

Regulatory Committee

**Friday, 5 December 2025 at 11.30 am
Phoenix Chambers, Phoenix House, Tiverton**

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

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Meeting ID: 354 494 152 409
Passcode: GJ3Po6aU

Membership

Cllr J Cairney
Cllr A Cuddy
Cllr J Buczkowski
Cllr D Broom
Cllr F J Colthorpe
Cllr L J Cruwys
Cllr J M Downes
Cllr G Duchesne
Cllr M Jenkins
Cllr S Keable

Cabinet Member for Planning and Economic
Regeneration

Cllr L G J Kennedy
Cllr J Lock

AGENDA

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.
- 4 **MINUTES OF THE PREVIOUS MEETING** *(Pages 7 - 10)*
To consider whether to approve the minutes as a correct record of the meeting held on 27 June 2025.
- 5 **REVIEW OF THE ANIMAL WELFARE LICENSING POLICY** *(Pages 11 - 52)*
On 1 October 2018 changes to the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments were introduced. The Council also took on the responsibility for the licensing of “keeping animals for exhibition.” Considering these new requirements, the Licensing Authority adopted an Animal Welfare Licensing Policy in 2020.

On 27 June 2025, the Regulatory Committee received a report proposing that a consultation take place on an updated Animal Welfare Licensing Policy which was agreed. This consultation is now complete, and this report sets out the responses received and the proposed final policy for adoption.

6 **INTRODUCTION OF A CARAVAN SITE AND MOBILE HOMES LICENSING POLICY** *(Pages 53 - 114)*

The Council has a responsibility for licencing caravan sites, including holiday sites and those used for permanent residential purposes (relevant protected sites).

Changes to legislation over recent years has introduced wider powers for Local Authorities to ensure that the interest of homeowners, and the wider public, are safeguarded through the licensing regime under the Caravan Sites and Control of Development Act 1960.

Since the implementation of the Mobile Homes Act 2013, the Council has not introduced an overarching Caravan Site and Mobile Homes policy, however following the introduction of Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) the Mobile Homes Fit and Proper Person Fee policy and Mobile Homes Fit and Proper Person Determination Policy were introduced.

Following review, a new Caravan Site and Mobile Homes policy is proposed that would incorporate the Mobile Homes Fit and Proper person policies into a single policy with an updated fee structure and introduce wider changes to the licensing and oversight of caravan sites within Mid Devon. These changes include the introduction of a range standard conditions for different types of sites and an inspection risk assessment tool as set out in the relevant annexes.

7 **LICENSING UPDATE REPORT** *(Pages 115 - 120)*

To provide the Committee with an overview of the regulatory activity as applicable to the Regulatory Committee undertaken by the Licensing Team during the first half of 2025/26.

Stephen Walford

Chief Executive

Thursday, 27 November 2025

Guidance notes for meetings of Mid Devon District Council

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting.

Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

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MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 27 June 2025 at 11.30 am

**Present
Councillors:**

J Buczkowski, J Cairney, D Broom,
F J Colthorpe, J M Downes, G Duchesne,
S Keable and L G J Kennedy

**Apologies
Councillors:**

L J Cruwys, M Jenkins and J Lock

**Also Present
Councillor:**

Cllr G Czapiewski

**Also Present
Officers:**

Deborah Sharpley (Legal Services Manager), Harriet Said (Team Leader (Commercial), Public Health), Thomas Keating (Specialist Lead (Licensing) Officer) and Angie Howell (Democratic Services Officer)

1 ELECTION OF CHAIR (00:03:10)

The Chair of the Council invited nominations for the election of a Chair for the municipal year 2025/2026.

RESOLVED that Cllr J Cairney be elected as Chair of the Regulatory Committee for the municipal year 2025/2026.

2 ELECTION OF VICE-CHAIR (00:04:39)

The Chair of the Regulatory Committee invited nominations for the election of a Vice-Chair for the municipal year 2025/2026

RESOLVED that Cllr A Cuddy be elected as Vice Chair of the Regulatory Committee for the municipal year 2025/2026.

3 START TIME OF MEETINGS (00:06:02)

It was **AGREED** that the start time of meetings for the remainder of the municipal year continued to be at 11.30am.

4 **APOLOGIES AND SUBSTITUTE MEMBERS (00:07:32)**

Apologies were received from Cllr L Cruwys, Cllr M Jenkins and Cllr J Lock.

5 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:07:53)**

There were no declarations of interest received.

6 **PUBLIC QUESTION TIME (00:08:10)**

There were no members of the public present and no questions were asked.

7 **MINUTES OF THE LAST MEETING (00:08:17)**

The minutes of the previous meeting held on the 2 October 2024 were agreed as a true record and **SIGNED** by the Chair.

8 **REGULATORY UPDATE REPORT (00:08:45)**

The Committee had before it and **NOTED** a report * from the Team Leader, (Commercial), Public Health of the Regulatory Update Report.

