

5 October 2016

Committee	Licensing
Date	Thursday, 13 October 2016
Time of Meeting	2:30 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



Item	Page(s)
3. DECLARATIONS OF INTEREST	
<p>Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.</p>	
4. MINUTES	1 - 20
<p>To approve the Minutes of the Licensing Committee meeting held on 16 June 2016; the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) meetings held on 16 June and 1 September 2016; and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 16 June and 1 September 2016.</p>	
5. MOBILE HOMES AND CARAVAN SITES LICENSING POLICY	21 - 65
<p>To approve the draft Mobile Homes and Caravan Sites Licensing Policy for a 12 week consultation with the public and relevant parties.</p>	
6. SEPARATE BUSINESS	
<p>The Chairman will move the adoption of the following resolution:</p> <p>That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.</p>	
7. SEPARATE MINUTES	66 - 71
<p>To approve the separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 16 June and 1 September 2016.</p>	

DATE OF NEXT MEETING
THURSDAY, 9 FEBRUARY 2017
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: Mrs K J Berry, Mrs G F Blackwell, G J Bocking, Mrs J E Day, A J Evans, R Furolo, R E Garnham (Chair), Mrs P A Godwin, Mrs J Greening (Vice-Chair), Mrs R M Hatton, Mrs A Hollaway, A S Reece, H A E Turbyfield, M J Williams and P N Workman

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 16 June 2016 commencing
at 2:30 pm**

Present:

Chair
Vice Chair

Councillor R E Garnham
Councillor Mrs J Greening

and Councillors:

G J Bocking, Mrs J E Day, A J Evans, R Furolo, Mrs P A Godwin, Mrs R M Hatton, A S Reece,
H A E Turbyfield, M J Williams and P N Workman

LIC.3 ANNOUNCEMENTS

3.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4.1 Apologies for absence were received from Councillors Mrs G F Blackwell and Mrs A Hollaway. There were no substitutions for the meeting.

LIC.5 DECLARATIONS OF INTEREST

5.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

5.2 There were no declarations made on this occasion.

LIC.6 MINUTES

6.1 The Minutes of the Licensing Committee meetings held on 11 February and 17 May 2016 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 4 February 2016, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.7 REVIEW OF HACKNEY CARRIAGE TARIFF

7.1 The report of the Licensing and Systems Officer, circulated at Pages No. 7-11, asked Members to conduct the annual review of the hackney carriage tariff. It was recommended that the current tariff be renewed until 31 July 2017.

7.2 Members were informed that Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allowed a District Council to fix and vary a table of fares for hackney carriages in the area. There were four hackney carriage vehicles in operation in Tewkesbury Borough. The current tariffs, attached at Appendix A to the report, had come into effect on 18 July 2014. The Licensing and Systems Officer confirmed that there had been no significant changes in the last 12 months which would affect the tariff and no complaints from members of the public. All licensed proprietors and drivers of hackney carriages in the Borough had been contacted in March 2016 inviting them to make suggestions regarding the amendment of the current tariff; no responses had been received from the proprietors and this was taken to mean that they were happy with the current tariff in operation. There had been no increase in the fuel prices in the South West region since the tariff was last reviewed and the consumer price index, the Government's target measure of inflation, was at 0.03% in April 2016.

7.3 Having considered the information provided, it was

RESOLVED That the current hackney carriage tariff be renewed until 31 July 2017.

LIC.8 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

8.1 The report of the Licensing and Systems Officer, circulated at Pages No. 12-55, informed Members of the outcomes of the consultation on the revised draft Hackney Carriage and Private Hire Licensing Policy. Members were asked to recommend to Council that the draft policy be adopted.

8.2 The Chair indicated that some private hire drivers may have applied to Tewkesbury Borough Council for a licence as, historically, it had been viewed as a 'soft touch' compared to other licensing authorities. He did not feel that this was the case and the Licensing and Systems Officer explained that the criteria around being defined as 'fit and proper' was being tightened within the revised policy, for example, through the introduction of a language test. In addition, the Borough Council was the first local authority within Gloucestershire to introduce safeguarding training for its drivers and to consider social services information alongside the Disclosure and Barring Service (DBS) certificates and driving records of applicants. He explained that the perception may partially be due to Tewkesbury Borough Council having no vehicle age limit within its policies whereas neighbouring authorities such as Cheltenham Borough and Gloucester City Councils did impose limits. The main reason for this was that a lot of the private hire drivers within the Borough provided school transport and many drove modified vehicles to carry disabled passengers. There was a significant cost associated with this and it was not felt that it would be fair to impose an age limit which would mean those vehicles had to be replaced, provided they were still roadworthy. The Legal Adviser indicated that, from a legal perspective, the Council's licensing policies were robust and would be made even stronger if the proposed revisions were approved.

8.3 On 11 February 2016, the Licensing Committee had approved the revised draft Hackney Carriage and Private Hire Licensing Policy for a six week consultation. The consultation had commenced on 18 March 2016 and had been published on the Council's website. Letters had been sent to all responsible authorities and neighbouring authorities, as well as licenced drivers and operators, inviting them to take part. Members were advised that a QR code had been included on the letters which, when scanned, took the consultee directly to the consultation and this had been very well received. Five responses had been submitted during the consultation, all of which were from the taxi and private hire trade in the Borough. The responses were attached at Appendix B to the report.

- 8.4 The Chair indicated that a Licensing Sub-Committee meeting had been held earlier that day and had brought to light a potential issue within the draft policy. He explained that, with regard to major traffic offences, the policy currently stated that more than one conviction would require the application to be referred to the Licensing Sub-Committee for a decision; however, the Sub-Committee had felt that this was insufficient as offences of this nature should result in the application being determined by the Sub-Committee. It was therefore agreed that Appendix E, Paragraph 9, be amended as follows:

Major traffic offences

1. ~~Isolated convictions, without disqualification, for a major traffic offence should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence but will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one.~~ Any conviction for a major traffic offence within the last two years would require the application, or an existing licence holder, to be referred to the Licensing Sub-Committee for a decision. No further application would normally be considered until a period of three years free from convictions has elapsed. Where an application has been refused, or an existing licence holder suspended because of this provision, they may be required to pass the DVSA Taxi and Private Hire Assessment before the licence is granted or the suspended licence reinstated.
- 8.5 With regard to the comments that had been received during the consultation, the Licensing and Systems Officer indicated that it was not proposed to make any significant amendments to the revised policy and he undertook to go through each one in turn to explain how they had been considered by Officers. The first consultation response made reference to the language test and whether this was necessary for private hire drivers given that they were under the control of their operator and were equipped with communication and guidance systems. The Licensing and Systems Officer explained that there was an expectation that licensed drivers should have good communication skills in order to converse with their passengers. Furthermore, without a basic knowledge of the language, it could be difficult to communicate any safeguarding issues with the local authority and there was often a reluctance to report any other matters if there was a language barrier. He clarified that the test was a basic speaking test and did not involve any writing. In response to a query, Members noted that, whilst there was no intention to introduce a reading test, drivers did have to have certain skills in order to pass the mandatory safeguarding training. This was not discriminatory as it was in the interest of public safety for drivers to have a basic understanding of the English language. There were no set criteria for assessing someone's speaking ability and, as such, that would be considered on a case by case basis. A Member queried whether a hackney carriage or private hire driver's licence would be granted to someone with an international driving licence. The Licensing and Systems Officer explained that applicants were required to hold a Driver and Vehicle Licensing Agency (DVLA) licence for at least three years. An EU licence could not technically be refused but it would only be valid for one year so the applicant would be required to convert to a DVLA licence. Clarification was provided that the DVLA oversaw the process for issuing licences; the Licensing Authority would not be advised whether the licence had been converted.

- 8.6 The first consultation response also made reference to vehicle testing and suggested that an MOT valid for one year was sufficient for vehicles over five years old. The Licensing and Systems Officer clarified that there was no charge for vehicle testing; drivers could take their vehicle to any MOT testing station, there was no specific Council owned or operated garage. The draft policy set out that vehicles over six years old would be required to undertake two MOT tests each year; this was important as taxi vehicles tended to cover significantly more miles than normal cars and, as there was no age limit for vehicles, it was important to have assurance that vehicles were roadworthy at all times. The consultation response also suggested that more leniency should be taken with people who had been prosecuted for drink driving offences. The Licensing and Systems Officer advised that drink driving was a very serious offence with potentially devastating consequences and needed to be treated as such. Notwithstanding this, it was very rare that an application would be refused outright; applicants would have the opportunity to appear before the Licensing Sub-Committee and explain the circumstances surrounding their convictions.
- 8.7 The second response made reference to Paragraph 2.8 which stated that security and CCTV was allowed, however, in Paragraph 16 it stated that the Council had to be notified when such equipment was installed. The Licensing and Systems Officer indicated that a slight amendment to Paragraph 2.8 was proposed to provide greater clarification as follows:
- Paragraph 2.8 Security and CCTV**
- There is no mandatory requirement for CCTV system in the licensed vehicles. Operators and drivers may install such equipment with prior written notification being supplied to the Council. Use of CCTV must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 1998. It is the responsibility of the driver/operator to ensure compliance. **No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the Council.**
- 8.8 The consultation response also mentioned that the section regarding insurance made clear that the vehicle could only be used for work whilst being driven by a licensed driver, however, it was believed that the vehicle could previously be driven at any time by the licensed driver e.g. socially. The Licensing and Systems Officer explained that this was a misconception and had never been allowed. There was case law from 1997 where the judgement had been quite clear that only licensed drivers could drive licenced vehicles. In response to a query, Members were advised that removing the licence plates was an offence and would render the insurance invalid. This issue had been debated in parliament as there were a number of insurance and public safety consequences. The final point within the consultation response related to the taxi ranks within Tewkesbury Town; Members were informed that this was governed by County Highways and was not something which could be addressed within this policy.
- 8.9 The third consultation response raised concern that drivers now had to renew their licences for a period of three years, as opposed to 12 months. The Deregulation Act 2015 had introduced a number of important changes to the Licensing Act 2003, one of which was extending the standard duration of a taxi or private hire licence to three years. A shorter period could be considered but it was not possible to have a blanket policy of granting licences for less than three years. This was clearly set out within the draft policy at Paragraph 3.12 – Grant and renewal of licences.

