

A G E N D A

Regulatory Committee

Date: **Tuesday, 28th November, 2006**

Time: **10.00 a.m.**

Place: **Committee Room 1, The Shirehall,
Hereford**

Notes: Please note the **time, date** and **venue** of
the meeting.

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Committee

To: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice-Chairman)

Councillors H. Bramer, Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet,
J.W. Hope MBE, T.W. Hunt, G. Lucas, R. Preece and P.G. Turpin

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 31st October, 2006.	1 - 4
5. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CS10 (PART) IN THE PARISH OF CASTLE FROME To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath CS10 in the parish of Castle Frome. Ward Affected: Frome	5 - 6
6. ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD To consider a proposal to designate certain streets, roads and other areas as public places under the provisions of the Criminal Justice and Police Act 2001. Wards Affected: Three Elms, Holmer, Stoney Street, Leominster North, Leominster South, Ledbury, Ross-on-Wye East, Ross-on-Wye West, Kington Town	7 - 14
7. THE GAMBLING ACT 2005 To consider a report from the Licensing Manager. <i>(TO FOLLOW)</i>	

Ward: County-wide

8. **STANDARD CONDITIONS FOR FAYRE OAKS CARAVAN PARK IN RELATION TO SEPARATION DISTANCES AND THE POLICY DECISION ON CARAVAN SITE LICENCE CONDITIONS ENFORCEMENT** 15 - 20

To consider altering the Standard conditions for Faire Oaks Caravan Park in accordance with S.8 of the Caravan Sites and Control of Development Act 1960 in relation to separation distances and the Council's policy for enforcing the non-compliance of the standard licence conditions for Residential Caravan Sites.

Ward: Three Elms

9. **APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'FAYRE OAKS, CARAVAN PARK, KINGS ACRE ROAD, HEREFORD. HR 4 0SU' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950** 21 - 24

To consider an application for a variation against the standard licensing condition relating to the requirement to provide an immediately accessible telephone under the Caravan site licence issued to Fayre Oaks caravan Park, Kings Acre Road, Hereford.

Ward: Three Elms

10. **APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'COTTAGE PARK CARAVAN PARK LEDBURY ROAD, ROSS - ON - WYE HR9 7BD' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950** 25 - 28

To consider an application for a variation against the standard licensing condition relating to open porches and separation space, to allow a caravan on plot 23 at Cottage Park, Ledbury Road, Ross-on-Wye to have a closed porch and to reduce the permitted separation space from 6 metres to 5.65 metres.

Ward: Ross-on-Wye East

11. **APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'SALTMARSH CASTLE CARAVAN PARK STOURPORT ROAD, BROMYARD HR7 4PN' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950** 29 - 32

To consider an application for a variation against the standard licensing condition relating to changing fire fighting provisions within the standard licence conditions for Saltmarsh Castle Caravan Park Stourport Road, Bromyard

Ward: Bromyard

12. **PROCEDURAL ARRANGEMENTS** 33 - 34

To note the procedural arrangements for the meeting.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

- | | |
|--|----------------|
| <p>13. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To consider an application for a driver's licence.</p> | <p>35 - 38</p> |
| <p>14. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To consider the suspension of a driver's licence.</p> | <p>39 - 40</p> |
| <p>15. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To consider the suspension of a vehicle licence.</p> | <p>41 - 42</p> |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Regulatory Committee held at :
The Council Chamber, Town Hall, Hereford on Tuesday,
31st October, 2006 at 2.00 p.m.**

Present: Councillor R.I. Matthews (Chairman)
Councillor *Brig. P. Jones CBE (Vice Chairman)

Councillors: G.W. Davis, J.H.R. Goodwin, J.W. Hope MBE, T.W. Hunt,
Mrs. J.A. Hyde, G. Lucas and J.W. Newman

In attendance: Councillors M.R. Cunningham and P.J. Edwards

47. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Bramer, Mrs SPA Daniels, DJ Fleet, Brig P Jones, R Preece and PG Turpin.

48. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed;-

MEMBER	SUBSTITUTE
H Bramer	Mrs J Hyde
Brig P Jones	JHR Goodwin

49. DECLARATIONS OF INTEREST

There were no declarations of interest made.

50. MINUTES

RESOLVED: That the Minutes of the meeting held on 26th September, 2006 be approved as a correct record and signed by the Chairman

51. STANDARD CONDITIONS FOR FAYRE OAKS CARAVAN PARK IN RELATION TO SEPARATION DISTANCES AND THE POLICY DECISION ON CARAVAN SITE LICENCE CONDITIONS ENFORCEMENT

The Principal Lawyer explained that the Regional Reform Fire Safety Order 2005 came into effect on 1st October, 2006 and that it could have an effect upon residential as well as non-residential caravan sites. He therefore suggested that the item should be deferred pending clarification of the new regulations.

RESOLVED; that consideration of this item be deferred until the next meeting for clarification of the effects of the Regional Reform Fire Safety Order 2005 on residential caravan sites.

52. APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'FAYRE OAKS, CARAVAN PARK, KINGS ACRE ROAD, HEREFORD. HR 4 0SU - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950

The Principal Lawyer explained that the Regional Reform Fire Safety Order 2005 came into effect on 1st October, 2006 and that it could have an effect upon residential as well as non-residential caravan sites. He therefore suggested that the item should be deferred pending clarification of the new regulations.

