siren). All fire fighting equipment susceptible to damage by frost should be suitably protected.
- c Wherever there is a likelihood of fire spreading due to vegetation catching fire, suitable beaters, of the type used by the Forestry Commission, should also be provided at each fire point.
- d The fire points should be clearly marked and easily accessible. All fire fighting equipment should be maintained in working order and kept available for use and for inspection by the licensing authority.
- e Each fire point should exhibit a conspicuous notice indicating the action to be taken in case of fire and the location of the nearest telephone. The notice should include the following:-

#### **On discovering fire**

- a Raise alarm
- b Ensure the affected unit is evacuated
- c Call the Fire Brigade (the nearest telephone is sited .....
- d If practicable, attack the fire using the fire fighting equipment provided.

## **PROPOSED HOLIDAY CARAVAN SITE LICENCE CONDITIONS**

### **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 RRFSO for inspection by residents or short stay visitors and when demanded; a copy of the risk assessment shall be made available to the local authority.

**Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply. The standards in this section only apply if the site is not subject to the Regulatory Reform (Fire Safety) Order 2005.**

### **5. Fire Fighting Appliances**

#### *Fire Points*

These should be established so that no caravan or site building is more than 30 metres from a fire point. They should be housed in a weatherproof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

#### *Fire Fighting Equipment*

Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point. There should also be a reel that complies with British Standard 5306 Part 1, Fire Extinguishing Installations and Equipment on Premises, with a hose not less than 30 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 control nozzle. Hoses should be housed in a box painted red and marked "HOSE REEL".

Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants should be installed within 100 metres of every caravan standing. Hydrants should conform to British Standard 750. Access to hydrants and other water supplies should not be obstructed or obscured.

Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point should be provided with either water extinguishers (2 x 9 litre) complying with British Standard EN3 or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

#### *Fire Warning*

A means of raising the alarm in the event of a fire should be provided at each fire point. This could be by means of a manually operated sounder; eg

metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.

### *Maintenance*

All fire alarm and fire fighting equipment should be installed, tested and maintained in working order by a competent person and be available for inspection by, or on behalf of, the licensing authority. A logbook should be kept of all tests and any remedial action.

All equipment susceptible to frost damage should be suitably protected.

### *Fire Notices*

A clearly written and conspicuous notice should be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice should include the following:

"On discovering a fire

- i. Ensure the caravan or site building is evacuated
- ii. Raise the alarm
- iii. Call the fire brigade (the nearest telephone is sited.....)
- iv. Attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interests of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment."

### *Fire Hazards*

Long grass and vegetation should be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of the caravans. The space beneath and between caravans should not be used for the storage of combustible materials.

### *Telephones*

An immediately accessible telephone should be available on site for calling the emergency services. A notice by the telephone should include the address of the site.

## **PROPOSED PERMANENT RESIDENTIAL CARAVAN SITE LICENCE CONDITIONS**

**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 RRFSO for inspection by residents or short stay visitors and when demanded; a copy of the risk assessment shall be made available to the local authority.

**Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply. The standards in this section only apply if the site is not subject to the Regulatory Reform (Fire Safety) Order 2005.**

### **Fire Fighting Appliances**

#### **Fire Points**

6. These must be established so that no caravan or site building is more than 30 metres from a fire point. They must be housed in a weather proof structure, easily accessible and clearly and conspicuously marked 'FIRE POINT' to the satisfaction of the Fire Prevention Officer.

### **Fire Fighting Equipment**

7. Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes must be situated at each fire point. There must also be a reel that complies with British Standard 5306 Part 1 Fire Extinguishing Installations and Equipment on Premises, with a hose not less than 30 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 control nozzle. Hoses must be housed in a box painted red and marked 'HOSE REEL' to the satisfaction of the Fire Prevention Officer.
8. When standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants must be installed within 100 metres of every caravan standing. Hydrants must conform to British Standard 750. Access to hydrants and other water supplies must not be obstructed or obscured to the satisfaction of the Fire Prevention Officer.
9. Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point must be provided with either water extinguishers (2 x 9 litre) complying with British Standard EN3, or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump to the satisfaction of the Fire Prevention Officer.

### **Fire Warning**

10. A means of raising the alarm in the event of a fire must be provided at each fire point to the satisfaction of the Fire Prevention Officer. This could be by means of a manually operated sounder, eg metal triangle with a striker, gong or hand operated siren. The advice of the Fire Authority must be sought on an appropriate system.