8.10 The fourth consultation response raised concern regarding safety issues in relation to space and parking at Alderman Knight School. Whilst this was not relevant to the policy, the Licensing and Systems Officer undertook to raise this with the appropriate group. The final response set out that the respondent's GP had been unhappy about signing a document giving an opinion on his ability to drive. The Licensing and Systems Officer clarified that GPs were not asked to make judgements on their patient's ability to drive, rather they were asked to assess whether or not they met the criteria for the Group 2 medical standards. If they did not, they would be required to appear before a Licensing Sub-Committee. The response also questioned why a DBS check was required upon renewal and Members were advised that, under the Rehabilitation of Offenders Act 1974, taxi and private hire drivers were required to disclose all convictions and cautions that would previously have been regarded as spent. As taxi and private hire drivers often worked with vulnerable children and adults it was important that their DBS certificates were up to date and the Council's policy was in line with the Department for Transport's recommendation that local authorities carry out checks every three years.

8.11 Having considered the information provided and views expressed, it was

RESOLVED

That it be **RECOMMENDED TO COUNCIL** that the revised draft Hackney Carriage and Private Hire Licensing Policy be **APPROVED** subject to the following amendments:

- **Paragraph 2.8 Security and CCTV**

There is no mandatory requirement for CCTV system in the licensed vehicles. Operators and drivers may install such equipment with prior written notification being supplied to the Council. Use of CCTV must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with the Data Protection Act 1998. It is the responsibility of the driver/operator to ensure compliance. **No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the Council.**

- **Appendix E, Paragraph 9**

Major traffic offences

1. ~~Isolated convictions, without disqualification, for a major traffic offence should not prevent an applicant from gaining a licence or an existing licence holder from keeping their licence but will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one.~~ Any conviction for a major traffic offence within the last two years would require the application, or an existing licence holder, to be referred to the Licensing Sub-Committee for a decision. No further application would normally be considered until a period of three years free from convictions has elapsed. Where an application has been refused, or an existing licence holder suspended because of this provision, they may be required to pass the DVSA Taxi and Private Hire Assessment before the licence is granted or the suspended licence reinstated.

LIC.9 SEPARATE BUSINESS

9.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.10 SEPARATE MINUTES

10.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meeting held on 4 February 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 3:10 pm

LSB/A.4 APPLICATION FOR GRANT OF A CLUB PREMISES CERTIFICATE FOR NORTON RUGBY FOOTBALL CLUB

- 4.1 The report of the Licensing and Systems Officer, circulated at Pages No. 1-48, outlined an application for the grant of a club premises certificate in respect of Norton Rugby Football Club. The Licensing Sub-Committee was asked to determine the application taking such steps, if any, as it considered appropriate for the promotion of the licensing objectives.
- 4.2 The Licensing and Systems Officer explained that, since the publication of the report, further information had emerged in relation to the application. A complaint had been received two days earlier alleging that the Norton Rugby Football Club was regularly organising events and carrying out licensable activities, including the sale of alcohol, without any authorisation under the Licensing Act 2003. Authorisation included a premises licence, a temporary events notice or a club premises certificate. Section 136 (1) of the Licensing Act 2003 made it an offence to carry out, or attempt to carry out, a licensable activity otherwise than in accordance with an authorisation and the maximum penalty for a conviction was currently set at £20,000. Given that the complaint was very recent, Officers considered that further investigation was necessary and this could be prejudiced should the Licensing Sub-Committee determine the application today. On that basis, it was requested that the application be deferred until the investigation was complete or the matter disposed.
- 4.3 The Chair indicated that his view was that the application should be deferred in accordance with Officer advice, and it was subsequently

RESOLVED That the application be **DEFERRED** until the investigation into the complaint that Norton Rugby Football Club was regularly organising events and carrying out licensable activities, including the sale of alcohol, without any authorisation under the Licensing Act 2003, was complete or the matter was disposed.

The meeting closed at 11:40 am

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 1 September 2016 commencing at 11:30 am

Present:

Chair

Councillor Mrs J Greening

and Councillors:

Mrs G F Blackwell and Mrs P A Godwin

LSB/A.5 ELECTION OF CHAIRMAN

5.1 It was proposed, seconded and

RESOLVED That Councillor Mrs J Greening be appointed as Chair for the meeting.

LSB/A.6 ANNOUNCEMENTS

6.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/A.7 DECLARATIONS OF INTEREST

7.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

7.2 There were no declarations made on this occasion.

LSB/A.8 APPLICATION FOR GRANT OF A CLUB PREMISES CERTIFICATE FOR NORTON RUGBY FOOTBALL CLUB

8.1 The report of the Licensing and Systems Officer, circulated at Pages No. 1-48, outlined an application for a club premises certificate in respect of Norton Rugby Football Club, Norton Village Hall. The Licensing Sub-Committee was asked to determine the application, taking such steps, if any, as it considered appropriate for the promotion of the licensing objectives.

8.2 The Chair asked all parties present to identify themselves and explained the procedure which would be followed by the Sub-Committee. The Licensing and Systems Officer advised that the application had been deferred by the Licensing Sub-Committee at a hearing on 16 June 2016 pending the completion of an enforcement investigation. Confirmation was provided that the investigation had been completed and the matter disposed so the Licensing Sub-Committee was now able to determine the application.

- 8.3 Members were informed that, on 2 May 2016, an application had been received under Section 71 of the Licensing Act 2003 for the grant of a club premises certificate in respect of Norton Rugby Football Club. The application sought permission for indoor sporting events; live music or similar activities; recorded music or similar activities; and supply of alcohol between the hours of 16:00 and 00:00 Monday to Friday and 10:00 and 00:00 Saturday and Sunday. The application set out that the premises would be open to members and guests between 16:00 and 00:00 Monday to Friday and 10:00 and 00:00 on Saturday and Sunday. The applicant had also applied for non-standard timings during Cheltenham race days, with the opening time and licensable activities commencing at 08:00 hours, and on Bank Holidays when the opening time and licensable activities would be extended by an hour. The application was attached in full at Appendix A to the report with the Club Constitution attached at Appendix B. Officers had drafted a number of conditions for inclusion on the club premises certificate, if the application was granted. The conditions were considered to be consistent with the steps the applicant intended to take to promote the licensing objectives, as identified in the Operating Schedule accompanying the application. These conditions related to the building and car park being protected with sensor activated flood lighting; no money or alcohol being stored on the site overnight; premises access being checked and maintained regularly; fire and safety equipment being checked and maintained regularly; promotion of non-alcoholic beverages; a nominated person being responsible for routine monitoring when regulated entertainment was taking place to ensure that external levels of music were not disturbing to nearby residential properties; adoption of the Challenge 25, or equivalent scheme, so that any customer attempting to purchase alcohol who appeared to be under the age of 25 would be asked for an accredited photographic proof of their age and that a sale would not be made unless that evidence was produced; children being accompanied by a responsible adult; and a refusals and incident register being maintained on the premises. No other responsible authorities had made representations about the application.
- 8.4 During the consultation, three representations had been received from members of the public who wished to object to the grant of the application on a number of grounds. Copies of the representations were attached at Appendix C to the report. The representations mainly referred to crime and disorder and public nuisance but, in general, they addressed all licensing objectives. The Sub-Committee was reminded that it was obliged to determine the application with a view to promoting the licensing objectives of the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. In making its decision, regard must be had to the statutory guidance and the Council's own licensing policy, as well as the representations made and the evidence provided at the meeting. The Sub-Committee was advised that it could resolve to grant the application as requested; to modify the conditions and/or timings of the licensable activities, by altering, omitting or adding to them; or, to reject the whole, or part, of the application. If the application was granted in whole or in part, relevant mandatory conditions would be included in the club premises certificate under Section 19 and 19A of the Licensing Act 2003.
- 8.5 As there were no questions for the Licensing and Systems Officer, and no responsible authorities were present, the applicant's representatives were invited to present their case to the Sub-Committee. The Treasurer of Norton Rugby Football Club (RFC), Niall Hyndman, explained that the Club had been formed in 2011 by a handful of locals who had recognised that people from the local area were travelling all over Gloucestershire to play rugby, which was of no value to the local community. Norton RFC was the only sporting facility in the area for males over 17 and it followed the Rugby Football Union's values of teamwork, respect, enjoyment,

discipline and sportsmanship. The club had been fortunate enough to win promotion to Gloucester League 3 of the South West Division for the 2016/17 season. When the club had been established in 2011, the Parish Council and community had granted use of Norton playing field but there were no other facilities. Since that time, in conjunction with the Parish Council and community, the club had signed 50 players, 75% from within a two mile radius of the local area; secured £140,000 funding for improvements to the Village Hall; raised £20,000 in sponsorship from national and local businesses; donated £4,000 to chosen charities; helped its players with employment opportunities to allow them to stay in the local area; held training with Gloucester Rugby Football Club and given players the opportunities to meet current and future international rugby stars; and encouraged local families to stay in the area each weekend and continue to fund local businesses. A club premises certificate would be the final piece of the puzzle in terms of offering a social hub for the local community, not just the rugby team. It would mean that the club and the Parish Council could fully utilise its facilities, both for financial and social benefit, by providing a well-managed, licensed bar for players and supporters of the club. Assurance was provided that it would only be available to members and their signed-in guests and all licensing laws would be strictly adhered to.