RESOLVED; that consideration of this item be deferred until the next meeting for clarification of the effects of the Regional Reform Fire Safety Order 2005 on residential caravan sites

53. APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'SALTMARSH CASTLE CARAVAN PARK STOURPORT ROAD, BROMYARD HR7 4PN - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950

The Principal Lawyer explained that the Regional Reform Fire Safety Order 2005 came into effect on 1st October, 2006 and that it could have an effect upon residential as well as non-residential caravan sites. He therefore suggested that the item should be deferred pending clarification of the new regulations.

RESOLVED; that consideration of this item be deferred until the next meeting for clarification of the effects of the Regional Reform Fire Safety Order 2005 on residential caravan sites

54. APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'COTTAGE PARK CARAVAN PARK LEDBURY ROAD, ROSS - ON - WYE HR9 7BD' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950

The Principal Lawyer explained that the Regional Reform Fire Safety Order 2005 came into effect on 1st October, 2006 and that it could have an effect upon residential as well as non-residential caravan sites. He therefore suggested that the item should be deferred pending clarification of the new regulations.

RESOLVED; that consideration of this item be deferred until the next meeting for clarification of the effects of the Regional Reform Fire Safety Order 2005 on residential caravan sites

55. PROPOSED INCREASE IN HACKNEY CARRIAGE FARES 2006/2007 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer presented the report of the Head of Environmental Health and Trading Standards about proposed increases in taxi fares. She said that the Local Government (Miscellaneous Provisions) Act 1976 made provision for Local Licensing Authorities to set the rates/fares within the County together with distance and all other charges. She also said that the existing fares were last reviewed and increased in October, 2005. Proposals for an increase in charges for taxi fares were published in the Hereford Times on 28th September 2006 with a two-week consultation period ending on 19th October, 2006. The proposed increases were based on small changes to the tariffs charged for distances travelled, rather than a flat percentage increase in fares across the board. It was proposed the new fares would take effect from 6th November, 2006.

The Committee considered the proposals fare structure and noted the financial pressures on the taxi trade and the anti-social hours involved. It was agreed that the new fare structure should be approved.

RESOLVED

that the proposed fare take affect from 6th November 2006 subject to the results of the consultation process being satisfactory.

56. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing for applicants and to the Licensing Officers.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

These items disclose information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

57. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer said that the applicant referred to in agenda item No. 11 had withdrawn his application.

58. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

In the absence of the applicant, the Committee decided to defer consideration of the application referred to in agenda item No. 12, on the understanding that the applicant must attend at the next meeting.

59. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 13 and provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's spent and unspent convictions. The applicant was unable to attend the meeting due to other work commitments but had submitted a letter which was read out by the Licensing Officer.

Having considered all of the facts put forward by the Licensing Officer, the

Committee decided that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be granted.

60. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - TO DETERMINE WHETHER AN APPLICANT IS A 'FIT AND PROPER PERSON' TO HOLD A DUAL DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer referred to agenda item No. 14 and provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee decided to take into consideration the applicant's spent and unspent convictions.

The applicant gave an explanation of her personal circumstances and the factors involved in her previous convictions and explained why she felt that her application should be granted.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that she was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be granted.

The meeting ended at 2.40 p.m.

CHAIRMAN

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CS10 (PART) IN THE PARISH OF CASTLE FROME

Report By: Public Rights of Way Manager

Wards Affected:

Frome

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath CS10 in the parish of Castle Frome.

Considerations

- 1 M.B and B Manning, who were the landowners of Hill Farm at the time, made the application on 19th June 1997. The application has been taken over by Mr R Manning, who now lives at Hill Farm and is the current landowner. The reasons for making this application are that a cattle shed has been built over the line of the footpath, which passes through the farmyard.
- 2 The Public Rights of Way department has carried out pre-order consultation. The initial proposal (see appendix A) had the general agreement of the Malvern Hills District Council, the Malvern Hills District Footpath Society and Stretton Grandison Parish Council. No statutory undertaker consultation was carried out at this time.
- 3 The Open Spaces Society representative suggested adding a curve to the proposed route to accommodate a straw bale storage area on the proposed line (see appendix B.) The revised proposal was sent out for pre-order consultation and had the general agreement of the Open Spaces Society, Malvern Hills District Council, the Malvern Hills District Footpath Society and Stretton Grandison Parish Council. The Byways and Bridleways Trust representative raised no objections but requested that a check for higher rights was made on the existing route. A check was made, but no application had been made to modify the Definitive Map and Statement.
- 4 The route shown in the current Order Plan (appendix C-drawing no D280/79-10) has been amended again, following a site visit on 4th August 06. This has been necessary because the fence line has been moved since the 1998 pre-order consultation and would otherwise need to be crossed via additional gates. It does not significantly increase the distance to be travelled by footpath users and does not make the meeting point of the path with county road C1158 any less visible or safe. As a result, it has been decided not to send this proposal out for further pre-order consultation. Statutory consultees will however have a chance to comment if an Order is made.
- 5 The proposed diversion would also resolve the anomaly that currently appears on the Definitive Map; the Public Right of Way is shown as ending at the farm access track at its western end, which is not a county road.