### **Maintenance**

11. All alarm and fire fighting equipment must be installed, tested and maintained in working order by a competent person and to the satisfaction of the Fire Prevention Officer and be available for inspection by, or on behalf of, the licensing authority. A log book must be kept to record all tests and any remedial action.
12. All equipment susceptible to damage by frost must be suitably protected to the satisfaction of the Fire Prevention Officer.

### **Fire Notices**

13. A clearly written and conspicuous notice must be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice must 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 (nearest telephone is sited .....)
- iv attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment'.

### **Fire Hazards**

14. Long grass and vegetation must be cut at frequent and regular intervals to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings must be removed from the vicinity of caravans. The space beneath and between caravans must not be used for the storage of combustible materials.

### **Telephones**

15. An immediately accessible telephone must be available on the site for calling the emergency services. A notice by the telephone must include the address of the site.

## PROPOSED TOURING CARAVAN SITE LICENCE CONDITIONS

### **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 RRFSO for inspection by residents or short stay visitors and when demanded; a copy of the risk assessment shall be made available to the local authority.

**Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply. The standards in this section only apply if the site is not subject to the Regulatory Reform (Fire Safety) Order 2005.**

### 14 Fire Precautions

- a Suitable and sufficient means of fire fighting shall be provided to the satisfaction of the Lincolnshire County Fire Officer.
- b No unit should be further than 90 metres from a fire point. At each fire point there should be two extinguishers complying with British Standard EN3 having a minimum rating of 13A: together with a means of raising the alarm in the event of fire (eg a manually operated sounder, gong or hand operated siren). All fire fighting equipment susceptible to damage by frost should be suitably protected.
- c Wherever there is a likelihood of fire spreading due to vegetation catching fire, suitable beaters, of the type used by the Forestry Commission, should also be provided at each fire point.
- d The fire points should be clearly marked and easily accessible. All fire fighting equipment should be maintained in working order and kept available for use and for inspection by the licensing authority.
- e Each fire point should exhibit a conspicuous notice indicating the action to be taken in case of fire and the location of the nearest telephone. The notice should include the following:-

#### On discovering fire

- a Raise alarm
- b Ensure the affected unit is evacuated
- c Call the Fire Brigade (the nearest telephone is sited .....
- d If practicable, attack the fire using the fire fighting equipment provided.

Dear Sir Madam

**CARAVAN SITES AND CONTROL OF DEVELOPEMENT ACT 1960**  
**REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

I write to consult with you and advise that due to the introduction of the above Regulatory Reform (Fire Safety) Order 2005 (RRO), changes are proposed to the fire safety conditions of current and future caravan site licences.

On 23 March 2010 a meeting was held with Lincolnshire Fire and Rescue Service where it was agreed and determined how the RRO applies to caravan sites within Lincolnshire and which authority is responsible for on site fire safety.

Please be advised all site owners have a responsibility to liaise with the Fire Authority to ensure that they understand and comply with their responsibility under the RRO. The following is a summary of the enforcing responsibilities of the Fire Service and the local authority.

**Permanent residential sites** (as appropriate depending on the site)

The licence conditions are enforceable by the local authority with the exception of where they apply to common parts, including any amenities and facilities run by the site owners for the use of all residents. Under the RRO the Fire Service is the enforcing body for common parts and shared amenities and facilities.

**Individual residential caravans**

RRO will not apply if the land upon which the caravan is situated is owned by or leased by the occupant for the use of the occupant/s. The site licence condition will apply and be enforced by the local authority.

**Touring caravan sites**

RRO will apply and any site licence conditions imposed by the local authority will be in conjunction with consultation with the Fire Service as the enforcing body for common parts, communal areas, shared amenities and facilities.

**Static holiday caravan sites**

RRO will apply and the Fire service will be the enforcing body for the common parts and shared amenities and facilities and all holiday letting run as part of the site owner's commercial enterprise. RRO would not apply to plots and caravans owned by individuals for their own use as holiday accommodation however the site licence conditions would apply in this instance and be enforced by the local authority.

**Sites of mixed use**

Any site licence conditions imposed by the local authority will be in consultation with the Fire Service who is the enforcing body for common parts, communal areas, shared amenities and facilities and pitches or holiday lettings that form part of the site owner's commercial enterprise. Where the site also comprises of privately owned holiday or residential caravans the above relevant guidance and site licence conditions would apply and be enforced by the local authority.

The proposed licence conditions changes are as follows:-

The inclusion of:

**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 RRFSO for inspection by residents or short stay visitors and when demanded; a copy of the risk assessment shall be made available to the local authority.