- 8.6 A Member questioned whether there was any intention to open up the bar as a competitive drinking venue in the future. In response, the Club Treasurer confirmed that the licence would be used exactly as it had been applied for. He explained that Norton RFU rented the Village Hall facility from the Parish Council and was bound by its terms and conditions of hire. The Chair of Norton Parish Council clarified that the Village Hall was governed by a Village Hall Management Committee rather than by the Parish Council. A Member noted that the terms of hire stated that the premises must be vacated by 00:00 and she questioned whether this would conflict with the hours that had been applied for as it was proposed that alcohol could be served until 00:00 leaving no time to tidy up and close the premises. The Club Treasurer confirmed that they would like to be able to serve until the premises closed in order to use the venue for the full hours it had been hired, and all Club members were well versed in the closure procedures so could do this within a very short period of time. One of the applicant's representatives, Nigel Denby, a friend of Norton Rugby Football Club, indicated that they would be happy to amend the application so that the licensable activities ended at 23:30 which would ensure that the premises would be vacated by midnight. The Chair of Norton Parish Council pointed out that there was a provision in the hiring conditions which allowed the hire to be extended beyond midnight with the prior agreement of the Management Committee. It was noted that, in the majority of cases where previous events run under Temporary Events Notices (TENS) had extended beyond 00:00 hours, the Club had hired the Village Hall for the following morning so that they could carry out the final clean-up procedures allowing them to serve until closing time.
- 8.7 A Member went on to question whether it was anticipated that there would be many customers at 00:00 hours and she was advised that the application had been made on the basis of covering all scenarios to avoid the need for making alterations at a later date. The Club did hold functions which could potentially run late, especially on Friday and Saturday nights, and there were evening matches during the season. Notwithstanding this, it was recognised that those occasions would be in the minority. Mid-week training finished at 20:30 hours, and most of the players had to work the next day, so it would generally be unusual to have customers much beyond 21:30 hours on a normal weekday. The Club Treasurer recognised that it would not be in the best interests of the Club, or the community, to allow the premises to become a "drinking den" and it was noted that the Village Hall Management Committee could withdraw the privilege of allowing the Club to hire the hall at any time, although it had been very responsible to date. A Member sought clarification as to the capacity of the Village Hall and was informed that it held up to 500 people;

the largest Club function to date had been for 120 people and the most common use would be on match days when there would be approximately 70 people so this was well within those parameters. In response to a query, the Club Treasurer advised that no draught beer would be sold; cans and bottles of beer would be stored in a small fridge on wheels which could simply be pushed away at night and there were plenty of Club members with trailers to transport it to and from the site. The Club had recently installed a chip and pin reader so cash transactions were minimal and no money was held on the premises overnight.

- 8.8 In terms of the licensing objective of the prevention of public nuisance, a Member questioned what measures would be put in place to ensure that noise was kept at an acceptable level. The Club Treasurer explained that all Club members had been spoken to about respecting the local community; they did not tend to congregate en masse and everyone drove away quietly. Whilst there had been a few incidents in the past, they were outside of the Club's control as other groups were able to use the playing field. Members were advised that there had been an occasion when local teenagers were shouting noisily in the car park and some of the Club members had told them to stop. The Chair of Norton Parish Council provided assurance that the Parish Council would take action to try to control any incidents on the playing fields and he intended to speak to the local Police Community Support Officers to ask them to pop along on occasion in order to speak to the teenagers using the field; they were mostly locals but tended to drive to and from the field. It was noted that one of the Club members was a Police Officer and would be happy to help with enforcement if anyone misbehaved. It was reiterated that Norton RFC worked in conjunction with the Parish Council and it would not want to see its pitch and facilities taken away due to bad behaviour.
- 8.9 A Member noted that the application included non-standard timings during Cheltenham race days, with the opening time and licensable activities commencing at 08:00 hours, and she sought further details of what this would mean in practice. One of the applicant's representatives explained that many venues opened earlier on race days as it generated a significant amount of income. The difference was that Norton RFC was a member-only Club so it would not be open to general members of the public and any problems experienced could be enforced e.g. by cancelling membership etc. Confirmation was provided that it was intended to open the bar at 08:00 hours on race days; however, if this conflicted with any other users of the Village Hall, e.g. mother and toddler group, school groups, those groups would take precedent. The applicant's representative stressed that, whilst it would be nice, making a profit was not a priority. It was not anticipated that there would be any traffic implications given that the premises would not be open to members of the public. In response to a query, clarification was provided that 'catering for race-goers' referred to beverages as no food would be served aside from snacks such as crisps.
- 8.10 A Member questioned whether there was a particular person who would be responsible for the bar and was informed that any problems would go direct to the Chairman of Norton RFC, Jeremy Chandler - who was also the applicant - but the bar itself would be run by the seven senior Club members. Only those members would be allowed to serve customers and if no members were available there would be no bar. In response to a query as to whether it would be managed on a rota basis, the Club Treasurer indicated that it would depend on who was there at the time but all but two of the senior members were also playing members of the team. Consideration would be given to creating a rota if the club premises certificate was granted. It was noted that three of the senior members had vehicles with the capacity to tow in relation to being able to remove the alcohol from the premises at the end of the night. A Member raised concern that it was intended to open the premises from 16:00 hours Monday to Friday and she questioned whether this was strictly necessary. The Club Treasurer explained that the Club was expanding, with

plans for a ladies team as well as a youth section, and, if successful, there would be training or matches almost every day of the week. Opening at 16:00 hours would give the flexibility of being able to serve alcohol if someone wanted it, for example, a non-playing member or a parent bringing their child to training might like to have a beer. There was no public house in the village so it was hoped that the Club could become a social venue for the local community. The Member questioned whether staffing the bar at this time would be a problem if the Club members had other jobs and she was advised that it would depend who was available. In terms of live music, the Sub-Committee was advised that nothing in particular was planned, however, the Club did have experience of previous events which had been held under TENS and live music had been included on the application so that there was an opportunity to have a disco or a band at the end of season dinner and the Christmas party etc.

- 8.11 In response to a Member query, the Club Treasurer advised that he was responsible for membership and all fees were paid to him. There were three levels of membership - full, playing or social - and cards were issued for each. There was also a guest book which everyone was required to sign. The information was logged with the English Rugby Football Union which held a national database of rugby players and anyone under 18 was logged with their identification. Anyone who turned 18 during the season would not be able to buy alcohol until this had been processed and signed off by the Committee. Challenge 25 was used for any guests who were unknown to him. A Member questioned whether there were a maximum number of times a guest could be signed in by a member and was advised that it was the aspiration that regular guests would become social members of the Club. It was noted that 12 social members had already been signed up during the season.
- 8.12 The Licensing and Systems Officer indicated that the applicant's representatives had described the nature of the operation as being of benefit to the wider community, however, a club premises certificate was not suitable for commercial activities as it would be impossible to enforce and verify who was a member. On that basis, a full premises licence may be more suitable than a club premises certificate. In terms of the functions which had been mentioned, Members were reminded that these could continue to be held under TENS, the regulations around which had been relaxed allowing events to be held for up to 21 days per calendar year, and they could be open to members of the public. With regard to entertainment, under the Live Music Act 2012, all entertainment was exempt for a maximum of 200 people up to 23:00 hours. As the applicant's representatives had described the maximum number of people attending its functions to be 120, this exemption would apply. The Licensing and Systems Officer reiterated that the benefit to the community was intended in goodwill but it was not a licensing objective and he asked the Sub-Committee to consider his observations when making its decision.
- 8.13 The Chair invited the applicant's representatives to make any final comments and they confirmed that they had nothing more to add.
- 8.14 The Chair asked all parties to withdraw whilst the Sub-Committee made its decision.
- 8.15 When the meeting reconvened, the Chair explained that, having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licensing objectives; the national guidance; and the Council's Statement of Licensing Policy it was

RESOLVED That the club premises certificate be **GRANTED** as set out in the attached Decision Notice.