- 6 Mr M.B. Manning and Mrs B Manning own the land at Hill Farm Bungalows; they were the original applicants for this diversion.
- 7 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order.
- 8 The applicant is the current Local Member; Legal services have confirmed that given this, further Local Member consultation is not needed.
- 9 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 in that:
 - The proposal benefits the owner of the land crossed by the existing path.
 - The proposal does not alter the point of termination of the paths.
 - The proposal is not substantially less convenient to the public.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Local Members – initially Councillor M. Jolly, then Councillor G. Woodford for the Malvern Hills District Council.
- Stretton Grandison Parish Council.

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D280/79-10

Appendices

A-Initial Order Plan

B-Amended Order Plan

C-Final Order Plan, drawing number: D280/79-10

ALCOHOL CONSUMPTION IN PUBLIC PLACES - DESIGNATION OF PUBLIC PLACES IN HEREFORD

**Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING
STANDARDS**

Wards Affected

Three Elms, Holmer, Stoney Street, Leominster North, Leominster South, Ledbury, Ross-on-Wye East, Ross-on-Wye West, Kington Town

Purpose

To consider a proposal to designate streets, roads and other areas (listed in Appendix 1) as public places within the meaning contained in the Criminal Justice and Police Act 2001 and thereby restricting anti-social public drinking in those areas.

Background

On 1st September 2001 sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001 came into force. This legislation gave powers to local authorities to place restrictions on public drinking within so-called designated places where it is associated with nuisance or annoyance to members of the public, or with disorder.

An Order gives the Police (including Community Support Officers) the power to require a person not to drink alcohol in a designated place where the officer believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers in the person's possession. It is an offence to drink alcohol in such places. Failure to comply with an officer's requirements in respect of drinking or surrendering alcohol is an arrestable offence.

The designation of a place under an Order therefore provides potentially effective tools to those wishing to tackle nuisance, annoyance or disorder. However, in designating such places the local authority must be satisfied that the problems are associated with public drinking in those areas. Areas subject to vandalism, littering or noise nuisance, for example, would not be considered appropriate for designation unless the drinking of alcohol there was a contributory factor in the problem. In addition, where other controls are available and more appropriate, designation should not be used as the first resort.

Since September 2001 Herefordshire Council has made 4 Orders designating areas principally in Hereford but also in the villages of Madley and Peterchurch and the Town of Bromyard. Prior to the Council some of its predecessor Councils brought in byelaws to control alcohol consumption in areas such as Hereford City, Ross-on-Wye and Ledbury. The controls brought in through the byelaws and those more recently introduced by the Orders have been regarded as effective and successful in combating several facets of anti-social behaviour where alcohol consumption has been involved. This includes loitering (and therefore intimidation of other users), littering, and the use of drinks containers as weapons

The 'sponsors' of recent Orders have ranged from members of the public who overlook particular areas to Parish Councils and the Police. The role of the Police in supporting the designation and more importantly, in the policing of the area cannot be over-stated. To designate a place, advertise its designation, put up signage and then not to police it would not only be a waste of resources but a failure to manage the expectations of those who are suffering as a result of the consumption of the alcohol. It would also send out the wrong message to the small minority of people who cause the problems. Equally, the Police have a role in confirming that the particular area suffers from the type of problems connected with alcohol consumption. Land owners/occupiers and others also have a role in substantiating the case for designation.

The proposed designated public places

Earlier this Summer, an approach was made to this Council in respect of the designation of an area in Whitecross, Hereford plus the conversion (with some changes) of the existing byelaw areas covering Ledbury and Ross-on-Wye. Recently, further approaches were made regarding designation of Leominster and Kington plus the Coppin Rise area of Belmont.

Note: If the Order includes Ledbury and Ross-on-Wye then the Council will revoke the Byelaw that is currently in force in those towns.

The proposed areas are detailed at Appendix I. **[Detailed plans to follow]**

The case for designation

Neither those who have highlighted the problems associated with 'public' drinking, the Police nor Herefordshire Council wishes to bring about a comprehensive ban on drinking in the open air. The concerns expressed relate to the effects of alcohol consumption by a small number of people who directly or indirectly cause problems to the residents neighbouring, or those others wishing to use the areas of land for recreation etc. where no disruptive effects occur.

The Police have confirmed that the proposed areas have often been the subject of reports to the police of drink-related anti-social behaviour and nuisance.

Advertisements were placed in the Hereford Times on 10 August 2006 and 28 September 2006 inviting representations regarding this matter. The closing date for representations is 28 days after the date of advertisement. No correspondence has been received objecting to the proposal although there has been discussion and correspondence relating to the inclusion of additional areas. Certain land owners/occupiers (inc. Herefordshire Council, Herefordshire Housing, and HALO), the Police and the relevant Parish Councils have been formerly approached with respect to obtaining their views on the proposals. No written objections have been received.

The proposals accord with initiatives already commenced by the Herefordshire Community Safety Partnership with respect to crime and disorder and in particular tackling alcohol-associated problems.

The effects of making an order

The Police will have the power to require a person not to drink alcohol in a designated place where the officer reasonably believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers (other than sealed containers) in the person's possession. It is not an offence to drink alcohol in a designated public place, but failure to comply with an officer's requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence.

Unlike the procedure associated with the byelaw, the local authority is not under any obligation to conduct a formal assessment of the nature of any alleged problem(s). However, the local authority has to be satisfied that public nuisance, annoyance or disorder has been associated with public drinking in a proposed area. Where there have been no such problems, a designation order will not be appropriate.

