

Public Document Pack

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MID DEVON DISTRICT COUNCIL

REGULATORY COMMITTEE

A SPECIAL MEETING of the **REGULATORY COMMITTEE** will be held in the Phoenix House, Tiverton on Monday, 27 September 2021 at 10.30 am

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.

Join Zoom Meeting

<https://zoom.us/j/99764600559?pwd=RElnZFk2MStyTTlmK09QL0Q1bWg4QT09>

Meeting ID: 997 6460 0559

Passcode: 299040

One tap mobile

08000315717,,99764600559#,,, *299040# The United Kingdom Toll-free

08002605801,,99764600559#,,, *299040# The United Kingdom Toll-free

Dial by your location

0 800 031 5717 The United Kingdom Toll-free

0 800 260 5801 The United Kingdom Toll-free

0 800 358 2817 The United Kingdom Toll-free

Meeting ID: 997 6460 0559

Passcode: 299040

STEPHEN WALFORD

Chief Executive

17 September 2021

Membership: 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

A G E N D A

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **HYBRID MEETINGS PROTOCOL** (*Pages 5 - 12*)
Members to note the Hybrid Meetings Protocol.
- 3 **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.
- 4 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 5 **MINUTES** (*Pages 13 - 14*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 6th August 2021
- 6 **MOBILE HOMES FIT AND PROPER PERSON FEE CHARGE AND POLICIES** (*Pages 15 - 50*)
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") introduced a Fit and Proper Person test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. From 1 July 2021 until 1 October 2021 protected sites, operated on a commercial basis, must be shown to be being managed by a fit and proper person. This report brings forward a new fee and determination policy to allow the Council to implement these regulations.

Recommendation: That the Special Regulatory Committee recommend to Council the following:

1. Adopt and agree the Mobile Homes Fit and Proper Person Fee Policy contained in Annex 1 of this report
2. Adopt and agree the Mobile Homes Fit and Proper Person Fee Calculation contained Annex 2 of this report
3. Adopt and agree 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.

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: [Hybrid Protocol - September 2021.pdf \(middevon.gov.uk\)](#)

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 – Hybrid Meeting Protocol

1. Introduction

Remote meetings via Zoom have been used during the Covid-19 pandemic in accordance with the temporary legislation. That legislation ceases to apply from 7 May 2021. However, Covid-19 legislation and guidance continues in place and this places specific requirements for meetings in relation to health and safety, risk assessments and related matters.

The Council has therefore put in place temporary arrangements which will enable meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment. All are asked to remember that the Council's offices at Phoenix House are not just meeting rooms – they are the place of employment for many and there are implications beyond just how the meetings are held.

The arrangements set out in this Protocol will apply to meetings from 7 May 2021 until further notice. At the date of this Protocol, it is expected that arrangements may change later this year – because the Government may change the law, the Covid-19 pandemic may have further receded and/or the Council makes alternative arrangements.

2. Hybrid arrangements – how will they work?

The primary objective is to ensure that meetings can continue as safely as possible and that the rights of Members and the Public are not diminished simply because the meeting is being held through a mix of online and face-to-face means. The Chairman will retain control and discretion over the conduct of the meeting and the Zoom host will provide administrative support to facilitate the meeting.

Please note that, exceptionally, meeting arrangements may change – in response to legislation, court decisions, or risk. This may include a meeting being postponed, or the hybrid arrangements changing or being withdrawn. We ask that you check the arrangements in advance of joining or attending the meeting.

(a) Members (councillors) entitled to vote

All Members entitled to vote in a meeting must be present in the same room – if they are to be classed as 'present' (count towards the quorum) and to cast a vote. If a Member entitled to vote is not in the room, they may still participate via Zoom (see below), but they will not be present (quorum) nor be able to vote.

(b) Other Members, Officers and the Public

The Council will use Zoom to enable all other Members, officers and the Public to attend and participate in meetings safely. Zoom will be enabled in all public meetings. Those attending the meeting physically will be able to see and hear Zoom participants via the existing large TV/monitor screens in the meeting rooms.

Those on Zoom will be able to hear Members in the room and see them – although this will be a whole room view and there will be no zooming in on individual members. It is essential therefore those Members present in the room use the microphones at all times and identify themselves before speaking.

There will be some Officers in the room – the Committee Administrator, the Zoom host and, at times, an additional support officer. There may also be a meeting room host to manage the safety of the meeting. All other Officers should use Zoom, unless they are specifically invited into the room by the Chairman of the meeting.

3. Zoom

Zoom is the system the Council will be using for those attending Hybrid meetings remotely. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

4. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a meeting.

If any other Member wishes to have a paper copy, they must notify Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

The Public should continue to access agendas via the Council's website - and are encouraged to do so even after the offices at Phoenix House are fully open again.

5. Setting up the Meeting for Zoom attendance

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members and Officers will receive a URL link to click on to join the meeting. The Public will use the Zoom details on the front of the agenda. The telephone dial-in via Zoom will also be available.

6. Public Access and Participation

(a) Public Access:

Members of the Public will be able to use a web link and standard internet browser. This will be displayed on the front of the agenda. Members of the Public should attend a meeting via Zoom, unless there are circumstances justifying attendance in person.

If any member of the Public still wishes to attend in person, they must notify Member Services **at least 3 working days before the meeting**. Notifications must be sent by email to:

Committee@middevon.gov.uk

Day of meeting	Notice given by
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Monday
Friday	Tuesday

This will ensure that the meeting rooms do not become overcrowded.

(b) Public Participation (speaking):

Public questions will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will ask each registered person to speak at the appropriate time. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question. Unless they have registered, a member of the public may not be called to speak, except at the discretion of the Chairman.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

7. Arrangements for any person attending meetings at Phoenix House

Anyone attending a meeting in person must observe the following requirements:

- (a) For non-voting members, officers and the Public – are there exceptional circumstances to justify attending? If so, please notify in advance and in paragraph 6 above. It is essential that the Council knows who is attending and how many will be in the room.

- (b) Do not attend if you: have any symptoms of Covid-19; are self-isolating (with or without a positive Covid-19 test); or are in a period of post-travel quarantine.
- (c) Use the hand sanitiser which is available in the building.
- (d) Follow the directions for entering, moving around and exiting the building. Follow the instructions of any Officer present to manage the safety of the meeting and/or the Chairman.
- (e) Sign into the meeting if requested to do so – you may be asked to leave contact details
- (f) Enter and leave the building promptly – do not gather inside after the meeting has finished, or during any break in the meeting
- (g) Bring your own water/refreshments, as these will not be available for the time being.

8. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public attending via Zoom that **all microphones must be muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use.

9. Declaration of Interests

Members should declare their interests in the usual way. A Member with a disclosable pecuniary interest is required to leave the room. If they are attending via Zoom, they will be moved to the waiting room for the duration of the item.

10. The Meeting and Debate

- (a) For Members and Officers physically present

Each member should raise their hand to indicate a request to speak. When called, they must identify themselves for the recording and for the benefit of those attending via Zoom. The microphone must be used when speaking – standing will make it difficult for those on Zoom to hear and is discouraged, including at meetings of Full Council.

- (b) For any person attending via Zoom

The Council will not be using the Chat function. The Chairman will call speakers in

accordance with the usual rules i.e. either at Public Question Time, or for Members and Officers, when they raise their Zoom hand to speak.

No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – remote management of meetings is intensive and the Hybrid arrangements are likely to be more so. It is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Members and Officers should refer to the report and page number whenever possible. This will help all present or in attendance to have a clear understanding of what is being discussed.

11. Voting

Voting for meetings in person is normally through a show of hands. The Member Services Officer will announce the numerical result of the vote for the benefit of those attending via Zoom.

12. Meeting Etiquette Reminder for Zoom attendees

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration.