The meeting closed at 12:45 pm

DECISION NOTICE

COMMITTEE: Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005)

DATE: Thursday, 1 September 2016

Premises:	Norton Rugby Football Club, Norton Village Hall, GL2 9LJ.
Applicant:	Jeremy Chandler, Chairman of Norton Rugby Football Club.
Application for a club premises certificate.	
Present:	Councillors Mrs G F Blackwell, Mrs P A Godwin and Mrs J M Greening (Chair).
Representatives of Applicant:	Nigel Denby – Friend of Norton Rugby Football Club. Niall Hyndman – Treasurer of Norton Rugby Football Club. Eirwyn Jenkins – Chair of Norton Parish Council and friend of Norton Rugby Football Club.
Other Parties Addressing the Sub-Committee:	None.

SUMMARY OF REPRESENTATIONS

1. No representations were received from responsible authorities.
2. Three representations had been received from other parties, all of whom wished to object to the application. The representations mainly referred to the licensing objectives of crime and disorder and public nuisance but, in general, they addressed all licensing objectives.

THE APPLICATION

Relevant licensable activities and (standard) hours applied for:

Indoor Sporting Events	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Live Music or similar activity	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Recorded Music or similar activity	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Supply of Alcohol	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00
Hours club premises open to members and guests	Monday to Friday	16:00 to 00:00
	Saturday and Sunday	10:00 to 00:00

Non-standard timings applied for:

On Cheltenham Race days the opening times and licensable activities shall commence at 08:00.

Opening times and licensable activities can be extended by one hour on Bank Holidays.

DECISION

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing; the four licensing objectives; the guidance issued under Section 182 of the Licensing Act 2003 and Tewkesbury Borough Council's Statement of Licensing Policy, it was resolved that the application for the club premises certificate be **GRANTED** subject to the following modifications and conditions:

AMENDMENT TO TIMINGS

Supply of Alcohol	Monday – Thursday	18:00 – 23:00
	Friday	18:00 – 23:30
	Saturday	12:00 – 23:30
	Sunday	12:00 – 23:00

There will be no non-standard timings. Any changes to the timings above will need to be made by way of an application for a Temporary Events Notice.

MANDATORY CONDITIONS IMPOSED BY VIRTUE OF THE LICENSING ACT 2003

1. The purchase of alcohol for the club and the supply of alcohol by the club are managed by a committee, the members of which must be 18 years of age or over, be members of the club and have been elected by other members of the club to sit on the committee.
2. There are no arrangements in place for anyone to receive any commission, percentage or similar payment at the expense of the club based upon purchases of alcohol made by the club.
3. There are no arrangements for anyone to receive any direct or indirect monetary benefit from supplying alcohol on behalf of the club to members or guests, unless the benefit is one for the whole.
4. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
5. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries significant risk of undermining a licensing objectives;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objectives;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and/or
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
6. The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.
7. Club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
8. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either (a) a holographic mark, or (b) an ultraviolet feature.
9. The responsible person must ensure that:
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures: (i) beer or cider: ½ pint(ii) gin, rum, vodka or whisky: 25ml or 35 ml (iii) still wine in a glass: 125ml;
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to

be sold, the customer is made aware that these measures are available.

10. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6); (b) "permitted price" is the price found by applying the formula:- $P = D + (D \times V)$ where:- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:- (i) the holder of the premises licence (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. No money or alcohol will be stored overnight on the site.
2. Premises and access checked regularly and maintained as necessary.
3. Fire appliances and safety equipment to be maintained.
4. Promotion of non-alcoholic/low-alcohol drinks, especially to 'designated drivers' of groups.
5. At all times that regulated entertainment is taking place on the premises, there shall be a nominated person who is responsible to undertake routine monitoring to ensure external levels of music are not disturbing to nearby residential properties, and take appropriate action where necessary.
6. Committee members will be used as stewards when the bar is in operation they will also ensure that excess alcohol consumption will not be tolerated.
7. A refusals and ejection register will be kept and be available to the Police and Licensing Authority on request.
8. The 'Challenge 25' scheme or equivalent shall be adopted so that any non-member customer attempting to purchase alcohol who appears to be under the age of 25 shall be asked for an accredited photographic proof-of-age (e.g. passport, photo-driving licence, or Pass-approved card) and a sale shall not be made unless this evidence is produced.
9. All children must be accompanied by a responsible adult.

ADDITIONAL CONDITION IMPOSED BY THE SUB-COMMITTEE

1. Bona-fide guests of club members are only allowed to be signed in for a maximum of five times in any 12 month period.

FURTHER COMMENTS OF THE SUB-COMMITTEE

The Sub-Committee reminded Norton Rugby Football Club that the club premises certificate was only for the use of the club; no other events at the Village Hall may use the licence.

REASON

The Sub-Committee placed these conditions on the licence for the purpose of promoting the licensing objectives. In all other respects the Sub-Committee found that the licensing objectives had been satisfied and the conditions imposed on the licence would ensure that the licence would continue to meet those objectives. Should the applicant fail to meet the licensing objectives then the licence can be subject to review.

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 16 June 2016 commencing at 10:00 am

Present:

Chair

Councillor R E Garnham

and Councillors:

Mrs J Greening and P N Workman

LSB/B.1 ELECTION OF CHAIRMAN

1.1 It was proposed, seconded and

RESOLVED That Councillor R E Garnham be appointed as Chair for the meeting.

LSB/B.2 ANNOUNCEMENTS

2.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.3 DECLARATIONS OF INTEREST

3.1 The Sub-Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

3.2 There were no declarations made on this occasion.

LSB/B.4 SEPARATE BUSINESS

4.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.5 APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

5.1 The Sub-Committee refused an application for a private hire driver's licence.

The meeting closed at 11:05 am

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 1 September 2016 commencing at 10:00 am

Present:

Chair

Councillor Mrs J Greening

and Councillors:

Mrs G F Blackwell and Mrs P A Godwin

LSB/B.6 ELECTION OF CHAIRMAN

6.1 It was proposed, seconded and

RESOLVED That Councillor Mrs J Greening be appointed as Chair for the meeting.

LSB/B.7 ANNOUNCEMENTS

7.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.8 DECLARATIONS OF INTEREST

8.1 The Committee’s attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

8.2 There were no declarations made on this occasion.

LSB/B.9 SEPARATE BUSINESS

9.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LSB/B.10 APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER LICENCE

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

10.1 The Sub-Committee granted an application for a private hire driver’s licence.

The meeting closed at 10:20 am

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	13 October 2016
Subject:	Mobile Homes and Caravan Sites Licensing Policy
Report of:	Bhavdip Nakum, Licensing and Systems Officer
Corporate Lead:	Richard Kirk, Interim Environmental Services and Housing Group Manager
Lead Member:	Councillor J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

This report proposes that the draft Mobile Homes and Caravan Sites Licensing Policy be approved for a 12 week consultation with public and relevant parties.

Recommendation:

To APPROVE the draft Mobile Homes and Caravan Sites Licensing Policy for a 12 week consultation with the public and relevant parties.

Reasons for Recommendation:

To ensure that the Council's policy is robust in providing a safe service to the residents and visitors of the borough and to provide clarity to applicants, existing licence holders and members of the public.

Resource Implications:

Total cost will be met from existing resources.

Legal Implications:

Mobile Homes Act 2013, Caravan Sites and Control of Development Act 1960

Risk Management Implications:

If the Council does not fulfil its duties under Mobile Homes Act 2013 and Caravan Sites and Control of Development Act 1960, it may be liable to legal challenges.

Performance Management Follow-up:

A Licensing Committee meeting will be held to consider consultation responses and either adopt the policy or recommend further amendments.

Environmental Implications:

None

1.0 INTRODUCTION AND BACKGROUND

1.1 Tewkesbury Borough Council has the responsibility to regulate mobile homes and caravan sites under the provisions of Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968 and Mobile Homes Acts 2013. Good quality, well managed sites for mobile homes and caravans provide a valuable source of accommodation for many people. As of 2016, there are 80 sites and 1,696 residential, touring and seasonal mobile homes in the borough.

1.2 The principal legislation concerning the licensing of caravan sites and mobile home sites is the Caravan Sites and Control of Development Act 1960. This requires local authorities to issue, without charge, Caravan Site Licences for certain types of caravan sites.

1.3 The 1960 Act has now been amended by the Mobile Homes Act 2013 which was introduced to provide greater protection to permanent occupiers of mobile home sites. The changes introduced by the 2013 Act came into force on 1 April 2014. These powers include the ability for local authorities to charge fees for their licensing functions in respect of relevant protected sites (sites that are wholly or partly residential). Under the 2013 Act there is an expectation that Councils will inspect sites annually and use the additional powers to ensure compliance with relevant site licence conditions. Councils can charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site.

2.0 MOBILE HOMES AND CARAVAN SITES LICENSING POLICY

2.1 In order to charge fees, the Council must publish its Fees Policy and incorporate a review period of these fees.

2.2 On 27 November 2008, the Council adopted model standards (Appendix 2 of the policy draft) for residential caravan sites and approved the standard conditions for residential caravan site licences (Appendix 3 of the policy draft). The Council also authorised Officers to take steps to impose the new conditions, if approved, on some or all existing licensed residential caravan sites, particularly those at risk of flooding. These resolutions are now incorporated in the new policy.