Once in force, an offence exists where a person who is consuming intoxicating liquor in a designated place, continues to do so when told to stop doing so by a Police officer. Such powers have brought about a change in town centres in terms of the previously held perceptions of some that loutish, anti-social behaviour prevailed. A 'tool' was therefore available to control such behaviour and reduce the chances of drinking vessels being used in acts of violence.

Financial Implications

Should the recommendation be agreed then a further advertisement must be placed in the local newspaper giving at least 7 days' notice of the Order coming in to force. There are costs associated with placing notices in newspapers in circulation in the proposed areas and costs associated with the manufacture and erection of signage. Signs erected at the principal entrances to each of the areas of land along with some located within the land should result in between 130 and 150 signs being purchased and erected. Each sign costs approximately £30 to manufacture and erect – the number of signs is likely to be circa 140 (based upon the number erected in Bromyard) – a total cost of between £4000 and £5000. The exact number has not yet been determined.

RECOMMENDATION

THAT The Committee makes an Order designating those areas detailed in Appendix 1 as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001.

BACKGROUND PAPERS

- Crime and Disorder Act 1998
- Criminal Justice and Police Act 2001
- The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
- Letters and emails from and to various stakeholders

Appendix I – Details of proposed areas for inclusion in an Order

N.B. Detailed scaled plans will accompany this Appendix.

Hereford:

Open space in Whitecross to the north west and to the south east of the bridge on Yazor Road.

Ledbury:

Bank Crescent (from its junction with The Homend to its junction with Homend Crescent)
 Belle Orchard
 Belle Orchard Close
 Bridge Street
 Bye Street (from its junction with Long Acres to its junction with High Street)
 Church Lane
 Church Road
 High Street
 Lawnside Road
 Long Acres
 Market Street
 New Street (*from its junction with Woodleigh Road to its junction with Market Street*)
 Orchard Lane (from its junction with Belle Orchard to Long Acres)
 The Homend (from its junction with Belle Orchard to High Street)
 The Southend (*from its junction with South Parade to its junction with Mabels Furlong*)
 Upper Cross
 Worcester Road (from Upper Cross to its junction with Cabbage Walk)
 Bye Street Car Park
 Bridge Street Car Park
 Lawnside Road Car Park
 Market House (area underneath)
 Masefield Close Car Park
 Queens Walk
 Recreation Ground adjacent to Queens Walk
 St Katherine's Car Park
 The Walled Garden
 Churchyard of St Michael and All Angels Church
 The public footpath from Orchard lane to Hereford road
 Children's Play Area – Barnett Avenue
 Children's Play Area – Laurette Walk
 Children's Play Area – Yeoman Close

Ross-on-Wye:

Broad Street
 Brookend Street
 Henry Street
 Station Street
 Crofts Lane
 Corpus Christi Lane
 Hill Street
 Cantilupe Road
 Gloucester Road (from its junction with Chase Road to its junction with High Street)
 Old Gloucester Road

Chase Road (from its junction with Gloucester Road to its junction with Gloucester Road)
 High Street
 Church Street
 St. Mary's Street
 New Street
 Kyrle Street
 Palace Pound
 Royal Parade
 Wye Street (from its junction with the approach road leading to the Hope and Anchor Public House to its junction with Edde Cross Street)
 Blake Gardens
 Edde Cross Street
 Edde Cross Street Car Park
 Trenchard Street
 Greytrees Road
 Millpond Street
 Alleyway between Broad street and the Maltings Car Park
 Alleyway between High Street and New Street (known as Pigs Alley)
 Alleyway between Brookend Street and Millpond Street
 Alleyway between Station Street and Cantilupe road
 Alleyway between Henry Street and Cantilupe Road (known as Crofts Lane)
 Alleyway between Cantilupe Road and Gloucester Road
 Kings Acre Car Park
 Kyrle Street Car Park
 Maltings Car Park
 Homs Road Coach and Car Park
 Red Meadow Car Park
 Corn Exchange Car Park, New Street
 One Mill
 Metcalfe Close
 Market Place
 The Market Place
 Fiveways Enhancement Scheme (at the junction of Brampton Street and Overcross Street)
 Rope Walk
 St Mary's Churchyard
 The Prospect
 Copse Cross Street
 Walford Road (to junction Archenfield Road)
 Tennis courts/Bowling Club
 The Maltings Shopping Centre
 Open Space adjoining the Swimming Pool (including the approaches to the pool)
 Car Park serving the Barrell Inn and Jacqueline's Night Spot
 Land Fronting the Baptist Church, 49, and 50 Broad Street
 Morrison's Car Park
 The approach and entrance to Ross Youth Club Hill Street

Belmont:

Open space at Coppin Rise, Belmont

Leominster:

Lion Yard
 Corn Square

Corn Street
Victoria Street
School Lane
Drapers Lane
Grange Walk
High Street
Broad Street
Rainbow Street
West Street
South Street (to its junction with Coningsby Road)
Dishley Street
Burgess Street
The Priory
Westbury Street (including the open grassed area behind the bus stop)
Church Street
School Road
Etnam Street
Worcester Road (to its junction with Caswell Road)
New Street
Cursneh Road
The Grange
Grange Court
Pinsley Road
The Millennium Gardens
Priory Church Grounds
Sydonia playing fields
Coningsby Road
The Bus Station
Central Car park
Somersfield Stores' car park
Broad Street Car Park
Swan Walk
Dukes Walk
Falconer Place
Pinsley Mill
Eaton Close
The Fire Station Car park
Ironmongers' Lane
Cordwainers Lane
Red Cow Lane (aka Miles Court Lane)
Arkwright Close
The Council Offices grounds and Car park
Etnam Street Car park and approach road leading to/from Etnam Street
Bridge Street (to its junction with Mill Street)
Paradise Court
Paradise Terrace
Ryelands Road (between its junction with Westbury Street and the electrical sub station 30 metres to the south west of that junction)
Aldi Stores' Car Park
Minster College Grounds
Leominster Infants School Grounds
Leominster Junior School Grounds
Leominster Cemetery

Kington:

Doctors Lane (aka Prospect Road)
Common Close
Park View (where it is adjacent to Lady Hawkins School boundary)
Kington Football Club grounds
Kington recreation ground
Park Avenue
Mill Street
Crab Tree Road
Crab Tree Road Car Park
Marwick Close
Church Street
Church Road
The Square
Greenfields
High Street
Prospect Lane
Prospect Place
Furlong Lane
Bridge Street (to and including the Arrow Bridge)
Duke Street (to its junction with Love Lane)
Oxford Lane
Market Hall Street
Place de Marines
Market Hall
Co-operative Stores' Car Park
Nisa Stores' Car Park
Lady Hawkins School Grounds
The Livestock Market
The Churchyard of St Mary's Church

TO CONSIDER ALTERING STANDARD CONDITIONS FOR FAYRE OAKS CARAVAN PARK IN RELATION TO SEPARATION DISTANCES AND THE POLICY DECISION ON CARAVAN SITE LICENCE CONDITIONS ENFORCEMENT

Report By: Head Of Environmental Health And Trading Standards

1. **Wards Affected:**

Three Elms

2. **Purpose**

To consider altering the Standard conditions for Fayre Oaks Caravan Park in accordance with S.8 of the Caravan Sites and Control of Development Act 1960 in relation to separation distances and the Council's policy for enforcing the non-compliance of the standard licence conditions for Residential Caravan Sites

3. **Legislation**

Caravan Sites and Control of Development Act 1960 provides the Local Authority with powers attach conditions to site licenses.

4. **Powers of the Local authority to attach conditions:** s. 5(1) A site licence issued by a Local Authority in respect of any land may be so issued subject to such conditions as the Authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling, therefore in caravans, or of any other class of persons, or of the public at large, and in particular, but without prejudice to the generality of the foregoing a site licence may be issued subject to conditions:

- (a) For restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at anyone time;
- (b) For controlling (whether by reference to their size, the state of their repair or subject to the provisions of subsection (2) of this section, any other feature) the types of caravans which are stationed on the land;
- (c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, or structures and vehicles of any description whatsoever and of tents;
- (d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;

Further information on the subject of this report is available from Suzanne Laughland, Principal Trading Standards Officer on (01432) 261675

- (e) For securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;
 - (f) For securing that adequate sanitary facilities, such as other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.
- (2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.
- (3) A site licence issued in respect of any land shall, unless it is issued subject to a condition restricting to three or less the total number of caravans which may be stationed on the land at anyone time, contain an express condition that, at all times when caravans are stationed on the land for the purposes of human habitation, a copy of the licence as for the time being in force shall be displayed on the land in some conspicuous place.
- (3A) The Local Authority shall consult the fire authority as to the extent to which any model standards relating to fire precautions which have been specified under subsection (6) of this section are appropriate to the land.
- (3B) If
- (a) no such standards have been specified; or
 - (b) any standard that has been specified appears to the fire authority to be inappropriate to the land.

The local authority shall consult the fire authority as to what conditions relating to fire precautions ought to be attached to the site licence instead.

- (4) The minister may from time to time specify for the purposes of this section model standards with respect to the layout of, and the provision of facilities, services and equipment for, caravan sites or particular types of caravan site; and in deciding what (if any) conditions to attach to a site licence, a local authority shall have regard to any standard so specified.
- (5) In this section 'fire precautions' means precautions to be taken for any of the purposes specified in paragraph (e) of subsection (1) of this section for which conditions may be imposed by virtue of that subsection.
5. **Powers of the Local authority to alter conditions:** s.8 the conditions attached to a site licence may be altered at any time (whether by Variation or cancellation of existing conditions, or by the addition of any condition, or combination of any such Method) by the local authority, but before exercising their powers the local authority shall afford the holder of the licence an opportunity of making representations.
6. The licence holder may appeal the decision to the magistrates court within 28 days of receiving the written notification of the decision.

7. Background

On Tuesday 18th February 2003 the Council Regulatory Committee approved new Caravan site Standard Licence Conditions for the County that replaced the outgoing Borough Council licence conditions.