The statement **Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply** shall precede the site licence conditions in relation to fire safety.

Should you have any comments on the proposed licence conditions changes please contact me in writing or on the above number within 28 days from the date of this letter. Once the consultation period ends and the changes have been ratified it is proposed that they will come into immediate affect.

If you have any queries or concerns about your responsibility under the Regulatory Reform (Fire Safety) Oder 2005 I advise you contact:

**North and South Kesteven District Risk Manager  
Lincolnshire Fire and Rescue**

Harlaxton Road  
Grantham  
NG31 7SG

Telephone Number: 01476 565441

[www.lincolnshire.gov.uk/lfr](http://www.lincolnshire.gov.uk/lfr)

Yours faithfully

Kay Childs-Scott  
Environmental Protection Officer

## **KAY CHILDS-SCOTT**

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**From:** Andy Ford [andy.ford@lincoln.fire-uk.org]  
**Sent:** 02 June 2010 15:33  
**To:** KAY CHILDS-SCOTT  
**Subject:** RE: Caravan site owners consultation letter SKDC

Hi Kay

Hope you had a good week off.

We have no further comments to add to the consultation letter and are pleased to carry out any joint visits where required.

Thanks

Andy

**Andy Ford**  
**Station Manager**  
**Lincolnshire Fire and Rescue**

District Risk Manager  
North & South Kesteven  
UKISAR Coordinator Lincolnshire  
Grantham Fire Station  
Harlaxton Road  
Grantham  
NG31 7SG

Tel: 01476 565441  
Mobile: 07799 110529

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**From:** KAY CHILDS-SCOTT [mailto:K.CHILDS-SCOTT@southkesteven.gov.uk]  
**Sent:** 02 June 2010 15:22  
**To:** Andy Ford  
**Subject:** FW: Caravan site owners consultation letter SKDC

Hi Andy

Have you had time to look at the attached consultation letter yet?

I would like to send it out to all site owners as soon as possible as after the consultation period I can get our conditions amended and approved by cabinet.

Regards Kay

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**From:** KAY CHILDS-SCOTT  
**Sent:** 18 May 2010 09:01  
**To:** 'Andy Ford'  
**Subject:** Caravan site owners consultation letter SKDC

<<caravan site consultation letter.doc>>

Dear Andy

It is proposed the above letter goes to all caravan site owners for consultation before amendments are made to our site licence conditions. The site licence amendments are to go to cabinet for approval following the consultation with yourselves and the site owners.

If you have any proposed amendments to the letter please let me know by Friday if possible.

Many thanks Kay

**FIRE SAFETY**  
**ON**  
**CARAVAN SITES**



## **Aim**

To consider the issue of fire safety on caravan sites from a legal perspective.

- ❖ To establish how fire safety measures are provided for on sites
- ❖ To consider how those measures are enforced and by whom.

## **Relevant Legislation and Guidance**

Caravan Sites and Control of Development Act 1960

Regulatory Reform (Fire Safety) Order 2005

Model Standards 2008 for Caravan Sites In England

Model Standards 1989 for Touring Caravan Sites

Model Standards 1989 for Holiday Caravan Sites

Regulators Compliance Code

Code of Practice on Guidance on Regulation

Fire Safety Risk Assessment – Sleeping Accommodation Code of Practice

Designing Gypsy and Traveller Sites – Good Practice Guide 2008

**Caravan Sites and Control of Development Act 1960**

**Section 1** prohibits the use of land as a caravan site without a site licence:

*“no occupier of land shall cause or permit any part of the land to be used as a caravan site unless he is the holder of a site licence”*

Caravan site means:

*“land on which a caravan is stationed for the purpose of human habitation and the land which is used in conjunction with land on which a caravan is stationed”.*

Certain caravan sites are exempt from the need to hold a licence.

- ❖ Caravans kept within the curtailage of a dwelling house.
- ❖ County Councils
- ❖ Sites run by or approved by an organisation holding an exemption certificate.
- ❖ Travellers stopping in caravans for 1/2 nights

- ❖ Sites of 5 acres or more in which no more than three caravans are located that are occupied for no more than 28 days in a 12 month period.
- ❖ Caravan accommodation for agricultural and forestry workers
- ❖ Caravan accommodation for travelling showman.

**Section 5** Contains the power of a local authority to attach conditions to a licence as it thinks necessary or desirable to impose on the occupiers of land in the interest of the occupiers safety or that of the public at large and included in this is the power to impose conditions to ensure that:

*"proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fire fighting are provided and maintained".*

The relevant conditions to be attached will depend on the type of caravan site and which of the model standards apply. Bear in mind however that the standard will always suggest that you consult with the fire authority.