2.3 The fees are charged on a cost recovery basis. Fees have been set using Officer experience as to the typical time taken for various activities, Officer grades and on-costs which include:

- a) administration of licence fees;
- b) pre-inspection preparation;
- c) site inspection (including travelling time and mileage allowances at current rates);
- d) post inspection administration e.g. formal notification of compliance or non-compliance;
- e) re-inspection due to non-compliance; and
- f) general administration (maintaining files, electronic records and cost accounting)

2.4 Estimated Costs

2.4.1

Task	Time (minutes)
Initial Enquiry – phone call, email	10
Sending out application form and/or leaflets	5
Receipt of documents, letter to arrange first visit	15
Creating a hard file/scanning documents to computer	15
Obtaining planning permission details	15
Processing the licence fee/enforcement fee	45
Land registry search	10
Reviewing documents	15
Initial site visit	30
Indicative travel time (initial site visit)	30
Downloading photographs to computer file	15
Preparing reports on contraventions/action required	90
Drafting or amending licence	60
Review by manager and Legal Services	30
Updating public register	10
Risk rating the site	5
Review of decisions (or defending appeals)	45
Indicative total costs to be recharged £186.25 Made up of: Staff time charge @ £25 per hour = £168.75 Indicative mileage (30 miles) @ 45p/mile = £13.50 Land Registry fee = £4.	6 Hours 45 minutes

2.5 The proposed policy is attached as **Appendix A**

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 Consultation will be required to take place over a twelve weeks period after the draft policy is approved for consultation. It will be undertaken with all required parties, stakeholders and also with the general public. Any responses received during the consultation period will be taken into account and considered by the committee.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Environmental Health Enforcement Policy

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The Government has produced best practice guidance to local authorities on enforcement of the new site licensing regime.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Met from existing resources.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 An effective Mobile Homes and caravan Site Licensing Policy can help promote community safety and increase public confidence.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Licensing Committee decision on 27 November 2008

Background Papers: A Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime

Contact Officer: Bhavdip Nakum, Licensing and Systems Officer
01684 272044 Bhavdip.Nakum@teWKesbury.gov.uk

Appendices: Appendix A – Draft Mobile Homes and Caravan Sites Licensing Policy



(DRAFT)

MOBILE HOMES AND CARAVAN SITES LICENSING POLICY

2016 - 2019

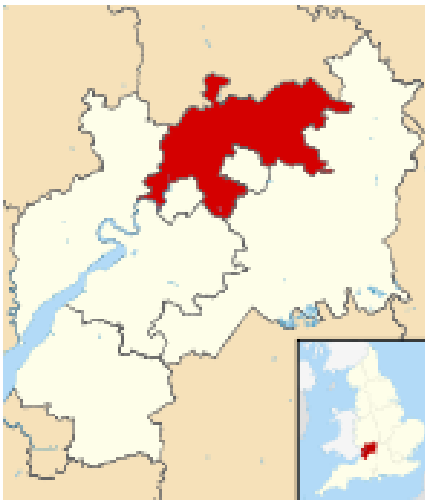
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Tewkesbury Borough Council, Council Offices
Gloucester Road, Tewkesbury, Gloucestershire, GL20 5TT

www.tewkesbury.gov.uk/licensing

Overview

1. Tewkesbury Borough Council has the responsibility to regulate mobile homes and caravan sites under the provisions of Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968, Mobile Homes Acts 1983 and 2013. Good quality, well managed sites for mobile homes and caravans provide a valuable source of accommodation for many people. As of 2016, there are there are 80 sites and 1696 residential, touring and seasonal mobile homes in the borough.
2. Tewkesbury Borough covers an area of 160 square miles in north Gloucestershire with a population of approximately 86,000 people. The borough is situated within the Severn vale and stretches south beyond the outskirts of Cheltenham and Gloucester with borders alongside the county of Worcestershire to the north. It occupies the northern gateway into the south west region. The borough is predominantly rural in nature with the largest towns / villages being Tewkesbury, Winchcombe, Bishop's Cleeve and Churchdown.



3. This is the Council's policy for all licensed sites for Mobile Homes and Caravans in the administrative area of Tewkesbury Borough. The framework for developing local policies is set out in relevant legislation; Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968, Mobile Homes Acts 1983 and 2013.
4. This Policy applies to any caravan site which falls within the scope of the Caravan Sites and Control of Development Act 1960. This means any site where caravans are stationed, whether for residential or holiday use. This Policy sets out how we will carry out statutory responsibilities for caravan site inspection, licensing and enforcement. This policy makes provisions for:
 - a) A register of all residential sites whose rules are deposited with the Council
 - b) A site licensing procedure (including a register of sites, to be made available on the Council's website)
 - c) Determination and review of site licensing fees and enforcement charges.
 - d) Implementation of Model Standards (including the updating of site licence conditions to reflect the Model Standards where necessary)
5. This policy seeks to:
 - a) Clarify the standards to be met by owners of caravan sites within the borough.
 - b) Provide advice and assistance to occupiers of mobile homes and caravans to ensure that they are able to live in safe and healthy homes.
 - c) Ensure that enforcement action is effective and proportionate.

Definition

6. A caravan is defined as “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted”.
7. This definition excludes any railway rolling stock which is for the time being on rails forming part of a railway system, or any tent. The definition (as amended by the Caravan Sites Act 1968) includes a twin-unit caravan provided that:
 - a) it is composed of not more than two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices and;
 - b) (when disassembled) it is physically capable of being moved by road from one place to another - whether by being towed or by being transported on a motor vehicle or trailer. Provided also that (when assembled):
 - a) Its length (exclusive of drawbar) does not exceed 60 feet (18.288m);
 - b) Its width does not exceed 20 feet (6.096m); and
 - c) The overall height of the living accommodation (measured internally from the floor to the lowest part of the ceiling at the highest level) does not exceed 10 feet (3.048m).

Site Licensing, Inspections and Enforcement

8. Many sites in the borough are used exclusively for holiday purposes, which takes them outside the definition of Relevant Protected Sites set out in the Mobile Homes Act 2013. Nevertheless, they still require a licence.
9. Sites which include a mix of residential and holiday uses are regarded as Relevant Protected Sites for the purposes of that Act.
10. No licensing work will be carried out until an application is made in writing, and the relevant fee has been paid in full.
11. The Mobile Homes Act 2013 (which came into force on the 1st April 2014) amended the Caravan Sites and Control of Development Act 1960. Part 1 of the Act includes a power for Local Authorities to charge fees for their licensing function in respect of Relevant Protected Sites (typically known as residential parks, mobile home parks and gypsy and traveller sites). This power also applies to the residential parts of sites with mixed holiday and residential uses. Fees are set on a cost recovery basis, and will be reviewed every three years and amended if necessary to reflect the actual costs of site licencing incurred by the Council. Costs of enforcing site licence conditions (where applicable) are recoverable in respect of all licensed sites. Fees are set out in Appendix 1 of this policy.
12. The owner of any caravan site which falls within the scope of the Caravan Sites and Control of Development Act 1960 is required to apply for a licence, unless exempted from these provisions of the Act. No licensing work will commence until the relevant fee is paid.
13. Sites managed by the following organisations are exempt from licensing:
 - a) Local authorities
 - b) The Caravan Club
 - c) The Camping Club of Great Britain and Ireland
 - d) The Boy Scouts Association
 - e) The Girl Guides Association

f) The Motor Caravanner's Club and other organisations may apply for a certificate of exemption from by the Secretary of State.

14. On receipt of a valid application together with the relevant fee, we will notify the applicant and make an appointment for a site visit.
15. We will make a decision either to licence the site, or to refuse a licence, within 6 weeks of receipt of a duly made application. Where a licence is refused, the applicant will be advised of the reasons for refusal, and their right of appeal.
16. We cannot license a site unless planning permission has been granted. The relevant officer will consult with the Planning Authority to confirm that the site has planning permission for the relevant use, and will then visit the site to confirm the details of the licence (if any), to assess compliance with any existing licence conditions, and to determine whether new conditions are appropriate, before drafting and issuing a new licence.
17. Applications made after the effective date of the relevant regulations (expected in 2017) must demonstrate that the proposed manager is a fit and proper person; and details of the approved manager will be recorded in the Council's site register.
18. Licensable caravan and mobile home sites will be identified through Council records, housing surveys and from local information. The details of these sites will be added to the Council's database. Where an inspection is undertaken under the provisions of the 1960 Act, notification of any required improvements will be issued to the owner or person responsible.
19. Where an application is received for licensing of a caravan site which lacks planning permission, the Planning Enforcement team will take the lead. The appropriate enforcement action will be determined according to the facts of each case. A caravan site licence for the land will not be issued until planning permission (or a Certificate of Lawful Existing Use) is granted.
20. An initial inspection is required for the purpose of granting a licence. A further inspection will take place within 6 months of the granting of any site licence. Following re-inspection, a risk assessment will be undertaken.
21. We will also carry out scheduled inspections of all licensed sites in accordance with their assessed level of risk, without notice, and will advise site owners of any actions required by the site owner to ensure compliance with the site licence conditions.
22. All sites will be risk rated (High, Medium or Low risk) based on the relevant officer's assessment, and taking into account any complaints received, any contraventions of licence conditions, and the quality of site management.
23. Sites categorised as High risk will be those where there is evidence of poor site management and/or complaints from occupiers/neighbours and/or contraventions of licence conditions. High risk sites will be re-inspected every 6 months until the relevant officer's concerns have been addressed. They will then be re-designated Medium or Low risk, as deemed appropriate.
24. Medium risk sites will be those able to evidence satisfactory site management and considered generally satisfactory by the relevant officer. They will be re-inspected every 2 years. If a re-inspection indicates that the management of the site and/or site conditions and compliance with standards have improved, then the site may be re-designated as Low risk. However, if substantiated

complaints are received during this period, or if standards decline further, they may be re-designated as High risk, and enforcement action may become necessary.