8. On Thursday 17th July 2003 the Council Regulatory Committee approved that: -
- (a) the licensees of caravan sites be advised that they have 3 years to comply with the Council's licensing conditions in relation to;
 - mobile homes impinging into the 6 metre space,
 - combustible sheds,
 - enclosed porches.
 - (b) any new/replacement caravans/sheds contravening the licence conditions will be investigated and that if the present non conformances are not rectified the licensee leaves the business at risk to any claims from persons who sustain damaged or a loss if the site has a fire outbreak as a consequence of the non conformances to the standard conditions.
9. Since then the Environmental Health and Trading Standards Licensing Unit have carried out routine visits to all residential sites within Herefordshire to determine the compliance of the new Standard Conditions.
10. In respect of Fayre Oaks Caravan Park, Kings Acre Road, Hereford whilst a vast majority of the units now comply, there are still a few where there remains breaches of the conditions. The main points of concern are: -
- a) The distances between the mobile homes were inside the 6 metres rule relating to conditions. 2.1 of the Permanent Residential Mobile Home Site Licence conditions. (Appendix 1)
 - b) Mobile homes had enclosed porches contrary to condition 2.2 of the Permanent Residential Mobile Home Site Licence conditions. (Appendix 1)
 - c) Sheds erected in close proximity to the mobile homes are not of a non-combustible construction contrary to 2.6 of the Permanent Residential Mobile Home Site Licence conditions. (Appendix 1)
11. A recent inspection of the site has been carried by the Licensing Unit and the Fire officer to identify all outstanding issues. The findings of this report are being prepared and will be available for the Committee Hearing.
12. The current matter was listed for hearing before the Regulatory Committee on 31st October and was deferred for further discussion with the Fire Authority, as it was unclear whether 'The Regulatory Reform (Fire Safety) Order 2005' applied to the site.
13. It has now been decided that it does not and therefore the site licence conditions will apply. The solicitor at the hearing will provide the reasoning leading to this decision.
14. **Issues**
- The conditions attached to any licence are the responsibility of the site licence holder to enforce. An occupier of any unit on that site commits no offence by failing to comply with the council conditions. In some cases residents are refusing to comply

with the conditions of the licence and this is resulting in the need for site owners either having to apply for a variation of the site licence conditions or to instigate civil proceedings against the unit owners.

15. Any other issues which have been identified in the most recent report.
16. To prevent the spread of fire the license conditions require:
 - A 6 metre distance rule (or 5 metres as in one of the old licence conditions) between the mobile homes,
 - To have non combustible sheds and
 - Open porches (prevent storage of flammable materials).
16. Mobile homes on the site are replaced from time to time when their state of repair has deteriorated to an extent that it is not economical to repair.
17. To require the licence holder to remove all the combustible sheds, extensions and porches would be upsetting to residents.

18. **Fire Authority Comments**

Fayre Oaks Caravan Site, Kings Acre, Hereford

165 Eastern Avenue – Any fire involving any part of this unit may quickly involve the whole unit including the extension. The presence of fire retardant insulation will have little impact on this. Given that the distance between this unit and next door is reduced to approximately 3 metres it is very likely that radiant heat from such a fire would spread to the unit next door. This risk could be reduced considerably by the replacement of the wooden fence separating the two properties with a solid wall built of fire-resisting materials to a minimum height of 2 metres. The provision of smoke alarms would give early warning and should be encouraged (or ideally be a condition of licence).

84 Western Avenue - Any fire involving any part of this unit may quickly involve the whole unit including the extension. Given that the distance between this unit and next door is reduced to approximately 4 metres it is possible that radiant heat from such a fire would spread to the unit next door. This risk could be reduced considerably by separating the two properties with a solid wall built of fire-resisting materials to a minimum height of 2 metres. (Appendix 2)

19. **Site owners Comments**

The site owner has made comments in respect of the application. In conclusion they request that the committee extend the exemption to the condition, for a further period of two years to allow them to resolve the issues.

20. **Options**

- (a) To advise the licensee that no enforcement action will be take on the present Non-compliances in relation to;
 - The mobile homes impinging into the 6 metre space,
 - The combustible sheds,
 - The enclosed porches.

and to allow a further period of time to allow the site owners to conform with the conditions

- (b) To refuse to extend the period thereby authorising authority officers to take action against the site licence holder.
- (c) To require the site owner to erect a Temporary fire wall in accordance with fire officer's recommendations. The wall to remain there until such time specified by the Committee when the standard conditions are required to be complied with (e.g. 2 years or the lifetime of the units).
- (d) To come to some other conclusions.

APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'FAYRE OAKS, CARAVAN PARK, KINGS ACRE ROAD, HEREFORD. HR 4 0SU' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Ross-on-Wye

1. Purpose

To consider an application for a variation against the standard licensing condition relating to the requirement to provide an immediately accessible telephone under the Caravan site licence issued to Fayre Oaks Caravan Park, Kings Acre Road, Hereford. HR4 0SU.

Background Information

2. Under Section 5(1) of the Caravan sites and Control of development Act 1960 Act the local authority has the power to issue caravan site licences with conditions the authority thinks necessary or desirable in the interests of the persons dwelling thereon in caravans or of any other class of person or of the public at large but with out prejudice to the generality of the forgoing, a site licence subject to conditions:-
- a) for restricting the occasions on which caravans are stationed on the land for the purpose of human habitation, or the total number of caravans which are so stationed at any one time.
 - b) For controlling (whether by reference to their size, the state of the state of their repair or, subject to the provisions of subsection (2) of this section any other feature) the types of caravan which are stationed on the land;
 - c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise stationed, of structures and vehicles of any description whatsoever and of tents;
 - d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
 - e) For securing that adequate sanitary facilities, and other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, all times when caravans are stationed on the land in caravans and that, at all times when caravans stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

Section 5(2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.