If there are members of the public and press attending the meeting, then the Member Services Officer will, at the appropriate time, remove them to a waiting room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chairman is required to interpret the Council's Constitution and procedural rules and how they apply to remote attendance, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then (if attending via Zoom) they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chairman will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chairman may ask the Member Services Officer to remove them as a participant from the meeting.

17. Technical issues – meeting management

If the Chairman, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chairman should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

Where any Member, Officer or the Public experience their own technical problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be automatically suspended or adjourned.

18. Technical issues – Individual Responsibility (Members and Officers)

Many members, officers and the Public live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)

- Have to hand the telephone number of someone attending the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)

Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

Call the toll free number either on the meeting agenda or on the Outlook appointment (this will start with 0800 -----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

Press ***6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing ***9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 6 August 2021 at 12.00 pm

Present Councillors

J Bartlett, Mrs F J Colthorpe, J Cairney,
L J Cruwys, J M Downes, D J Knowles,
Miss J Norton and Mrs E J Slade

Apologies Councillor(s)

R J Chesterton, D R Coren, S J Penny and L D Taylor

Also Present Officer(s):

Deborah Sharpley (Solicitor), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR) (00.06)

Cllr J Cairney was elected Chairman of the Licensing Committee for the municipal year 2021-2022

2 ELECTION OF VICE CHAIRMAN (05.12)

Cllr Mrs E Slade was elected Vice Chairman of the Licensing Committee for the municipal year 2021-2022

3 HYBRID MEETINGS PROTOCOL (05.57)

The Committee had before it, and NOTED, the *Hybrid meeting protocol.

Note: *Protocol previously circulated and attached to the minutes

4 APOLOGIES AND SUBSTITUTE MEMBERS (06.15)

Apologies were received from Cllrs R J Chesterton, D R Coren, S J Penny and L D Taylor who was substituted by Cllr L J Cruwys

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (06.31)

Cllr J Cairney declared a personal interest as he was a current licence holder

6 PUBLIC QUESTION TIME (7.00)

There were no members of the public present

7 MINUTES (07.08)

The Minutes of the meeting held on 15th October 2020 were approved as a true record and were duly **SIGNED** by the Chairman

8 **REGULATORY UPDATE (07.52)**

The Specialist Lead Licensing Officer provided a verbal update on the Regulatory Service which included:

- The Hackney Carriage and Private Hire Policy was due to be reviewed this year and this follows on from the Department for Transport's Statutory taxi and private hire vehicle standards that were issued last year
- The team were currently working on a review of the hackney carriage tariff which would be presented to Cabinet for approval
- A summary of the enforcement action taken over the last year, including the number of hearings held via Regulatory Sub-Committees
- 4 Hackney Carriage licences had been revoked in 2020 and 10 had been suspended

(The meeting ended at 12.11 pm)

CHAIRMAN

SPECIAL MEETING OF THE REGULATORY COMMITTEE

27 SEPTEMBER 2021

MOBILE HOMES FIT AND PROPER PERSON FEE CHARGE AND POLICIES

Cabinet Member(s): Cllr Dennis Knowles

Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing (Chair East & Mid Devon CSP)

Reason for Report and Recommendation: The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") introduced a Fit and Proper Person test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. From 1 July 2021 until 1 October 2021 protected sites, operated on a commercial basis, must be shown to be being managed by a fit and proper person. This report brings forward a new fee and determination policy to allow the Council to implement these regulations.

Recommendation: That the Special Regulatory Committee recommend to Council the following:

1. Adopt and agree the Mobile Homes Fit and Proper Person Fee Policy contained in Annex 1 of this report
2. Adopt and agree the Mobile Homes Fit and Proper Person Fee Calculation contained Annex 2 of this report
3. Adopt and agree 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.

Financial Implications: There are no financial implications as a result of this activity. The fee is legally calculated to ensure that the provision is cost neutral. The fee must be transparent and reasonable to only cover the cost of the application and determination for the Fit and Proper Person test. The fee will be reviewed annually to ensure it continues to remain cost neutral for the Council. Further information contained within the report.

Budget and Policy Framework: Budget and financial considerations are set out above. Any cost of delivering this element of the licensing service within Public Health will be balanced by fee income.

The policies set out are consistent with other adopted licensing policies and written specifically to ensure compliance with the relevant legislation (see below). Policies are also consistent with the adopted Enforcement Policy for the Council.

Legal Implications: Matters set out herein are determined by the Regulations” which introduce a Fit and Proper Person test for mobile home site owners or the person appointed to manage the site.

Under this legislation, the Council must have the fee policy documents in place to be able to enforce the Regulations. The Council could be challenged if the policy and associated documents are not in place to allow site managers to apply for the Fit and Proper Person test by the deadline of 30 September 2021.

Risk Assessment: Failing to introduce this policy puts the Council at risk of not being able to fulfil a statutory duty. Government guidance was published in June 2021 and the legislation requires applications to be submitted between 1 July and 30 September 2021 for existing sites. Not having the policy in place has a reputational risk for the Council as site managers will not be able to comply.

Equality Impact Assessment: An EIA has not been undertaken for this report. The policies set out herein are determined purely by the provisions of the legislation set out above and do not discriminate against any relevant persons with protected characteristics. Matters in relation to fee setting also follow the relevant legal provision and are set on a cost-neutral basis.

Relationship to Corporate Plan: This report and the annexes attached link directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Impact on Climate Change: None directly arising from the report.

1.0 Introduction and legislative background

- 1.1 The Regulations” introduced a Fit and Proper Person Test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. The Regulations apply to all relevant protected sites. These include both “residential parks”, which are used exclusively residentially, and “mixed use parks”, which are used for both residential and holiday purposes. Non-commercial family-occupied sites are exempt from the regulations requiring a fit and proper person test.
- 1.2 It is important to highlight that from 1 July 2021 until 1 October 2021 protected sites, operated on a commercial basis, must be shown to be being managed by a fit and proper person.

- 1.3 The attached policies and fee will enable the Council's Public Health Licensing team to implement the new Regulations to enable site owners, or the person appointed to manage the site, to make their applications to be assessed as fit and proper and included on the public register of fit and proper persons managed by the Council. The purpose of the Fit and Proper Person Test is to protect residents living in protected sites park homes from rogue landlords; poor maintenance and mismanagement of sites. We already undertake fit and proper tests on landlords and managers of houses in multiple occupation (HMOs).

2.0 Definition of a fit and proper person

- 2.1 The applicant (owner or manager) wishing to be included on the register will have to show that there are suitable financial and management arrangements in place for the site.
- 2.2 They must provide information relating to their conduct in relation to any of the following:
- Offences relating to fraud, dishonesty, violence, arson or drugs or listed in schedule 3 of the Sexual Offences Act 2003
 - Contraventions of law in relation to: housing, caravan sites, mobile homes, public health, planning or environmental health or landlord and tenant law
 - Contraventions of law in relation to the Equality Act 2010, or in connection with the carrying out of any business
 - Harassment of any person in connection with the carrying out of any business
 - Insolvency within the last 10 years
 - Disqualification from acting as a company director within the last 10 years
 - Having the right to work in the UK.

3.0 Sites affected by the change

- 3.1 This legislation only applies to park home sites, which operate on a commercial basis, where units are sold or rented to residents. These are "residential parks", which are used exclusively residentially, and "mixed use parks", which are used for both residential and holiday purposes.
- 3.2 Units which are only occupied by the site owner or members of the site owner's family do not need to apply. If park homes are rented out to non-family members, then the owner or site manager will need to apply to be included on the register. The law does not cover touring or holiday caravan sites.