25. Low risk sites will be those which have good management and good site conditions and will be inspected every 3 years, subject to the same reservations set out above.
26. The Council's responsibility for the licensing of caravan sites includes the application and enforcement of appropriate conditions. The specific purposes for which conditions can be applied are set out in Section 5 of the Caravan Sites and Control of Development Act 1960. Site licence conditions may be determined with reference to national Model Standards. The Council has a power to update site licence conditions in line with Model Standards as modified from time to time by the Government. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 (touring sites) 1989 (holiday sites) and 2008 (Residential Sites).
27. On 27 November 2008, the Council adopted model standards (Appendix 2) for residential caravan sites and approved the standard conditions for residential caravan site licences (Appendix 3). The Council also authorised officers to take steps to impose the new conditions, if approved, on some or all existing licensed residential caravan sites, particularly those at risk of flooding.
28. In line with emerging good practice, sites with only one unit or those accommodating only one family will be exempt from annual inspections and the accompanying charges. If enforcement action becomes necessary, an enforcement charge will be payable in accordance with this Policy.
29. Fees are set on a cost recovery basis and will be reviewed and published every three years. Fees are detailed in Appendix 1.
30. The main focus of enforcement activity will be informal advice and education, including the provision of information in leaflets, on the website and directly by telephone or in person. Formal enforcement action will be taken under the relevant legislation only when informal action has failed to secure an acceptable improvement in standards or compliance with licence conditions.
31. As part of the legislative changes introduced by the Mobile Homes Act 2013, Local Authorities now have additional enforcement tools to address breaches of site licence conditions. We may serve a compliance notice, which must be accompanied by a detailed breakdown of the relevant expenses.
32. Enforcement charges will be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred (e.g. legal costs). Site owners may not pass on Enforcement charges to residents in their pitch fees.
33. If any works required by the compliance notice are not carried out the licence holder commits an offence, and the Council may consider taking legal proceedings. The award of costs associated with this process will be at the discretion of the court.

Appendix 1

Schedule of Site Licensing Fees

Fee Type	Amount
New Application Fee	
Band A – 1 caravan/family (new application)	Band A – exempt
Band B – 2 to 5 caravans (new application)	Band B - £125
Band C – 6 to 20 caravans (new application)	Band C - £175
Band D – over 20 caravans (new application)	Band D - £250
Annual Fee	
Band A – 1 caravan/family	Band A – exempt
Band B – 2 to 5 caravans	Band B - £125
Band C – 6 to 20 caravans	Band C - £175
Band D – over 20 caravans	Band D - £250
Other Fee	
Compliance Notice Fee (per notice issued)	Recharge = staff time @ £25 per hour + 10% admin charge
Other enforcement action	Recharge = staff time @ £25 per hour + 10% admin charge
Variation of site licence	£200
Transfer of site licence	£75
Deposit of site rules	£50

Appendix 2



Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 – Section 5

Introduction

1. Under section 5(6) of the Caravan Sites and Control of Development Act 1960 (the Act) the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.
2. These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued). The standards also do not apply to sites occupied by gypsies or travellers or caravan sites which house agricultural workers.
3. These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents' Association, where appropriate. 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 that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition).
4. The model standards represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions.
5. The annex to this document provides advice on the application and enforcement of the model standards when considering attaching conditions to licences.

6. In the model standards any references to “site” includes a park home site (including a mobile home site) and to “caravan” includes a mobile or park home.
7. This document should be referred to as Model Standards 2008 for Caravan Sites in England.

Previous Standards

8. The 2008 Standards replace the document “Model Standards 1989: Permanent Residential Mobile Homes Sites”. When issuing any new licences or reviewing current ones the local authority must have regard to the 2008 Standards in setting or varying any of the conditions attached.

THE STANDARDS

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 licence 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 macadem 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).”

Annex to Model Standards 2008 for Caravan Sites in England: Explanatory Notes

Preface

1. These explanatory notes are designed to be read in conjunction with Model Standards 2008 for Caravan Sites in England (“the Standards”) and are intended to offer guidance on the application and enforcement of the standards for local authorities.
2. The standards are a revision and modernisation of the 1989 standards, incorporating a number of new requirements, particularly in relation to maintenance of sites and flood protection measures, other standards have been modified and the standard relating to telephones has been deleted. The standards also take account of the effect of the Regulatory Reform (Fire Safety) Order 2005.
3. These standards do not apply to sites used exclusively for siting holiday or touring caravans. However, the standards apply to holiday sites containing permanent residential caravans (except those holiday sites where the only permanent residents are the site owner and members of his family and/ or his employees who are employed on the site and occupy the caravan pursuant to their contract of employment). The standards should be applied with due regard to the particular circumstance of the site to which they are intended to apply, including its physical characteristics, size, density, layout, amenities and services. See also paragraph 3 of the Standards document for further advice on the application of the standards.
4. In this document the term “site owner” is referred to throughout, as normally that person would be the licence holder.

Legal background

5. 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 (“the Act”). Section 5 of the Act enables local authorities to set licence conditions.
6. Under the Act, most privately owned sites must be licensed by the local authority, unless exempted under the Act¹. 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

¹ Section 2 and Schedule 1 to the Act set out in which circumstances a site licence is not required.

² Section 3 (4) and (6).

7. The local authority may attach conditions to the licence, but these can only relate to the physical use of the site and its management³. The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence⁴. The authority may from time to time alter a site licence condition (either of its own volition or upon the application of the licence holder)⁵.
8. 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 condition⁶.
9. It is an offence to breach a licence condition and on summary conviction the offender can currently be fined up to £2,500⁷. Where a condition requires works to the site to be carried out and these are not done either within the time specified or to satisfaction of the local authority, the authority may carry out the works itself and recover from the licence holder any expenses it has reasonably incurred in doing so⁸.
10. The local authority may apply to the court to have a licence revoked if the licence holder has been convicted on two or more occasions of breaches of licence conditions⁹.
11. The local authority is required, under Section 25 of the Act, to maintain an accurate register of the site licences in their area. Given the number of different types of sites that local authorities may deal with, it is recommended that the register shows what type of site each is, be it holiday, residential, mixed use or gypsy and traveller. It is recommended as a minimum the information the site register has is:
 - Name and address of site (if available the Geographic Information Service mapping code should also be logged)
 - Name of the licence holder, the site owner (if different) and any person managing the site on behalf of either of those persons
 - Type of site
 - The number of pitches
 - The licence conditions (if any)

³ Section 5 (1) to (5). For restriction see *Mixnam's Properties v Chertsey UDC* A.C. 735.

⁴ Section 5 (6).

⁵ Section 8.

⁶ Sections 7 and 8 (2).

⁷ Section 9 (1). The maximum penalty on summary conviction is a fine not exceeding level 4 on the standard scale.

⁸ Section 9 (3).

⁹ Section 9 (2).

MODEL STANDARDS – EXPLANATORY NOTES

Introduction

12. The Model Standards 2008 for Caravan Sites in England have been made under powers conferred on the Secretary of State under section 5(6) of the Caravan Sites & Control of Development Act 1960 (the Act). A local authority must have regard to the standards when it imposes conditions in a site licence.
13. The standards do not apply to sites used solely for caravan holiday homes (although they do apply to mixed residential/ holiday sites), touring caravans or to sites occupied by gypsies and travellers or agricultural workers. The standards as laid out represent what would normally be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any facilities or services that may already be available within convenient reach and other local conditions.
14. The local authority must apply the Model Standards with regard to the particular characteristics of the site to which they are intended to apply, and in particular its existing layout and size. It is recognised that not all sites will easily be able to meet the Model Standards in every case due to their particular characteristics, but a local authority will need to be able to justify any decision not to have regard to a standard in setting a licence condition.
15. The standards are not intended to be the “ideal”; local authorities may in the circumstances set more demanding ones if that can be justified.
16. There will be some licence conditions which require inter and cross agency input and advice from other teams within the local authority and outside organisations, such as the Health and Safety Executive, the local Fire and Rescue Service and the Environment Agency. It is important for all parties concerned with sites that effective lines of communication are established to ensure that any problems are identified and resolved as early as possible.
17. Disability Discrimination legislation applies to sites and this should be borne in mind when framing licence conditions and considering possible enforcement action. Guidance can be found at www.dwp.gov.uk and this can also help local authorities in their consideration of licence conditions. Further guidance can also be found on the Equality and Rights Commission website at www.equalityhumanrights.com.

