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PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are encouraged to attend via Zoom wherever possible. The attached Protocol for Hybrid Meetings explains how this will work. Please do not attend Phoenix House without contacting the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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MID DEVON DISTRICT COUNCIL

REGULATORY COMMITTEE

A MEETING of the **REGULATORY COMMITTEE** will be held in the Phoenix House, Tiverton on Friday, 3 December 2021 on the rising of the Licensing Committee at 11.00 am

STEPHEN WALFORD

Chief Executive

25 November 2021

Councillors: Mrs E M Andrews, J Bartlett, J Cairney, R J Chesterton, Mrs F J Colthorpe, D R Coren, J M Downes, D J Knowles, Miss J Norton, S J Penny, Mrs E J Slade and L D Taylor

Those attending are advised that this meeting will be recorded.

A G E N D A

MEMBES ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 3 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 3 - 6*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 27th September 2021.
- 5 **THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**
To receive details of revisions proposed to the Hackney Carriage and Private Hire Policy from the Lead Licencing Officer and consultation arrangements
- 6 **ENFORCEMENT UPDATE**
To receive an enforcement update.

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: <https://democracy.middevon.gov.uk/documents/s23135/MeetingProtocolUpdateOct2021nextreviewFeb2022.pdf>

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 27 September 2021 at 11.15 am

Present Councillors

R J Chesterton, Mrs F J Colthorpe,
D R Coren, L J Cruwys, J Cairney,
L D Taylor and Mrs E J Slade

Apologies Councillor(s)

J M Downes, D J Knowles, Mrs E M Andrews, S J Penny
and J Bartlett

Also Present Officer(s):

Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Deborah Sharpley (Solicitor), Joanne Pope (Commercial Team Leader Public Health), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

9 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.39)**

Apologies were received from Cllrs Mrs E M Andrews, J Bartlett, D J Knowles, S J Penny and J M Downes who was substituted by Cllr L J Cruwys.

10 **HYBRID MEETINGS PROTOCOL (0.02.49)**

The Committee had before it, and **NOTED**, the Hybrid Meeting Protocol.

Note: *Protocol previously circulated and attached to the minutes.

11 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.02.53)**

Members were reminded of the need to declare interests as appropriate.

12 **PUBLIC QUESTION TIME (0.03.00)**

There were no members of the public present.

13 **MINUTES (0.03.11)**

The Minutes of the meeting held on 6th August 2021 were agreed as a true record and duly signed by the Chairman.

14 **MOBILE HOMES FIT AND PROPER PERSON FEE CHARGE AND POLICIES (0.03.59)**

The Committee had before it a *report from the Corporate Manager for Public Health, Regulation and Housing (Chair East & Mid Devon CSP) presenting the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 and the fees and policies required by the Council to implement the regulations.

The officer explained that the legislation introduced a test for managers of commercial mobile home sites to be a fit and proper person and that there was a fee requirement and new policies had to be introduced.

He explained that non-commercial mobile home sites were exempt from the legislation including touring sites and some traveller sites.

The report explained how the Council would manage applications and what guidance would be provided and that there were a number of options when an application was received. The report also detailed the requirement for delegated powers to be given to allow officers to set future fees and enforcement activities. The fees were not for profit but covered the costs associated with processing the applications.

In response to questions the officer confirmed that each mobile home site would be determined on its own merits to decide if the legislation applied and a lot of groundwork had already been completed to contact mobile home sites in the district.

In response to Members thoughts that the recommendations should be reworded from 'adopt and agree' to 'agree and adopt' it was agreed to change the wording on the recommendations.

It was therefore **RESOLVED** to **RECOMMEND** to Council to:

1. Agree and adopt the Mobile Homes Fit and Proper Person Fee Policy contained in Annex 1 of this report
2. Agree and adopt the Mobile Homes Fit and Proper Person Fee Calculation contained Annex 2 of this report
3. Agree and adopt the Mobile Homes Fit and Proper Person Determination Policy contained in Annex 3 of this report
4. Delegate Authority to the Corporate Manager for Public Health, Regulation and Housing for the administration, including setting of fees, and enforcement of any provisions under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. These delegations can then be sub-delegated to relevant officers.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs F J Colthorpe)

Reason for the decision: To allow the Council to introduce a fee and determination policy to implement the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

Note: *report previously circulated and attached to the minutes

(The meeting ended at 11.36 am)

CHAIRMAN

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