3. In October 2003 the Regulatory reviewed and agreed the current standard caravan site licence conditions.
4. The current application for variation was listed for hearing before the Regulatory Committee on 31st October and was deferred for further discussion with the Fire Authority, as it was unclear whether 'The Regulatory Reform (Fire Safety) Order 2005' applied to the site.
5. It has now been decided that it does not and therefore the site licence conditions will apply. The solicitor at the hearing will provide the reasoning leading to this decision.

Variation Licence Application

6. The variation application requests that condition 5.11 be removed from the current licence.

Current Licence

7. Condition 5.11 of the conditions states:
An immediately accessible telephone should be available on site for calling the emergency services. A notice by the telephone should include the address of the site.

Summary of Representations

8. The Fire Authority have been consulted and have made the following comment: -
'Given the relative speed of likely fire development in these properties, a telephone on-site will have little benefit in terms of life-saving from fire. An early call may be of more value in the event of medical emergency. The judgement of the local authority in removing this requirement could also consider the frequency of use of such telephones in the past and given the now ubiquitous use of mobile phones, whether such use would be of value in the future.'
7. A letter has been received from a resident on the site who has objected to the removal of the emergency phone. (A copy of this can be found within the background papers – Appendix 3).

Options: -

8. It is for the committee to decide: -
 - a) to grant the variation
 - b) to grant the variation with conditions they think fit
 - c) to reject the variation application
 - d) to come to some other conclusion.

Background Papers

Appendix 1 Application to vary.

Appendix 2 Fire Officers Comments

Appendix 3 Copy of letter of objection – together with typed transcript

Appendix 4 Fayre Oakes licence and Standard licence Conditions.

APPLICATION FOR VARIATION OF CARAVAN SITE LICENCE FOR 'COTTAGE PARK CARAVAN PARK LEDBURY ROAD, ROSS – ON - WYE HR9 7BD' - CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1950

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Ross-on-Wye

1. Purpose

To consider an application for a variation against the standard licensing condition relating to open porches and separation space, to allow a caravan on Plot 23 at Cottage Park, Ledbury Road, Ross-on-Wye to have a closed porch and to reduce the permitted separation space from 6 metres to 5.65 metres.

Background Information

2. Under Section 5(1) of the Caravan sites and Control of development Act 1960 Act the local authority has the power to issue caravan site licences with conditions the authority thinks necessary or desirable in the interests of the persons dwelling thereon in caravans or of any other class of person or of the public at large but with out prejudice to the generality of the forgoing, a site licence subject to conditions:-

- a) for restricting the occasions on which caravans are stationed on the land for the purpose of human habitation, or the total number of caravans which are so stationed at any one time.
- b) For controlling (whether by reference to their size, the state of the state of their repair or, subject to the provisions of subsection (2) of this section any other feature) the types of caravan which are stationed on the land;
- c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise stationed, of structures and vehicles of any description whatsoever and of tents;
- d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
- e) For securing that adequate sanitary facilities, and other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, all times when caravans are stationed on the land in caravans and that, at all times when caravans stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

Section 5(2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.

3. In October 2003 the Regulatory reviewed and agreed the current standard caravan site licence conditions.
4. Victoria Woodland Environmental Health Officer has visited the site and wrote to the site owners Mr and Mrs Smith on 24 March 2005 advising them that the porch on caravan no 23 has to be of an open type in accordance with the standard conditions. This letter resulted in Mr and Mrs Smith applying for the variation to the standard conditions.
5. On 14th September 2006 Fred Spriggs Licensing Officer attended the location where is the presence of Mr & Mrs Smith he measured the separation distance between the two units which was 5.65 metres and the separation space between the porch and the adjoining caravan was 4.75 metres.
6. This matter was listed for hearing before the Regulatory Committee on 31st October and was deferred for further discussion with the Fire Authority as it was unclear whether 'The Regulatory Reform (Fire Safety) Order 2005' applied to the site.
7. It has now been decided that it does not and therefore the standard conditions will apply. The solicitor at the hearing will provide the reasoning leading to this decision.

Variation Licence Application

8. The variation application is applying to allow an enclosed porch to remain at Plot 23 Cottage Park, Ledbury Road, Ross On Wye and for the separation space between Unit 23 & 24 to remain at 5.65 metres.

Current Licence

9. Condition 2.1 of the conditions states:
Subject to the following variations, every caravan should be not less than 6 metres from any other caravan, which are preoccupied separately and not less than 2 metres from a road. The point of measurement for porches, an awning etc is the exterior cladding of the caravan.
10. Condition 2.2 of the conditions states:
Porches may protrude 1 metre into the 6 metres and should be of the open type.

Summary of Representations

11. The Fire Authority have been consulted and have made the following comment: -
'There is no absolute answer to this - as always it is a matter of increase or decrease in likelihood of risk. I believe that the general condition of 6m

distance and open porches only being allowed to encroach on this distance is reasonable. A distance of 4.75m between a closed porch and the next caravan would present more risk of potential fire-spread by radiant heat and should therefore be avoided if practicable.'

12. Environmental Health have been consulted and providing further conditions listed in the report are added to the licence they have no objection to the variation in this case. The report is attached in the background papers.
13. The next-door neighbour at 24 Cottage Park has been consulted and has made comment in respect of the application. A copy is shown within the background papers.
14. Further comment has been received from Mr Perks, 23 Cottage Park, who has also included a set of photographs. These are again located within the background papers.