Enforcement

18. Any decision to enforce a licence condition should be taken in line with the Compliance Code (ISBN: 978-0-85605-712-0) which came into force in April 2008, for which comprehensive guidance is available on the Department for Business, Enterprise and Regulatory Reform website, www.bre.berr.gov.uk .
19. Local authorities should allow a reasonable period of time after any site licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
20. When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

The Boundaries and Plan of the Site

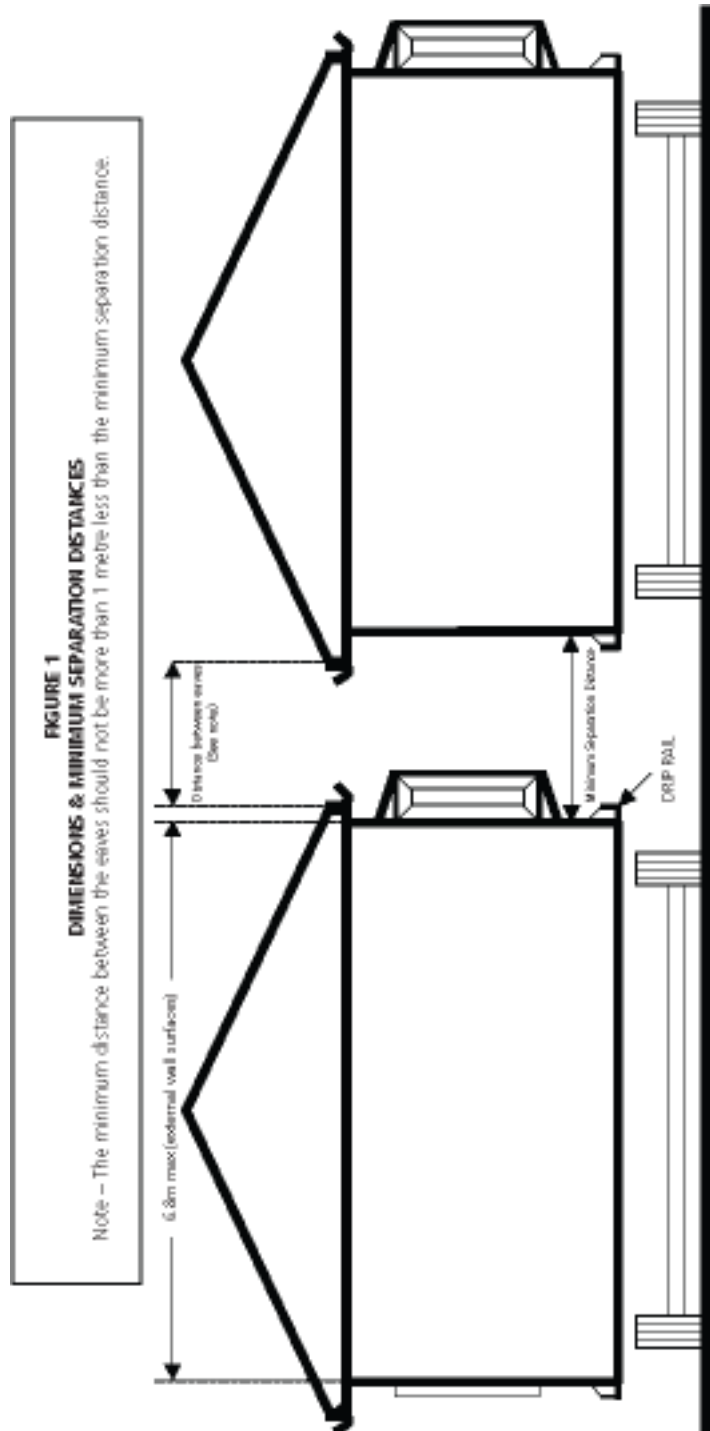
21. The boundary should clearly define the limit of the site owner's responsibility. The boundary should be suitably marked and properly maintained. This boundary could be formed of a fence, hedge, wall or natural feature or any other suitable structure (or any combination of these) or it may in whole, or part, be formed by an appropriate natural feature, such as a river or a wood. It would not normally be appropriate for that natural feature to simply include an open field.
22. Plans of the site shall be provided to the local authority at the site owners' expense.
23. It is best practice for copies of the plan to be made available to the emergency services.
24. The 3 metre separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side of the boundary, such as a road, and other developments, such as houses etc.
25. The 3 metre separation distance measurement should be taken from the caravan wall.

Density, Spacing and Parking Between Caravans

26. The 6 metre separation distance is required for two reasons:

- Health and safety considerations; and
- Privacy from neighbouring caravans.

27. A diagram explaining the separation distances is attached below.



28. If a caravan has been fitted with cladding from class 1 fire rated materials, then the distance between units may be reduced. However, there is a need for the privacy of residents to be taken into consideration. Health and safety matters, such as the positioning of gas bottles, etc. will also need to be taken into account.
29. For the purposes of calculating the distance between the caravans, the point from which measurements are taken is the exterior cladding of the relevant caravan. Eaves, drainpipes, gutters, sills, threshold, door canopies and bay windows should be discounted.
30. Porches should not render the home incapable of being moved, which means they should be demountable.
31. If structures, other than garages, are on pitches within the separation distance and are of a combustible construction, then the local authority should consider allowing sufficient time for them to be replaced with an acceptable non combustible model.
32. At no time should a garage constructed of combustible material be allowed in the separation distance.

Enforcement

33. In considering the enforcement of the separation distance the local authority should consult with the local Fire and Rescue Service. It should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
34. Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.

Roads Gateways and Overhead Cables

35. Roads should be constructed of bitumen macadam or concrete with suitable compacted base. However, sites with roads constructed of tarmac (which is now obsolete and no longer commercially available) should not be required to automatically upgrade their roads. The roads should only be required to be upgraded as and when they begin to fall into disrepair.

36. Some larger sites may have traffic calming measures such as speed humps on their roads. Though not specifically covered in this standard, it will be worth ensuring that any legal requirements applying to un-adopted roads are met. Guidance and assistance can be found on the Department for Transport website, www.dft.gov.uk .
37. Gateways, roads and turnings should have enough clearance to allow safe entry for emergency vehicles and new units on lorries. The widths and heights given are based on the maximum sizes of emergency vehicles that may regularly attend incidents on sites.
38. In determining the permitted height of cable overhangs the local authority must take into account the current statutory requirements. Those applying as at the date of this guidance are found in the Electricity Safety Quality and Continuity Regulations 2002 SI 2002/2665 (ESQCR). These regulations provide that, in general, cables should not overhang a road at a height of less than 5.8 metres. In the case of fully insulated overhead conductors the ground clearance is 3.8 metres. There are a number of exceptions where:
- The overhead line follows a route along a hedgerow, fences, boundary walls or similar features. The minimum clearance in these circumstances is 4 metres.
 - If it crosses a driveway with an access width of no more than 2.5 metres (and the driveway is defined by gateposts or similar features), the minimum clearance is 4.3 metres.
- Further advice on minimum clearances is available from the Health and Safety Executive.
39. It is good practice that all overhead lines on sites should be fully insulated and where a cable is in within easy reach of a property; it must be so and protected from interference.
40. The authority should require the site owner to comply with regulation 3 of the ESQCR and in considering any enforcement action in relation to cables must consult with the HSE.

Footpaths and Pavements

41. Communal path widths should normally be 0.9 metres in respect of new sites or sites that are undergoing substantial redevelopment (including expansion to part of the site); otherwise paths of not less than 0.75 metres should be accepted where they already exist.

Lighting

42. The lighting provided for communal paths and roads should be adequate to allow safe movement around the site during the hours of darkness. Many sites use low lighters rather than traditional street lamps and these work well as long as they are well maintained and plants/vegetation are not allowed to grow around them and stop them emitting light effectively. The lighting must be fit for purpose i.e. to allow vehicles and pedestrians to navigate around the site between dusk and dawn.

Bases

43. It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The Industry's current standard for the bases provides:

“A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006¹⁰) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary.”

44. Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

Enforcement

45. When considering any enforcement action, the authority should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
46. Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.
47. Where a caravan has to be removed in order to facilitate works to the base the authority should normally, if it is feasible and if it is the resident's wish, require the site owner to reinstate, at his own expense, the caravan on the original pitch on completion of the works.

¹⁰ Copies of the Standard can be obtained from the British Standards Institute.

Maintenance of Common Areas, including Grass, Vegetation and Trees

48. Cut grass and vegetation should be removed from the site as soon as practicable. Bonfires should not be used as a means of disposal. Vegetation is often used for sight screening but should be kept at a reasonable height.
49. Trees on the site will normally be the responsibility of the site owner. Where trees are in need of care and maintenance the local authority should, before any action is taken, liaise with the officer responsible for trees at the authority to ensure that all statutory and other requirements are complied with.
50. The common parts of the site (including roads, paths and pavements) must be kept free of any rubbish and maintained in a clean and tidy condition. The local authority may wish to consider whether appropriate receptacles for litter need to be provided in such areas. In any case the site owner should be required to make arrangement for the regular collection of routine rubbish from the site. He should also be required to make arrangements for the prompt disposal of waste and other materials which accumulate on the site during any works etc. Secure non combustible facilities should be provided on the site for the proper storage of rubbish and waste prior to its removal and disposal off the site.

Supply and Storage of Gas etc

51. The HSE website, www.hse.gov.uk, provides details and information about the various legislative requirements and contacts if further information is needed. In addition the trade body for LPG suppliers, [uklpg](http://uklpg.com), www.lpga.co.uk, also has information which may be of use.
52. Anyone being employed by a site owner to carry out work on gas (including natural gas) or oil installations should be suitably qualified to do the work. The HSE pages contain details of some of the schemes. The Communities and Local Government website contains details of various certification schemes which may apply. The details of these schemes can be found at www.communities.gov.uk .