4.0 The fit and proper person application process

- 4.1 Under the legislation the fit and proper person must be the person with day-to-day responsibility for managing a site.
- 4.2 That is the site owner or a person appointed to undertake managing the site on the owner's behalf.
- 4.3 Anyone applying for a new site licence, or the transfer of a site licence to a new owner, will need to apply to have themselves or the site manager included on the fit and proper person register held by the Council and pay a fee.
- 4.4 Applications must be received between the 1st July 2021 and by midnight of 30 September 2021 (inclusive) to be assessed as a Fit and Proper Person.
- 4.5 It is a criminal offence if the owner or manager operating a site fails to comply with the Fit and Proper Person Test. If found guilty at a Magistrates' Court they could be liable to pay up to an unlimited fine (level 5).
- 4.6 The applicant seeking to be assessed as a Fit and Proper Person and entered on the register will need a basic DBS certificate (dated no more than 6 months before the date of the application). This must be included with the application. The DBS certificate must be from an approved supplier.
- 4.7 An application and guidance will be sent to the applicant including how to arrange a DBS check. The applicant will be required to carry the cost of the application and pay the Council the published fee. Further information is in Annex 3, the Mobile Homes Fit and Proper Person Determination Policy and the Guidance for Site Owners (attached in Annex 4 for reference).
- 4.8 Once a valid application has been received the Licensing team will determine the application within a timely and practicable manner and notify the applicant of the result in writing.
- 4.9 The application can be approved as follows:
- Unconditional – no conditions attached
 - Approved with conditions – specific conditions may be required
 - On condition of appointment of a manager determined by the Council who is authorised as Fit and Proper

- 4.10 More information in respect of the Fit and Proper Persons Test, sites impacted and the application process is contained in Annex 3 – the Mobile Homes Fit and Proper Person Determination Policy.

5.0 Fees

- 5.1 The cost of applying the Fit and Proper Person test must be cost neutral for the Council. Applying to be assessed as a Fit and Proper Person and for inclusion on the register carries an application fee of £304.18 for the 2021/22 period. The fee is calculated by assessing the steps required by the Licensing team to process the application, how long each step takes and the hourly cost of the officer undertaking the task. A full breakdown of how the fee has been calculated is shown in Annex 2 – Mobile Homes Fit and Proper Person Fee Calculation and the policy for the fee calculation is set out in detail in Annex 1 - Mobile Homes Fit and Proper Person Fee Policy.
- 5.2 The fee will be reviewed on an annual basis. As this process is new the proposed fee is an estimate of the time this is likely to take. The next review will be able to provide a more accurate view of the time taken to process these applications. The fee will then be updated accordingly.
- 6.0 The proposed delegated powers will allow for the service to administer and enforce these statutory provisions going forward and to update fees annually as set out above.

7.0 Publication of the Register

- 7.1 All applicants for the Fit and Proper Person Test must be entered onto a public register. The register must be published on the Council's website. The register must be set out in a standard format as required under the Regulations. A copy must be available to any person on request.
- 7.2 The register will be published from 1 October 2021.

8.0 Recommendations

- 8.1 That the Regulatory Committee recommend to Council the following:
1. Adopt and agree the Mobile Homes Fit and Proper Person Fee Policy contained in Annex 1 of this report
 2. Adopt and agree the Mobile Homes Fit and Proper Person Fee Calculation contained in Annex 2 of this report
 3. Adopt and agree 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.

Contact for more Information: Jo Pope, Commercial Team Leader (secondment) jpope@middevon.gov.uk or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing snewcombe@middevon.gov.uk.

Circulation of the Report:

Cabinet Member for Community Well Being (Cllr Dennis Knowles)
Members of the Regulatory Committee
All Leadership Team
All Corporate Management Team
All Operations Managers

List of Background Papers:

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020
[The Mobile Homes \(Requirement for Manager of Site to be Fit and Proper Person\) \(England\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukmg/2020/1200/contents)

Annex 1 - Mobile Homes Fit and Proper Person Fee Policy
Annex 2 - Mobile Homes Fit and Proper Person Fee Calculation
Annex 3 - Mobile Homes Fit and Proper Person Determination Policy
Annex 4 - Guidance for Site Owners

**MID DEVON DISTRICT COUNCIL
FIT AND PROPER PERSON
FEE POLICY**

Introduction

1. A relevant protected site is a site which requires a licence, which is not solely for holiday purposes or is otherwise not capable of being used all year round. A relevant protected site cannot operate unless the local authority is satisfied that the manager qualifies as a fit and proper person.
2. A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) ("the Regulations") must apply to their local authority for the relevant person (themselves or their appointed manager) to be assessed as fit and proper and added to the register of fit and proper persons managing sites in their area
3. The site owner may only apply to be added to the register if they hold, or have applied for, a site licence for the site. This provision also applies where the site owner or site manager is a registered company.
4. The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the register. It is imperative that the fee is included with the application and failing to include this may mean that the site owner is in breach of the requirements of the Regulations.
5. This fee policy refers to the annual fee to recover costs the local authority may have incurred, or which will be incurred, in appointing a person to manage a site with the site owner's consent.
6. Site owners will be required to submit a completed application from 1 July until 30 September 2021 (3 months) and pay the fee, outlined below, to Mid Devon District Council ("the Council"), which will also include any additional fees such as an annual site fee.

Fees for Fit and Proper Persons Register Applications

Initial application fee

A fixed initial application fee:

7. The Council believes that the fit and proper person assessment and/or checks to be included on the fit and proper register will take a total of **13 hours** per application (**Plus time spent on the pre-application advice which is fixed at £30**).

8. The checks are likely to be carried out by the same officers who carry out the licensing functions and, therefore, their hourly rates as per the table below should be applied. Therefore, the fee is set at **£334.18** for the fit and proper person application.

Role	Hourly rate	Hourly rate (including onward costs) 21/22
Business Support Officer (SCP 11)	£11.40	£17.98
Specialist Lead Officer (SCP 28)	£16.71	£26.70
Commercial Team Lead (SCP 36)	£20.67	£33.22

9. The Council will take into account the following matters on which costs are incurred, or likely to be incurred (by various departments, including costs incurred by outsourcing contracts), when determining its fee policy for consideration of applications for entry on a fit and proper person register:

- (a) Initial enquiries;
- (b) letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the fit and proper process;
- (c) sending out forms;
- (d) updating files/ computer systems and websites;
- (e) processing the application fee;
- (f) land registry searches;
- (g) time for reviewing necessary documents and certificates;
- (h) preparing preliminary and final decision notices;
- (i) review by manager or lawyers; review any representations made by applicants or responses from third parties;
- (j) updating the public register;
- (k) carrying out any risk assessment process considered necessary and
- (l) reviews of decisions or in defending appeals.
- (m) Site visits
- (n) Amending conditions

10. It is important that charges must be limited to recovering the costs of exercising the fit and proper person test function only and not other costs that have already been charged for by other service areas.

11. Please see the Council's **Fit and Proper Person Fee Calculation** which provides transparent justification for the fee to be imposed upon receipt of the initial application. The purpose of this is to demonstrate that the fees imposed are fair and transparent.

Additional considerations for an application fee:

12. The Council will be required to conduct relevant background checks on the applicant in management and their financial standing. The results of these will allow the Council to decide on whether or not to accept the application. The

time taken for these checks is accounted for in the fee, irrespective of whether or not the entry on the register is granted.

13. Where an applicant contacts the Council before making an application, to ascertain the likelihood of the success of that application, the authority is expected to provide informal advice, for example, the conditions surrounding an application or the information required to be submitted and general guidance on making the application. This advice is accounted for in the fee once the application is received.

Annual fee for an existing entry on the register:

14. Where the application by a site owner is more complex the Council is able to increase the fee, according to officer time as referred to in paragraph 8 above. The officer will be required to provide the applicant with information as to why the additional charge is to be incurred. Please refer to the items outlined in paragraph 9 above for the list of matters which may be included in calculating the annual fee.
15. The Council will be required to evidence any further work and time spent on a complex site's fee. This will be outlined in writing at the time of the determination. The hourly rates used for calculating the annual fee is set out in paragraph 8 above.
16. The annual fee includes the cost of monitoring the fit and proper person register or any conditions attached to entries in the register.
17. The annual fee is to be paid on 1 October.