Options: -

15. It is for the committee to decide: -
 - a) to grant the variation
 - b) to grant the variation with conditions they think fit
 - c) to reject the variation application
 - d) to come to some other conclusion.

Background Papers

Appendix 1 Application to vary.

Appendix 2 Letter dated 24 March 2005 to Mr & Mrs Smith from Victoria Woodland.

Appendix 3 Letter dated 23rd March 2006 to Mr & Mrs Smith from Victoria Woodland

Appendix 4 Representation from Environmental Health.

Appendix 5 Fire Officers Comments

Appendix 6 Cottage park licence and Standard licence Conditions.

Appendix 7 Photograph of porch and distance between units.

Appendix 8 Letter to Licensing Authority from Mrs Haile, 24 Cottage Park.

Appendix 9 Letter from Mr Perks, 23 Cottage Park.

**APPLICATION FOR VARIATION OF CARAVAN SITE
LICENCE FOR 'SALTMARSH CASTLE CARAVAN
PARK STOURPORT ROAD, BROMYARD HR7 4PN' -
CARAVAN SITES AND CONTROL OF DEVELOPMENT
ACT 1950**

Report By: Head of Environmental Health and Trading Standards

Wards Affected:

Bromyard

Purpose

1. To consider an application for a variation against the standard licensing condition relating to changing fire fighting provisions within the standard licence conditions for Saltmarsh Castle Caravan Park, Stourport Road, Bromyard. HR7 4PN.

Background Information

2. Under Section 5(1) of the Caravan Sites and Control of Development Act 1960 Act the local authority has the power to issue caravan site licences with conditions the authority thinks necessary or desirable in the interests of the persons dwelling thereon in caravans or of any other class of person or of the public at large but with out prejudice to the generality of the forgoing, a site licence subject to conditions:-
 - a) For restricting the occasions on which caravans are stationed on the land for the purpose of human habitation, or the total number of caravans, which are so, stationed at any one time.
 - b) For controlling (whether by reference to their size, the state of the state of their repair or, subject to the provisions of subsection (2) of this section any other feature) the types of caravan which are stationed on the land;
 - c) For regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise stationed, of structures and vehicles of any description whatsoever and of tents;
 - d) For securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
 - e) For securing that adequate sanitary facilities, and other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, all times when caravans are stationed on the land in caravans and that, at all times when caravans stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

Section 5(2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.

3. In October 2003 the Regulatory reviewed and agreed the current standard caravan site licence conditions.
4. Kevin Bray an Environmental Health Officer has visited the site and wrote to the site owners Mr Weekers on 6 June 2005 advising him of non compliances with the standard conditions, this included provisions for the fire safety equipment. (Appendix 2 of Background Papers).
5. This matter was listed for hearing before the Regulatory Committee on 31st October and was deferred for further discussion with the Fire Authority as it was unclear whether 'The Regulatory Reform (Fire Safety) Order 2005' applied to the site.
6. It is still to be decided whether the Standard Conditions or The Regulatory Reform (Fire Safety) Order 2005 applies to this site. The solicitor at the hearing will provide a decision in respect of this.

Variation Licence Application

7. Mr Weekers has submitted an application to vary the conditions of the licence by removing conditions 5.2 and 5.4 and replace them with a single condition to allow 1KG powder extinguisher only to be provided at each fire point and a further condition stating that a suitable and sufficient fire risk assessment shall be recorded and maintained for the whole site.

Current Licence

8. Condition 5.2 of the conditions states:
Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point. There should also be a reel that complies with British standard 5306 Part 1, with a hose not less than 30 metres long, having a means of connecting to water standpipe (preferably a screw head connection) with a water supply of sufficient pressure and terminating a small hand control nozzle. Hoses should be housed in a box painted red and marked "HOSE REEL".
9. Condition 5.4
Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point should be provided with wither water extinguishers (2x9 litre) or a water tank of at least 500 litres incapacity with a hinged cover, 2 buckets and 1 hand pump or bucket pump.
10. The planning permission for the site states that 'No caravan shall be occupied between 7th January and 7th March in any year'.

Summary of Representation

11. The Fire Authority have been consulted and have the following comment: -
'We would agree that it is acceptable to replace hose-reels or water extinguishers with an equivalent extinguishing media. If 6kg dry powder extinguishers are used then we would recommend two extinguishers. They need to be housed in such a way that they are accessible but not subject to corrosion. A fire risk assessment for the site, with a record of the significant findings, will be a requirement of the Regulatory (Fire Safety) Reform order 2005 which comes into force on 01 October 2006. Extinguishing media, centrally located at fire-points, are unlikely to provide any protection against death or injury against fire within any single unit. The provision of suitable automatic fire detection, fire blankets and/or suitable extinguishers within living units would be a more effective control measure.

12. **Options: -**
It is for the committee to decide: -
 - a) to grant the variation
 - b) to grant the variation with conditions they think fit
 - c) to reject the variation application
 - d) to come to some other conclusion.

Background Papers

Appendix 1 Application to vary.

Appendix 2 Letter dated 6 June 2005 to Mr Weekers the site owner.

Appendix 3 Representation from Fire service.

Appendix 4 Saltmarshe Caravan Park Licence and Standard Licence Conditions.

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Clerk to the Panel, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.

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