### **Regulatory Reform (Fire Safety) Order 2005**

The primary purpose of this legislation is to take a new approach to fire safety in premises to which the public have access but does not apply to private dwellings. However, residential premises are covered by the order to the extent that they comprise common parts and systems which are used by the occupants of more than one dwelling.

**NB** Where a caravan and/or the land it is situated on comprises a private residence be that permanently or on a temporary basis in that only one occupant or family have access to the caravan and/or the land upon it is situated whether by being privately owned, leased or licensed to the occupant then the RRFSO will not apply. Although the plot may be subject to licence conditions and fire safety measures enforceable through that route.

The RRFSO will apply to caravans that are holiday lets. In other words where caravans or mobile homes are rented out as holiday homes such as to comprise self catering holiday accommodation they are a business premises and the order and guidance on Sleeping Accommodation will apply.

### **How does this apply to different types of Sites**

#### **Residential caravan/mobile home sites**

Licence conditions – enforceable by the local authority  
 Except for common parts – this would include any amenity facilities run by the site owner for the use of all residents.

## **Gypsy and Traveller Sites**

Again these would be controlled as above. However none of the Model Standards appear to apply to traveller sites and it would depend on whether they were privately run, in which case if they are for permanent residential use the 2008 Model Standards would appear to be relevant or run by the local authority.

## **Holiday Caravan Parks**

Where the site owners also own the caravans and let them out to the public as holiday accommodation then this should be viewed as a business premises in just the same way as other holiday accommodation businesses.

- \* As such the RRFSO will apply and the premises should comply with the order and follow the Sleeping Accommodation Code of Practice. Whilst the 1989 Model Standard for Holiday Caravan Sites will apply the Local Authority should consult with the Fire Service when applying conditions to a licence and check whether any of the conditions are affected by the RRFSO.
- \* Enforcement on such sites will be within the remit of the Fire Service.

## **Holiday Trailer Parks**

Again these are business run by the site owner and the RRFSO will apply, although not to caravans that are privately owned and rent a pitch for a short stay. The 1989 Model Standard for Touring Caravan Sites will also apply and again conditions pertaining to fire safety should be imposed in consultation with the Fire Service as much of the enforcement will fall to the Fire Service.

## **Short Stay/Transit Traveller Sites.**

If run by the local authority these will be exempt from licensing and even private sites may be exempt if they only permit 1/2 nights stay under the exemption provided in the Act. However, if it is run as a business and a charge is made for the pitches then the RRFSO will apply to the site.

## **Advice to Site Owners**

Where there is a caravan/mobile home site subject to licence conditions then the owner should be made aware of those fire safety measures and also any responsibility they may have under the RRFSO for common parts if the site is one where the caravans are either permanent or temporary private accommodation. \* The Fire Authority should visit all sites partially or wholly subject to the RRFSO and ensure that they identify the responsible person and make them aware of their responsibilities under the Order in terms of a fire risk assessment and deciding on appropriate preventative and protection arrangements required for the site.

The Local Authority should also make the owners aware that the licence conditions alone are not their only responsibility in relation to fire safety measures and the need for them to understand their level of liability under the

RRFSO and to liaise with the Fire Authority to ensure that they understand and comply with their responsibilities under the Order. A file note should be retained to show that this has been done and that the guidance given in the 2008 Model Standards has been followed.

### **Enforcement**

Enforcement action should be taken in accordance with the relevant authority's enforcement policy and take into account the Regulators Compliance Code where this applies and the Code of Practice on Guidance on Regulation in all other cases. This will generally mean that a staged approach to enforcement will be employed first by means of an informal approach of advising and putting that advice in writing. Where this is ignored then more formal action should be considered whether in the form of enforcement notices or prosecution.

Where the action involves prosecution by the local authority for failure to comply with the conditions of a licence in relation to fire safety matters then the Fire Authority should be asked to visit the site and provide an expert witness statement as to the fire hazards caused by the breach of licence conditions.

Where, however, the breach of licence or of the RRFSO results in or presents a clear and apparent danger of physical harm to either those occupying the site or visitors to the site, then consideration should be given to appropriate formal action consistent with the harm caused or likely to be caused by the breach.