Where no fee is applied

18. In certain circumstances, the Council may determine that no fee is required to be paid. A site is exempted from a fee only if it is occupied by members of the same family and is not being run as a commercial residential site.

An appointed manager fee

19. This is where the Council is provided with the site owner's consent to appoint an individual to manage a site. The costs associated with this should be reasonable and are recoverable from the site owner. The hourly rates used to calculate the fee are referred to at paragraph 8 above.

Revising Fees

20. The Council may revise its Fee Policy and will be required to publish the revised Policy. Any changes will be justifiable and reasonable, ensuring full transparency for the site owner.
21. The items that can be included in calculating the application fee and annual fee are set out in paragraph 9 above.

Amending conditions attached to an entry on a register

22. The Council may alter the conditions attached to an entry on the register (by adding new conditions or varying or removing existing ones), following a review. The Council will notify the site owner of its interim decision (except in the case where it is removing a condition) and consider any representations made by the site owner, before reaching a final decision. If the site owner is unhappy with the decision to alter, or not alter, the conditions, they will have a right of appeal to the First-tier Tribunal (Property Chamber) at Her Majesty's Courts and Tribunals Service, Havant Justice Centre, The Law Courts, Elmleigh Road, Havant, Hampshire, PO9 2AL.
23. There are no requirements for a site owner to make an application for a condition to be varied. Any costs involved with varying existing conditions, or adding new conditions to an entry are factored into the cost of calculating the annual fee.

Site visits – Officer and travel time

24. Officer time can be considered as part of the fee, where site visits are required to ascertain whether or not site condition(s) are met. Travel time to and from the site, including fuel costs, can also be taken into account and could be calculated using a single value for travel costs which could be applied to all sites.

Payment of fees

25. As outlined above in paragraph 4, The Council is not required to consider an application for entry on the register unless that application is accompanied by the correct fee. If the correct fee is not paid, the application will not be valid and the site owner could be in breach of the Regulations.
26. If the Council decides not to approve an application the applicant is not entitled to a refund of the fee paid.
27. The annual fee must be set as a condition to any entry being added to the register. The condition should state the amount and date by which the annual fee payment is due, also stating that failure to make such payment will be a breach of the condition and may lead to legal proceedings being issued.

Annex 2: Mid Devon Fee Calculation:

Role	Hourly rate	Hourly rate (including onward costs) 21/22
Business Support Officer (SCP 11)	£11.40	£17.98
Specialist Lead Officer (SCP 28)	£16.71	£26.70
Commercial Team Lead (SCP 36)	£20.67	£33.22

	Task	Time/Fixed costs	Cost (inc on costs)
	Pre- app Advice	Fixed cost	£30.00
BSO	Setting up on Lalpac and sending introductory letter	0.5	£8.99
BSO	Sending application form and guidance/ fee policy	0.5	£8.99
BSO	Scanning returned completed application and documents. Update Lalpac. Create file.	0.5	£8.99
BSO	Processing application fee	0.5	£8.99
SLO	Checking application completed and all documentation returned	1	£26.70
BSO	Send email/letter of confirmation	1	£17.98
BSO	Received application/ determination process or request for further information/ fee payment receipt History check planning/ licence/complaints	1	£17.98
BSO	Check Land Registry and review Land registry fee (£3 fixed)	0.25	£4.50 £3.00
SLO	Determination and set conditions	2	£53.40
CTL	Peer review	1	£33.22
BSO	Record determination update	0.5	£8.99
BSO	Scan documents to Lalpac	0.25	£4.50
SLO	Review representations made	1	£26.70
	Prepare preliminary and final decision notices	1.5	£40.05
SLO	Carry out risk assessment	1	£26.70
BSO	Update public register	0.25	£4.50
BSO	Update online register	0.25	£4.50
			<u>£334.18</u>

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**MID DEVON DISTRICT COUNCIL
MOBILE HOMES FIT AND PROPER PERSON DETERMINATION POLICY**

Introduction

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations”), require the owner or manager of a site to be a Fit and Proper Person.

The Regulations allow local authorities to receive applications from site owners, or the person appointed to manage the site, from 1 July 2021 up to and including 30 September 2021. Mid Devon District Council (“the Council”) must be satisfied that the site owner *“is a fit and proper person to manage the site”* or, if the owner does not manage the site, *“that a person appointed”* to do so by the site owner *“is a fit and proper person to do so”* or has, with the site owner’s consent, *“appointed a person to manage the site.”*

The Council can appoint a person to manage the site, but only with the consent of the site owner where a site owner or their manager fails the fit and proper person test, and they are unable to identify and appoint a suitable alternative manager, who must pass the fit and proper person assessment,

Principally, the fit and proper person test applies to a “relevant protected site”. A relevant protected site is a site which requires a licence and which is not solely for holiday purposes or is otherwise not capable of being used all year round.

The fit and proper person requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on the site i.e. park home owners.

Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person’s inclusion is for, up to a maximum of 5 years.

In order to comply with the fit and proper person requirement a site owner must apply at least two months before the period (e.g. 5 years) comes to an end and submit a new application and correct fee for the person (or alternative) to be included in the register.

The Evidence

When conducting the fit and proper person assessment, the Council will consider the following points relevant to the application:

1. **Is the individual able to conduct effective management of the site?** This includes, but is not limited to, securing compliance with the site licence and the long-term maintenance of the site. It follows that, the Council must have regard to:

- (i) whether the person has a sufficient level of competence to manage the site;
- (ii) the management structure and funding arrangements for the site or
- (iii) the proposed management structure and funding arrangements.

(a) Competence to manage the site

This includes reviewing the competency of the appointed individual to ensure they have sufficient experience in site management, or have received sufficient training, and are fully aware of the regulations as well as health and safety requirements.

(b) The management structure and funding arrangements for the site

The Council will consider whether relevant and adequate management structures and a robust management plan is in place to ensure effective management of the site.

The Council will review the management plan to ensure it addresses the following issues: the pitch fee payment, proximity of the manager to the site, manager's contact details for residents (including out of office and emergency contact details), the complaints procedure, maintenance, staffing, and recycling/ refuse removal.

The applicant's interest in the land will have an important impact, as would their financial standing, management structures and competence, all of which could contribute to the overall assessment of their suitability to manage the site effectively.

(c) The proposed management structure and funding arrangements in place for managing the site

The Council will consider whether the applicant has sufficient funds (or has access to sufficient funds) to manage the site and comply with licence obligations. Evidence of these funds should be readily available with the application for the fit and proper test.

If funding is through a third party (including an associated company) the Council will consider the impact on whether the application is financially viable.

2. **Personal information relating to the applicant concerned.** This would include a criminal record check and should include evidence that the applicant:

- (a) has not committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- (b) has not contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
- (c) has not contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
- (d) has not harassed any person in, or in connection with, the carrying on of any business;
- (e) is not or has not been within the past 10 years, personally insolvent;
- (f) is not or has not been within the past 10 years, disqualified from acting as a company director;
- (g) has the right to work in the United Kingdom and,
- (h) is a member of any redress scheme enabling complaints to be dealt with in connection with the management of the site (when this is in place).

The Council has a duty to investigate any conduct which could amount to harassment and any evidence obtained should be reviewed to determine whether it is sufficient to be used to prosecute a site owner.

The Council may also rely on convictions by the courts as evidence of harassing behaviour, which would reduce the risk of the local authority being successfully challenged on any refusal to approve an applicant on this basis.

The Council may have records of previous harassment complaints made against a site owner or their manager. Even if no action was taken on these complaints these will be taken into consideration in the fit and proper person determination.

These complaints may identify further potential risks and can also provide an indication of potential underlying problems with the management of the site or the site owner's lack of experience/skills in dealing with customers.

