

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.