### **Caravan Sites and Control of Development Act 1960**

#### **Section 9 Provisions as to breaches of condition**

- (1) If an occupier of land fails to comply with any condition for the time being attached to a site licence held by him in respect of the land, he shall be guilty of an offence and liable on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (2) Where a person convicted under this section for failing to comply with a condition attached to a site licence has on two or more previous occasions been convicted thereunder for failing to comply with a condition attached to that licence, the court before whom he is convicted may, if an application in that behalf is made at the hearing by the local authority in whose area the land is situated, make an order for the revocation of the said site licence to come into force on such date as the court may specify in the order, being a date not earlier than the expiration of any period within which notice of appeal (whether by case stated or otherwise) may be given against the conviction<sup>1</sup> and if before the date so specified an appeal is so brought the order shall be of no effect pending the final determination or withdrawal of the appeal.

The person convicted or the local authority who issued the site licence may apply to the magistrates' court which has made such an order revoking a site licence for an order extending the period at the end of which the revocation is to come into force, and the magistrates' court may, if satisfied that adequate notice of the application has been given to the local authority or, as the case may be, the person convicted, make an order extending that period.

(3) Where an occupier of land fails within the time specified in a condition attached to a site licence held by him to complete to the satisfaction of the local authority in whose area the land is situated any works required by the condition to be so completed, the local authority may carry out those works, and may recover as a simple contract debt in any court of competent jurisdiction from that person any expenses reasonably incurred by them in that behalf.

[Caravan Sites and Control of Development Act 1960, s 9 as amended by the Courts Act 1971, Sch 8 and the Criminal Justice Act 1982, ss 35, 38 and 46.]

## **Regulatory Reform (Fire Safety) Order 2005**

### **Section 32 Offences**

(1) It is an offence for any responsible person or any other person mentioned in article 5(3) to—

(a) fail to comply with any requirement or prohibition imposed by articles 8 to 22 and 38 (fire safety duties) where that failure places one or more relevant persons at risk of death or serious injury in case of fire;

•

(b) fail to comply with any requirement or prohibition imposed by regulations made, or having effect as if made, under article 24 where that failure places one or more relevant persons at risk of death or serious injury in case of fire;

•

(c) fail to comply with any requirement imposed by article 29(3) or (4) (alterations notices);

•

(d) fail to comply with any requirement imposed by an enforcement notice;

(e) fail, without reasonable excuse, in relation to apparatus to which article 37 applies (luminous tube signs)—

(i) to ensure that such apparatus which is installed in premises complies with article 37(3) and (4);

(ii) to give a notice required by article 37(6) or (8), unless he establishes that some other person duly gave the notice in question;

(iii) to comply with a notice served under article 37(9).

(2) It is an offence for any person to—

(a) fail to comply with article 23 (general duties of employees at work) where that failure places one or more relevant persons at risk of death or serious injury in case of fire;

(b) make in any register, book, notice or other document required to be kept, served or given by or under, this Order, an entry which he knows to be false in a material particular;

(c) give any information which he knows to be false in a material particular or recklessly give any information which is so false, in purported compliance with any obligation to give information to which he is subject under or by virtue of this Order, or in response to any inquiry made by virtue of article 27(1)(b);

(d) obstruct, intentionally, an inspector in the exercise or performance of his powers or duties under this Order;

(e) fail, without reasonable excuse, to comply with any requirements imposed by an inspector under article 27(1)(c) or (d);

(f) pretend, with intent to deceive, to be an inspector;

(g) fail to comply with the prohibition imposed by article 40 (duty not to charge employees);

(h) fail to comply with any prohibition or restriction imposed by a prohibition notice.

(3) Any person guilty of an offence under paragraph (1)(a) to (d) and (2)(h) is liable—

(a) on summary conviction to a fine not exceeding the statutory maximum; or

•

(b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both.

(4) Any person guilty of an offence under paragraph (1)(e)(i) to (iii) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Any person guilty of an offence under paragraph (2)(a) is liable—

•

(a) on summary conviction to a fine not exceeding the statutory maximum; or

•

(b) on conviction on indictment, to a fine.

(6) Any person guilty of an offence under paragraph (2)(b), (c), (d) or (g) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (7) Any person guilty of an offence under paragraph (2)(e) or (f) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Where an offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of that offence, and is liable to be proceeded against and punished accordingly.
- (9) Where the affairs of a body corporate are managed by its members, paragraph (8) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (10) Where the commission by any person of an offence under this Order, is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.
- (11) Nothing in this Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of—
- (a) an employee of his; or
  - (b) a person nominated under articles 13(3)(b) or 15(1)(b) or appointed under 18(1).