The Council in their determination will address any underlying issues by attaching conditions to the individual's entry on the register.

3. Upon rejection of a person's application by any other local authority this should be centrally recorded and include the details of the person involved and the reasons for the rejection.

Items to take into consideration

- 4. "The applicant" is defined as "the person who makes an application under the Regulations".
- 5. The "relevant person" is defined as "the subject of the fit and proper person assessment under Regulation 7".

6. The conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) is also an important factor to be considered in the fit and proper person assessment.
7. Site owners may be required to provide details of the conduct of any current or former associates of the relevant person in the application form and should be considered by the council prior to making any final decisions. Those associates will not include other current joint owners as that information would have already needed to have been provided in their own application forms.

A relevant associate could be defined as any individual who may have played a part, directly or indirectly, in a decision or action, which has had an impact on residents' rights, or the quiet enjoyment of their homes.

8. The Council will take into consideration all matters deemed relevant to the fit and proper person application. These matters could be in relation to current or previous issues, or events, that have occurred in relation to the park site or any other park site owned or managed by the site owner or site manager in another local authority area. Additionally, the site owner's conduct regarding other business, outside of the park homes sector, can also have implications on the financial and management arrangements of the site in question. Any matters which the Council believe to be of relevance to the application should primarily focus on the relevant person's conduct, competence and their suitability to manage the site.
9. The Council will request and collect relevant information and evidence to support any additional matters that they require to be taken into consideration for the application.

Applications

The Regulations use various terms in the application process and these are outlined below:

“Relevant person” is defined in paragraph 2 of the Regulations and is “the subject of the fit and proper person assessment under Regulation 7”. Please note that this could be the site owner or person appointed to manage the site by the site owner.

“Relevant officer” is defined in paragraph 1 of Schedule 2 of the Regulations, where the applicant is a company, a relevant officer will be a director or other officer of the company; or, where the applicant is a partnership, a partner; or, where the applicant is a body corporate, a member of the management committee of that body.

“Required Information” is defined in paragraph 14 of Schedule 2 of the Regulations (even though the Regulations incorrectly state that this information is contained in paragraph 13) as: the person's name and business contact details; details of the person's role or proposed role in relation to the management of the site; where the person has not yet been appointed, the address, telephone number and email address (if any) at which the person may be contacted in respect of the application; details of each relevant protected site (other than that to which the registration application relates) — for which the person holds a licence issued under section 3 of

the Caravan Sites and Control of Development Act 1960, or in which the person has a legal estate or equitable interest, or which the person manages.

The application for inclusion in the fit and proper register, must therefore include the following:

The applicant and site details required

10. Details of the site and the applicant:

- (1) The applicant's name and business contact details.
- (2) Where the applicant is not an individual, the following information in relation to the individual completing the application on behalf of the applicant and each relevant officer:
 - (i) the person's name;
 - (ii) details of the person's role (if any) in relation to the management of the site.
- (3) The name and address of the site.
- (4) Evidence of the applicant's legal estate or equitable interest in the site.
- (5) Confirmation that the applicant is the occupier within the meaning of section 1 of the Caravan Sites and Control of Development Act 1960.
- (6) The name and business contact details of any other person that has a legal estate or equitable interest in the site.

11. The name and address of each other relevant protected sites:

- (1) for which the applicant holds a licence issued under section 3 of the Caravan Sites and Control of Development Act 1960;
- (2) in which the applicant has a legal estate or equitable interest; or
- (3) that the applicant manages.

12. The applicant must clearly specify whether their application is made in respect of either the applicant, or site owner, or the person that the applicant or site owner has appointed to manage the site.

13. Only once all the required documentation has been received and fee paid in full will the application be deemed as valid.

Information relating to the site manager

14. In circumstances where a "site manager" has been appointed to manage a site more information is needed. The person who is applying for the site manager to be registered as a fit and proper person (the relevant person) must provide the following information: the site manager's name and details of that person's role (if any) in relation to the management of the site.

If the site manager has appointed or intends to appoint a further individual ("A"), 'Required Information' would also be needed from A. And where A is not a relevant officer of the site manager, the relevant officer to whom A is accountable. for the day-to-day management of the site, should be the one to provide the Required Information.

Additional information when the applicant is the relevant person and an individual

16. When the applicant is the relevant person, and is an individual, and the applicant has appointed, or intends to appoint, someone else ("B") to be responsible for the day-to-day management of the site, 'Required Information' would be needed from B. If B is not an individual but is, instead, for example, a company, and B has appointed an individual ("C") to do the day-to-day management, 'Required Information' would be needed from C. Where C is not a Relevant officer of a company, the relevant officer to whom C is accountable for the day-to-day management of the site would also need to provide the Required information.

Additional information where applicant is relevant person and not an individual

17. When the applicant is the relevant person but is not an individual and the applicant has appointed or intends to appoint someone else ("B") to be responsible for the day-to-day management of the site, Required information would be needed from this person. If B is not a Relevant officer of the applicant the person to whom B is accountable for the day-to-day management of the site ("C") would also need to provide the Required Information. Where B itself is not an individual, the individual ("D") that B has appointed or intends to appoint to be responsible for the day-to-day management of the site would also need to provide the Required Information. Where D is not a Relevant officer of B, the relevant Officer to whom D is accountable for the day-to-day management of the site would also need to provide the Required Information.
18. It can be seen from the above that the Regulations prohibit the operation of a relevant protected site unless the site owner or its site manager (whatever the management structure might be) has been assessed by the local authority as a fit and proper person to do so. This has been included to ensure that consistent standards are applied to companies and other organisations that are not individuals.

Criminal record certificate/s

19. Criminal Records Certificates must be issued under section 113A (1) of the Police Act 1997 and will be required where: (a) the Relevant person is an individual and (b) for each individual in relation to whom the applicant is required to provide information for example, a site manager or individuals A, B, C or D as outlined above.
20. The criminal record certificate may be either basic or enhanced, at the discretion of the Council.
21. The criminal record certificate must have been issued no more than six months before the date of the application. It is incumbent upon the site owner to ensure that any certificates provided meet this requirement.

Declaration

A declaration made and signed by the “appropriate person”, which means:

- (a) where the applicant is a company, a director or other officer of the company;
- (b) where the applicant is a partnership, one of the partners;
- (c) where the applicant is a body corporate and the conduct of the management of the body is vested in its members, a member;
- (d) where the applicant is not a body falling within (a) to (c) above, a member of the management committee;
- (e) where the applicant is an individual, that individual.

22. Where the applicant is not the relevant person, the declaration must confirm that the applicant has made all reasonable enquires into the matters mentioned in paragraph 9 of the Regulations and considerations relevant to the fit and proper person assessment as set out below.

23. The declaration must state that the information provided in the application is correct and complete to the best of the applicant's knowledge and belief.

Considerations relevant to fit and proper person assessment

24. Proper management of the site includes, but is not limited to, securing compliance with the site licence and the long term maintenance of the site.

25. To be able to secure the proper management of the site, the Council must (amongst other things) have regard to whether the relevant person has a sufficient level of competence to manage the site and the management structure or proposed management structure and funding arrangements.

Decisions, notification and rights of appeal

26. The Council must make a decision on the application in a timely and practicable manner and either:

- (a) where the decision is to grant the application unconditionally and include the relevant person on the register for 5 years, serve a final decision notice on the applicant; or
- (b) otherwise, serve a preliminary decision notice on the applicant.

27. On receipt of an application the local authority may:

- (a) grant the application unconditionally;
- (b) grant the application subject to conditions; or
- (c) reject the application.

Granting the application unconditionally

28. Where the Council is satisfied that the applicant meets the fit and proper person test unconditionally, they must include the applicant on the register for 5 years. The authority must issue a final decision notice to the applicant to inform them of its decision.