Enforcement

53. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.

- 54. Local authority officials who identify areas of concern on sites should always consult the HSE about the problem(s).
- 55. All new installations must be to the current regulations and maintained at that standard.

Electrical Installations

- 56. The electrical installations on the site will be a distributor's network either belonging to the local regional electricity network operator or the owner of the site. The HSE website: www.hse.gov.uk contains information on the electricity legislation which may well apply to the site and can provide further information if needed.
- 57. A suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above.
- 58. It may be necessary to ensure the electricity distribution network complies with ESQCR, in which case such work should only be undertaken by a competent person familiar with those Regulations.
- 59. All new installations must meet the requirements of the current regulations and maintained at that standard.

Enforcement

- 60. In considering whether to take enforcement action for a breach of site licence conditions, officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.
- 61. Local authority officials who identify significant areas of concern with site electrical networks and installations should always consult the HSE about the problem(s).

Water Supply

62. OFWAT lay down service standards for the water suppliers and details can be found on their website at www.ofwat.gov.uk . In addition there are various schemes for suitably qualified persons and authorities should check to see those undertaking works are qualified. The main scheme is run by NIC certification and details can be found about the scheme at www.niccertification.com .

Enforcement

63. With the majority of well established sites, enforcement of this section will need to be carefully handled, as most sites will have long established water systems. As with gas and electricity above, there may be a case for dual enforcement if an offence is identified. Consultation with the Environment Agency and the local water company is essential.
64. As with the previous sections, local authority officers who identify an issue with water supply on a particular site may wish to advise the Environment Agency, and the local water company of the problem.
65. All new installations must be to the current regulations and maintained at the appropriate standard.

Drainage and Sanitation

66. As with water supplies, provision of sewerage facilities is overseen by OFWAT and codes of practice are in place.
67. It is important that all drains and sewers are well maintained and are connected to the appropriate system. If left unchecked, there can be consequences for the health of residents, along with those who live near the site.
68. It should be noted that the environmental quality of drainage is regulated by the Environment Agency, with whom the local authority must consult about any problems.

Enforcement

69. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Environment Agency to ensure any action taken by the authority is not in conflict with any action the Agency are proposing to take.

70. Local authority officials who identify areas of concern on sites should alert the Environment Agency and the local water company to the possible defects.
71. All new installations must be to the current regulations and maintained at that standard.

Domestic Refuse Storage and Disposal

72. If communal bins are provided they should be of a type that is non-combustible and stored properly. Liaison with colleagues who deal with refuse collection matters will help in ensuring that the bins provided by the site owner (in the case of communal bins) are acceptable to the local authority in pursuance of its collection of rubbish from them.
73. The site owner should be required to discuss with the local authority arrangements for the separation of waste for the purpose of recycling it, and require him to provide the necessary receptacles etc on the site.

Communal Vehicular Parking

74. Parking needs will vary considerably between individual parks. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of units, the occupation criteria of the site and the availability of public transport in the immediate vicinity.
75. Provision of parking spaces on new sites or those undergoing redevelopment or extension should be consistent with local planning policies.

Communal Recreation Space

76. This standard should only be applied if the local authority is satisfied that it is both practicable to provide recreation space on the site and there is insufficient recreation space off the site in the near locality.
77. It will only be practicable to provide such space on the site if there is sufficient open space which is available and it is possible to safely use that space for recreation. The standard requires the local authority to consider the need for recreation space; it does not require it to consider the need for recreation facilities, although the local authority may consider that need as part of a licence condition. The larger the site the more recreation space or spaces may

be needed. On small sites there may be no need for space at all. In deciding whether it is practicable to provide the space the authority should also consider the site layout, the availability of private open spaces (e.g. within the pitch), the availability of other amenities on the site (e.g. club houses) and the age and number of residents on the site.

78. On site recreation space may be considered unnecessary if there is sufficient suitable space available off site within close (walking) distance of it. The space must, however, be freely accessible by the public, such as a municipal park, commons land, and greens or any part of the countryside to which the public have a right to walk.

Notices and Information

79. It is important that all notices are protected from the weather and are prominently displayed, either on a board, in an office open to the public, or other places on the site which the residents have free and reasonable access to.
80. The notices must include the most recent site licence, and the contact details of the site manager, and if different the licence holder. This should include an out of hours contact number for emergencies, and if available an e-mail address.
81. The site owner is also required to make available certain information for inspection by residents in a prominent position on the site. That could be the site office provided it is open at reasonable times, a community room which every resident was entitled to use and which is also open at reasonable sites or a notice board located at the entrance to or in a central part of the site.

Flooding

82. It is important that if a site is in an area susceptible to flooding, procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice should be prominently displayed with all relevant information.

83. The site should be included in any local authority flood evacuation plan.
84. Advice on flood risks is available from the Environment Agency website: www.environment-agency.gov.uk
85. It is important in those parts of the country where flooding is an issue that local authorities have effective liaison with the Environment Agency office for their area, as well as relevant officials across their own local authority. Local water companies should also be contacted.

Fire Safety Measures

86. The Regulatory Reform (Fire Safety) Order 2005 (the Order) applies to caravan sites. The Order disapplies some fire related standards that may be in current site licensing conditions. It applies to all non domestic premises in England and Wales, including certain types of caravan sites:
 - all sites with common or shared parts; and
 - individual caravans which are holiday-let type i.e. they are rented out
87. On such sites the local authority should advise the 'responsible person', who will be the licence holder of his duty under that Order to undertake a fire risk assessment and decide what prevention and protection arrangements are appropriate and adequate to mitigate the identified risks.
88. However, there are some sites around the country which do not fall under the Order. These may include single unit sites and those sites which are occupied by single family groups.
89. Where the Order applies the authority should satisfy itself that the site owner is aware of, and complying with, his obligations under it, in particular that a fire risk assessment has been carried out. In this regard the local authority should seek the advice of the local Fire and Rescue Service who are the main enforcers of the Order.
90. The Communities and Local Government website: www.communities.gov.uk contains a range of helpful information on fire safety and the requirements of the Fire Safety Order. This includes links to technical guides for specific types of accommodation, including one for sleeping accommodation.

91. The Fire and Rescue Service has a duty to provide fire safety advice to those who ask for it, although it will not carry out risk assessments.
92. In applying any standards relating to fire safety measures where the Order does not apply, the local authority must consult the local Fire and Rescue Service.

Fire Fighting Equipment

93. The Guidance under the remaining sections only applies to sites to which the Order does not apply; however these standards will provide a useful benchmark of the sort of preventative and protective measures that may be necessary following completion of a fire risk assessment.
94. The siting of the fire points should be so that they are visible at all times, and marked in a way that makes it obvious as to what they are. They will need to be kept clear of any obstructions at all times should they be needed in the event that a fire breaks out.
95. Fire Points are the places on sites where fire fighting equipment is stored, ready for use by anyone in the event of an emergency.
96. If hosepipes are provided, they should be of the relevant British and European Standards¹¹, and positioned in such a way that they are easily attachable to the mains water supply, if not permanently attached. Any valves connecting the hose to the water supply should be easily accessible. The hose reel should be well maintained and in good working order.
97. Any hydrants provided on the site should be kept clear of any obstruction in the event that they need to be used. The positioning of mains connected hydrants is the responsibility of the local water company, and any queries as to whether a site has a hydrant should be directed to them. The positioning of the hydrants should be recorded on the site map, which will assist the emergency service in locating them in the event of an emergency.
98. Fire Extinguishers should only be used if there is not enough water pressure for a hose reel. Where provided, extinguishers should comply with the current British or European Standard.

¹¹ Details of relevant British Standards can be found at www.communities.gov.uk

99. A water tank with buckets and a pump should not be the main means of fighting fire for the following reasons:
- Pumps and buckets are likely to be vandalised or stolen.
 - Pumps and buckets are inadequate for fighting a fire.
 - A water storage tank should be securely covered to prevent it becoming a health or safety hazard.

Fire Warning

100. The means of raising the alarm in the event of a fire should be appropriate to the size and layout of the site. If you are unsure of which form of raising the alarm is the most suitable to the site, then contact the local Fire and Rescue Service, who will be able to advise you.

Maintenance and Testing of Fire Fighting Equipment

101. It is important that all fire warning systems and fire fighting equipment are regularly inspected and maintained. The suggestion is that these checks should be carried out on an annual basis. All testing and maintenance should be carried out by a person suitably qualified to do the work. Records should be kept of any testing and when the most recent inspections were carried out. The record of all tests and inspections should be kept on the site for inspection.

Fire Notices

102. The fire action notice should be displayed on a notice board, and at other suitable points around the site. The full address of the site, including the postcode should be included.

Enforcement

103. The main enforcer for the Order is the Fire and Rescue Service.

Appendix 3

Conditions for Permanent Residential Caravan Sites

1. Number of Caravans

- (i) Subject to the provisions of Condition 3, the total number of caravans which shall be stationed on the site shall not at any one time exceed *.

2. 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 licence 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.

3. 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.

4. 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 macadem 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 to 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.

12. 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.

13. 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.

14. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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).”

Agenda Item 7

Document is Restricted

Document is Restricted