

REPORT TO LICENSING COMMITTEE

REPORT OF: Environmental Health Service Manager

REPORT NO: ENV538

DATE: 23rd March 2012

TITLE:	Amendments to the Standard South Kesteven Caravan Site Licence Conditions in accordance with the Regulatory Reform (Fire Safety Order) 2005	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Committee Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter (Deputy Leader) – Access and Engagement Portfolio	
CONTACT OFFICER:	David Price, Environmental Health Service Manager	
INITIAL IMPACT ASSESSMENT:	Not applicable	Full impact assessment Not applicable
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council’s website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	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 breaches 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.