29. The final decision notice must clearly state:
- (a) the date the final decision notice is served;
 - (b) the final decision;
 - (c) the reasons for the decision;
 - (d) when the decision is to take effect;
 - (e) information about:
 - (i) the right of appeal to the First Tier Tribunal; and
 - (ii) the period within which an appeal may be made.

To include the applicant on the register subject to certain condition(s)

30. In some circumstances, the Council will specify that the individual for the fit and proper person test will only be successful if certain conditions are met. If these conditions are satisfied, the Council can grant an application subject to those condition(s). The Council can also grant an application for less than 5 years.
31. It may be the case that the Council decides to include the person on a register subject to condition(s), if it would only be satisfied that the person would meet the fit and proper requirement if the condition(s) were complied with. An applicant will be able to appeal against the decision to attach (or vary) any condition to an entry on the register.
32. Conditions will be clearly stated for the applicant's understanding and this will also allow for local authorities to ensure that they are enforceable.

An example of the requirements are included in the Table 1 below.

Table 1

Specific	The specific condition/s a site owner is being requested to address.
Measurable	The conditions required and the outcome(s) expected.
Achievable	The applicant should be reasonably expected to be able to achieve the condition. For example, it may not be reasonable to expect a site owner of one small site to have the same resources to introduce the same procedures as a medium sized company.
Realistic	The applicant should have a clear understanding of how the required outcome can be reached and that there are no circumstances or factors which would make the achievement of the outcome impossible or unlikely.
Timebound	A clear timescale in which the task/action must be completed.

What can a condition relate to?

33. The fit and proper person test is aimed at ensuring that the person managing the site is competent and the conditions should relate directly to the person's ability to secure the proper management of the site.

34. Where a person has contravened legislation, or committed offences set out in paragraph 2 above, it is not recommended that conditions are set in relation to those matters. This is because such a condition would be unlikely to meet the tests set out above in paragraph 33. For example, if a person has committed fraud or violence, that specific incident cannot be reversed by requiring the person to perform a specific task.
35. The Council will where the person has committed those listed offences or contravened legislation, these breaches should be considered, together with all the other information available, when reaching their preliminary decision.
36. Conditions can relate to any factors which are relevant to the person's competence to manage the site, the management structure, or funding arrangements for the site, an associated person's influence, and any other relevant factors.
37. **Example 1** - A local authority has evidence of a site owner's failure over a certain period of time to address residents' complaints. This is an example of poor management which could be resolved by the site owner implementing an adequate complaints procedure. A condition could be attached requiring the site owner to *"implement an effective and accessible three stage complaints process for residents by xx date and provide the LA with quarterly reports of complaints and outcomes, from that date and for the first year"*.

If the condition is met within the specified time frame, the local authority can record this in the register. If, at a future date, it is found that the site owner failed to implement a complaints procedure, a further opportunity to comply may be given and this could include a new condition of the site owner providing quarterly reports of complaints and outcomes for each year. The site owner could also be expected to complete a relevant "CPD customer service/Dealing with complaints" course by a certain period. However, should the local authority consider the actions as unlikely to achieve the desired outcome, the site owner could be removed from the register.

38. **Example 2** – If, when considering an application, certain documents or information are unavailable to the applicant, because of delays from third parties, the local authority may wish to attach a condition to the entry on the register that the site owner "is to provide the authority by registered post, with the original xx document by xx date".
39. **Example 3** - An associated person has been visiting the park and, through their action 'X', has caused distress to the residents impacting their well-being and security. A condition could be attached to the register requiring the site owner to put measure(s) in place by xxx date preventing the associated person, or any other person, from carrying out action X on the site.

Decisions not to include the applicant on the register

40. The Council can refuse to grant the application should the Council determine that the applicant does not meet the requirements and attaching conditions would not be appropriate.

41. A preliminary decision notice to the applicant will be issued where a local authority makes a decision to include the applicant on the register, subject to conditions, or not to include the applicant on the register,
42. The preliminary decision notice must clearly state:
- (a) the date the preliminary decision notice is served;
 - (b) the preliminary decision;
 - (c) the reasons for it;
 - (d) the date it is proposed that the final decision will have effect;
 - (e) information about the right to make written representations
 - (f) where the preliminary decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
 - (g) where the preliminary decision is to grant the application subject to conditions, the consequences of failing to comply with any conditions.

Right to make a representation

43. An applicant who receives a preliminary decision notice will have 28 days in which to make representations to the Council. The 28-day period begins with the day after the day on which the notice was served.
44. The Council will consider and take any representations it receives into account before making a final decision.

Final decision notice

45. The Council must, as soon as reasonably practicable, after the end of the period allowed for making representations, make a final decision and serve the decision notice on the applicant.
46. The final decision notice must set out:
- (a) the date the final decision notice is served;
 - (b) the final decision;
 - (c) the reasons for it;
 - (d) when the decision is to take effect;
 - (e) information about the right of appeal and the period within which an appeal may be made;
 - (f) where the decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
 - (g) where the decision is to grant the application subject to conditions, the consequences of failing to comply with any condition.

Appeals

47. The applicant can decide to appeal the decision by making an application to the First-tier Tribunal (Property Chamber) within specific timeframes set by

the Tribunal. The applicant is permitted to appeal against any decisions served by the Council. These could include:

- (a) including the relevant person on the register for an effective period of less than 5 years;
- (b) including the relevant person on the register subject to conditions; and
- (c) rejecting the application.

48. Where an applicant accepts the Council's decision not to include the person originally stated in the application on the register, they will be required to seek alternative management arrangements to comply with the fit and proper person requirement. If the applicant fails to do so they will be committing an offence.

49. An applicant will not be able to claim compensation for losses incurred pending the outcome of an appeal.

Withdrawal or amendment of notice

50. There may be circumstances where the Council may decide not to continue or to withdraw a previously agreed action such as after serving:

- (a) a preliminary decision notice but before service of the final decision notice;
- (b) a final decision notice but before the decision to which it relates takes effect; or
- (c) a notice of proposed action but before the proposed action is taken.

51. To withdraw or amend a notice, the Council must serve notice to the person on whom the original notice was served.

52. There are no requirements for notices to contain specific information, however, it is recommended that a withdrawal or amendment notice will state:

- (a) That it is withdrawing/amending the original notice (a copy of the original notice should be attached for reference);
- (b) the reasons for withdrawing the notice;
- (c) the date it takes effect; and,
- (d) the implications of the decisions in relation to the person's entry on the register.

Removal from the register

53. If, after a person is included in the register, and new evidence relevant to the person's inclusion becomes available, the Council may decide to:

- (a) remove the person from the register;
- (b) impose a condition on the inclusion of the person in the register (whether or not there are conditions already imposed);
- (c) vary a condition; or
- (d) remove a condition.

54. The Council will use our judgement when determining whether to review an entry on the register and consider any subsequent actions that are required. A

decision will be related to the person being a fit and proper person rather than, for example, site licensing issues which are governed separately. If the Council decides to take any of the actions listed in paragraph 51 (a) to (c) above, the local authority must serve a notice of any proposed action on the occupier.

55. The notice of proposed action must clearly state:

- (a) the date the notice of proposed action is served;
- (b) the action the Council proposes to take;
- (c) the reasons for it;
- (d) the date it is proposed that the Council will take the action;
- (e) information about the right to make written representations;
- (f) where the proposed action requires the removal of a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
- (g) where the proposed action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with said conditions.

56. A notice of proposed action is not required if the Council decides to remove a condition attached to an entry. A removal of a condition is viewed widely as being a positive step, which is unlikely to be opposed. It is for that reason that a notice of proposed action is not required. The Council will make the site owner or their manager aware of the decision in writing and also ensure the register is updated.

Notice of action taken

57. Where a notice of proposed action is given, the occupier will have 28 days, starting from the day after the notice is served, in which to make representations in writing to the Council.

58. The Council must, as soon as reasonably practicable after the end of the 28-day period, decide whether to carry out the proposed action.

59. Where the Council decides to take the action, the Council must serve a further notice on the occupier, indicating the action that has been taken, within the period of 5 working days beginning with the day after the day on which the action was taken.

60. The notice of action must set out—

- (a) the date the notice of action is served;
- (b) the fact that they have taken the action;
- (c) the reasons for doing so;
- (d) the date the action was taken;
- (e) information about the right of appeal and the period within which an appeal may be made;
- (f) where the action is to remove a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of regulations; and

(g) where the action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with any condition.

Offences

61. There are 3 offences which can occur within the Regulations. They are as follows:

- Operating a site in contravention of the fit and proper person regulations - The site owner may have certain defences under the Regulations in any proceedings brought against them.
- Withholding information or including false or misleading information in the registration application - The site owner will not have any defences under the Regulations in any proceedings brought against them for this offence.
- Failing to comply with a specified condition - The site owner may have certain defences under the Regulations in any proceedings brought against them.

62. The Licensing Team at the Council are responsible for enforcing the Regulations. A site owner found guilty in the Magistrates' Court of any of the above offences may be liable on conviction to a level 5 (unlimited) fine.

Defences

63. One defence is available to a site owner who has inherited a site and would be found to have a reasonable excuse for failing to make an application within the relevant periods as set out below.

Relevant periods in specific circumstances

64. The below table outlines limited circumstances where a site owner may have a defence.

Row	Circumstance	Relevant period for making an application in the circumstance
1	the occupier held a site licence immediately before the day on which regulation 4 (operating a site without being a fit and proper person) came into force on 1 October 2021.	From 1 st July 2021 before 1 October 2021, the day on which regulation 4 came into force
2	the period of a person's inclusion in the register in relation to the site has come to an end other than as a result of action by the local authority under regulation 8(1)(a) (removal from the fit and proper register after new relevant evidence becomes available).	not less than two months before the end of the period of the person's inclusion in the register
3	at the time that the occupier became entitled to within the period of 3 months possession of the land it was in use as a relevant protected site; and within the period of 28 days beginning with the day after the day on which the person became the occupier of	beginning with the day after the day on which the person became the occupier of the land

	the land the occupier notifies the relevant local authority of its intention to make an application under regulation 6 (application for inclusion in the register)	
4	at the time that the occupier became entitled to possession of the land it was in use as a relevant protected site; and the occupier does not give the notification referred to in row 3 above	within the period of 28 days beginning with the day after the day on which the person became the occupier of the land
5	a person appointed to manage the site no longer does so; and within the period of 28 days beginning with the day after the relevant day the occupier notifies the relevant local authority that the person no longer does so	within the period of 3 months beginning with the day after the relevant day
6	a person appointed to manage the site no longer does so; and the occupier does not give the notification referred to in row 5 above	within the period of 28 days beginning with the day after the relevant day
7	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has removed a person from the register; and within the period of 28 days beginning with the relevant day in relation to the local authority's decision the occupier notifies the relevant local authority of its intention to make a new application under regulation 6 (application for inclusion in the register) in relation to the site	within the period of 3 months beginning with the relevant day
8	the breach of regulation 4(1) arises because the local authority has removed a person from the register; and the occupier does not give the notification referred to in row 7 above	within the period of 28 days beginning with the relevant day
9	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has rejected an in-time application; and within the period of 28 days beginning with the relevant day in relation to the rejected application the occupier notifies the relevant local authority of its intention to make a new application under regulation 6	within the period of 3 months beginning with the relevant day
10	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has rejected an in-time application; and the occupier does not give the notification referred to in row 9 above	within the period of 28 days beginning with the relevant day

The Fit and Proper Persons Register

65. The Council will set up and maintain a register of persons who they are satisfied are fit and proper persons to manage a site in the Mid Devon District. This register must be open to inspection by the public during normal office hours. The register also will be published online on the Council's website.
66. The register will provide a record of the outcome (as defined above) of the fit and proper person tests that the Council has carried out for sites. The register will include the following:
- (a) the name and business contact details of the person;
 - (b) the name and address of the relevant protected site to which the application relates;

- (c) the status of the person (site owner or manager of the site);
- (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
- (e) whether any condition is attached to the person's inclusion in the register; and
- (f) where any condition is attached to the person's inclusion in the register—
 - (i) the number of any such conditions;
 - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and
 - (iii) the date any condition is varied or satisfied (if applicable).

67. Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person's inclusion is for, up to a maximum of 5 years.

68. In order to comply with the fit and proper person requirement a site owner must at least two months before the period (e.g. 5 years) comes to an end submit a new application and correct fee for the person (or alternative) to be included in the register.

69. Where there are rejected applications, the following information must be included in the register:

- (a) the name and address of the site to which the application relates;
- (b) that an application in respect of the site has been rejected; and
- (c) the date on which the application was rejected.

Details of the rejected application will remain on the register until a successful fit and proper person application is made in respect of the owner or manager of the site.

The name of the rejected applicant will not be included on the register. The Council will however be able to consider requests for further information about the entry on the register. For example, the details of the specific conditions attached and any additional information, on a case by case basis and in accordance with data protection legislation.

70. Where the Council has, with the site owner's consent, appointed a person to manage the site, the Council will include the following information on the register:

- (a) the name and business contact details of the person;
- (b) the name and address of the site which the person has been appointed to manage;
- (c) the status of the person;
- (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
- (e) whether any condition is attached to the person's inclusion in the register; and
- (f) where any condition is attached to the person's inclusion in the register—
 - (i) the number of any such conditions;
 - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and

(iii) the date any condition is varied or satisfied (if applicable).

71. The correct initial fee must be paid with application unless exempt as outlined in the Fit and Proper Person Fee Policy. Complex cases may have additional fees or an annual fee as outlined in the Fee Policy.
72. The annual fee to cover the Council's annual costs for checking conditions or in complex cases will be paid on the 1 October. The annual fee will be confirmed in writing to the site owner at the time of the determination.
73. The fee for the application to the fit and proper person register will be reviewed from time to time in accordance with the Fee Policy to ensure that this is reasonable and transparent.

ANNEX 4

THE MOBILE HOMES REQUIREMENT FOR MANAGERS OF SITE TO BE FIT AND PROPER PERSON

MID DEVON DISTRICT COUNCIL GUIDANCE FOR SITE OWNERS

Guidance for Site owners:

Overview:

1. Please note that this guidance is not comprehensive and does not cover every eventuality.
2. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations”) introduces a fit and proper person test for site owners or the person appointed to manage the site. The purpose of the fit and proper person test is to improve the standards of park home site management.
3. An application must be made by a site owner, if they hold, or have applied for, a site licence for the site. An application fee must be paid and an annual fee may also be applicable. Please refer to the Mid Devon District Council Fit and Proper Person Fee Policy for further information on this which will be sent out at a later date.

Definitions

4. “The applicant” is defined at paragraph 2 of the Regulations as “the person who makes an application under regulation 6”.
5. The “relevant person” is also defined at paragraph 2 of the Regulations to mean “the subject of the fit and proper person assessment under Regulation 7”.

The application form

6. Please consider the application form carefully and answer all questions. The Application form must be completed and will contain information that is outlined in the Regulations. In summary, you must provide the following to the Council:
 - a) Details of site and applicant;
 - b) Information relating to the site manager;

- c) Additional information where another person who is an individual is involved in the day-to-day management;
 - d) Additional information where another person, who is not an individual, is involved in the day-to-day management of the site.
- 7. Where the site owner is an individual, the application must be completed by that individual.
- 8. If the site owner is a company or corporate body, the application must be completed by the 'appropriate person'. The appropriate person:
 - a) Where the applicant is a company, is a director or other officer of the company; or,
 - b) Where the applicant is a partnership, a partner; or,
 - c) Where the applicant is a body corporate, a member of the management committee.
- 9. The site owner must provide the following information about the responsible person's conduct. That is, whether the responsible person:
 - a) has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
 - b) has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
 - c) has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
 - d) has harassed any person in, or in connection with, the carrying on of any business;
 - e) is, or has been within the past 10 years, personally insolvent;
 - f) is, or has been within the past 10 years, disqualified from acting as a company director; and
 - g) has the right to work in the United Kingdom.
- 10. A criminal record check (basic) must be submitted for the individual being assessed as the fit and proper person and, where applicable, other individuals responsible for the day-to-day management of the site. If a company, the individual responsible for day-to-day management of the site must also submit a criminal record check.
- 11. The criminal record check must have been issued no more than six months before the date of the Fit and Proper Person application.

Application – Other Considerations:

12. There are other considerations that the Council will take into account as outlined in the Regulations, such as:

- a) Ability to secure proper management of the site (e.g. site licence compliance and long term maintenance of the site).
- b) Sufficient competence to manage site.
- c) Management structure and funding arrangements.
- d) Proposed management structure and funding arrangements.
- e) Any offences (as outlined above) committed by responsible or relevant person outlined in paragraphs 3 & 4 of Schedule 3 of the Regulations.

13. The applicant must provide this information as outlined on the application form. Providing the above information will ensure that a balanced decision is made, tailored to a particular area or site. The Council will ensure that consistent standards are applied to companies and other organisations who are not individuals.

14. The applicant is to provide further detailed information about responsible persons who have responsibilities for the day-to-day management of the site including holiday cover.

Declaration

15. It is important that you are aware that the declaration on the form is to make the site owner accountable for providing the correct information. It will ensure that where the site owner asks for information from the relevant person, a responsible person, or anyone else involved in the management of the site, to enable them to complete the application form they do all they reasonably and legally can, to ensure they receive and provide the correct information.

16. The site owner could be prosecuted for a breach of the Regulations if it is later found that some or all of the information included in the form is false or misleading.

The Register

17. The Council must set up and maintain a register of persons who they are satisfied are fit and proper person/s to manage a site in the Mid Devon area. This register will be open to inspection by the public during normal office hours. This register will be published online on the Council's website. The register will contain the information as defined in the Regulations. The privacy statement under GDPR is published on Mid Devon District Council's website or available on request from licensing@middevon.gov.uk.

Council decisions

18. Decisions and notifications by the Council are expected to be made as soon as reasonably practicable once all requested information is provided. The Council can decide to either:
- a) Grant the application unconditionally and include the person's name on the register for 5 years;
 - b) If they anticipate another decision – serve a preliminary notice on the applicant.
 - c) If a preliminary notice is served, this must include reasons for their decision and about the right to make representations about the preliminary notice.
19. The site owner has 28 days in which to make written representations if they do not agree with the preliminary notice. Please send written representation to Specialist Lead – Licensing, Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP or email licensing@Middevon.gov.uk
20. The Council will take into account any representations before making its final decision and issuing the final decision notice. This must be done as soon as reasonably practicable after the conclusion of the 28 day period. Written representation will be considered by the Team Leader – Commercial.
21. A final notice must include reasons for the decision and about the right of appeal against the decision.

Review during inclusion

22. During decision for inclusion on the register, the Council will be able to review a person's inclusion if relevant new information comes to light.
23. Such review may result in removal from the register, addition, variation, or removal of a condition attached to a person's inclusion.
24. Following a review, of which the possibilities are outlined in paragraph 21 above, the Council must issue a notice to the site owner setting out specified information about any action it intends to take.
25. The site owner will have 28 days in which to make representations which the Council must consider before making a final decision on any action taken. Please send written representation to Licensing Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP or email licensing@middevon.gov.uk
26. Having made a decision and taken the proposed action, the Council must service a notice of action with 5 working days of the date of the

action, setting out the details of the action that it has taken and include detail as to the right to appeal.

Amending preliminary decisions:

27. The Council can withdraw or amend a preliminary decision before service of the final decision notice, or a final decision notice itself, before the decision to which it relates takes effect, or a notice of proposed action before the proposed action is taken, by serving a notice on the site owner.

Right to appeal:

28. A site owner has the right to appeal to the First-tier Tribunal (Property Chamber) against any decision to:

- a) Include a person on the register for less than 5 years.
- b) Attach or vary conditions to an entry on the register.
- c) Reject an application for an entry or remove a person from a register.

The First-tier Tribunal (Property Chamber) at Her Majesty's Courts and Tribunals Service, Havant Justice Centre, The Law Courts, Elmleigh Road, Havant, Hampshire, PO9 2AL .

Completion of register

29. Having assessed the application– the Council may decide to add the person to its fit and proper person register. Addition to the register may be with or without conditions.

30. If the person fails the fit and proper person test, the application and record of that decision is added to the register.

Application fee and annual fee:

31. The Council will be able to charge an application fee and an annual fee to recover the costs they have incurred, or which will be incurred in appointing a person to manage a site with the site owner's consent. The fee will be set out in the Fit and Proper Person Fee Policy which will be sent at a later date.

Offences:

32. There are 3 offences which can occur within the Regulations. They are as follows:
- (a) Operating a site in contravention of the fit and proper person regulations - The site owner will have certain defences under the Regulations in proceedings against them.

(b) Withholding information or including false or misleading information in the registration application - The site owner will not have any defences under the Regulations in proceedings against them for this offence.

(c) Failing to comply with a specified condition - The site owner will have certain defences under the Regulations in proceedings against them.

33. Mid Devon District Council Licensing are responsible for enforcing the Regulations. A site owner found guilty of any of the above offences could be liable on conviction in the Magistrates' Court to an unlimited fine. The Council will follow the Enforcement Policy PH/EP/09/20 published on the Mid Devon District Council website below

<https://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/>

34. Please bear in mind, in the worst case scenario, the Council can make an application to the Tribunal to revoke the site owner's site licence under paragraph 13 of the Regulations. [To date, the Ministry of Justice has not produce the relevant forms to be used in connection with the Regulations in the Tribunal.]

Where to send application:

35. Completed applications must be sent to: Licensing, Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP or email licensing@middevon.gov.uk

36. Fees will be requested once the application is received.

37. You are strongly advised to retain a copy of the form for your records.

Data Protection:

38. The Council manages personal data in accordance with the provisions of the Data Protection Act 1998 and the General Data Protection Regulations. The information you provide on this form will be used by the Council for the purposes of the fit and proper assessment. The privacy statement is available on the Mid Devon District Council's website or available on request.

39. We may share your information and make any other necessary enquiries with other departments within the council and statutory organisations in relation to the application.

40. Your personal information will be processed in line with Data Protection legislation. We will not disclose information about you to anyone

outside the Council unless the law permits or requires us to. We will retain your data for as long as it is required for our administrative use, after which it will be securely disposed of.

41. For the purpose of processing and maintaining the mandatory register of fit and proper persons in ownership or management of a protected mobile home site, the name, address, status (in relation to the relevant protected site) and detail about whether any conditions are attached to the inclusion in the register will appear on a public register of the fit and proper person test. This public register will be available on the Council's Website and can be requested by any person.
42. Where the application is being made on behalf of a person appointed, or to be appointed, to manage the site, you are strongly advised to ensure they are aware of the register and the information that will be entered into it. As the applicant, it is your responsibility to seek confirmation that the information they have provided to you is true and accurate.
43. If you believe the data the Council processes on you is incorrect you may request to see this information and, if necessary have it corrected or deleted. If you wish to raise a complaint you can contact our Data Protection Officer at (address below).
44. If you believe we are not processing your data lawfully you can complain to the Information Commissioner's Office (<https://ico.org.uk/>). Further details are available on our website below <https://www.middevon.gov.uk/business/licensing/caravan-sites/> or from the Data Protection Officer Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP or (email: dpo@middevon.gov.uk)

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