The following was highlighted within the report:

- There had been a significant decrease in the number of Licensed Hackney Carriage vehicles across the district. No particular reason had been identified as to why that was the case
- A total of 27 taxi inspections had taken place between January and March 2025. This was lower than previous years mainly due to delaying inspections until the revised Taxi Policy had come into effect on 1 January 2025 as well as staffing pressures.
- There were a total of 48 animal related licences which included cat and dog boarding, day care, dog breeding and hiring out horses.
- Currently this work was undertaken by an external contractor as a specific qualification was required under the current legislation to carry out those visits. However 2 members of the Licensing Team were undertaking that qualification.
- There was a joint Environmental Health and UK Health Security Agency initiative which looked at a type of micro-organism, Pseudomonas Aeruginosa, which was a common bacteria found in the environment. It existed harmlessly on the surface of the skin but once the skin was broken it could cause serious infections of the skin, soft tissue and bloodstreams. Symptoms included respiratory and urinary infections and was difficult to treat.
- There had not been any outbreaks in Mid Devon however 19 samples had been taken from 3 different premises. The organism was found in one of the premises and after following officer advice and guidance on cleaning practices, following resampling, the results had returned satisfactorily.

- An agency member of staff had joined the Licensing Team this week who was helping with the workload whilst the team considered a new structure to deliver the core functions.
- There had been a total of 3 Regulatory Sub-Committee Hearings which had taken place in 2024/2025.
- Training had been provided to license holders specifically looking at Safeguarding and Disability Awareness to comply with the new Taxi Policy requirements with training having to be undertaken every 3 years. A total of 99 licence holders had attended to date.
- A minor change had been made to the Taxi Policy under delegated authority from the Head of Housing and Health, as the Policy had limited the ability to license a third row of seats in the back of a vehicle. As this would have had a significant impact on public transport across the district this had now been changed.
- A number of vehicles did not meet the exact dimensions that the Policy had specified for the size of the cab. This had been adjusted to remove the defined sizing requirements from the Policy itself and use more of a subjective assessment of space and comfort. The dimensions would sit outside of the Policy and would be referred to in the event of complaints for concerns about a vehicle.
- A review of the taxi tariff had been requested. A piece of work would be initiated to establish if the wider trade wished for a review.
- A project was planned to take place during 2025/2026 to review the licensing approach to residential caravan sites. This would be a joint piece of work between Licensing and Environmental Health.

Discussion took place regarding:-

- Whether the Council had any zoo licences or licences that were exempt. It was explained that the Council did not have either.
- The taxi rank in Tiverton being used by members of the public. It was explained that this was a matter for Devon County Council Highways to resolve.
- The amount of dog litters to be classed as a dog breeder. It was explained that detailed guidelines were outlined by the Department of Environment, Food & Rural Affairs (DEFRA).

Note: * Report previously circulated.

9 REVIEW OF THE ANIMAL WELFARE LICENSING POLICY (00:44:13)

The Committee had before it a report * from the Specialist Lead (Licensing) Officer for the review of the Animal Welfare Licensing Policy.

The following was highlighted within the report:

- The Animal Welfare Regulations 2018 were published which changed the way animal related businesses were inspected and licensed. This included pet shops, dog and cat boarding and dog breeders.
- The Regulations did not affect dangerous wild animals and zoo licensing.
- In 2020 the Council went through a process of consulting on and adopting a new Animal Welfare Licensing Policy.
- A 6 week consultation period was proposed as well as a number of minor changes to the Policy which complied with DEFRA guidance which would then be adopted later this year.
- The Animal Welfare (Primate License) Regulations came into force from April 2025 which specifically related to private keepers in setting the same standards you would expect in a zoo. There were currently no private keepers in Mid Devon.

Discussion took place regarding:-

- The granting of an application or renewal guidelines. It was explained that it was the responsibility of the Licensee to apply in good time although reminders were issued prior to the expiry date despite it not been a statutory requirement to do so.

The Committee **RESOLVED** that the Regulatory Committee approve the draft Animal Welfare Licensing Policy attached as Annexe A for a 6 week public consultation.

(Proposed by Cllr A Cuddy and seconded by Cllr J Buczkowski)

Note: * Report previously circulated.

(The meeting ended at 12.25 pm)

CHAIR



Report for: Regulatory Committee

Date of Meeting: 5 December 2025

Subject: **REVIEW OF THE ANIMAL WELFARE LICENSING POLICY**

Cabinet Member: Cllr David Wulff, Cabinet Member for Quality of Living, Equalities and Public Health

Responsible Officer: Simon Newcombe, Head of Housing and Health

Enclosures: Annex A: Final Draft Animal Welfare Licensing Policy
Annex B: Equality Impact Assessment

Summary:

On 01 October 2018 changes to the licensing of animal boarding establishments, dog breeding establishments, pet shops and riding establishments were introduced. The Council also took on the responsibility for the licensing of "keeping animals for exhibition." Considering these new requirements, the Licensing Authority adopted an Animal Welfare Licensing Policy in 2020.

On 27 June 2025, the Regulatory Committee received a report proposing that a consultation take place on an updated Animal Welfare Licensing Policy which was agreed. This consultation is now complete, and this report sets out the responses received and the proposed final policy for adoption.

Recommendation:

The Regulatory Committee recommends that Council adopt the final draft Animal Welfare Licensing Policy and Equality Impact Assessment contained in Annex A and B respectively.

1 Background

- 1.1 The Animal Welfare Act 2006 introduced a new licensing power which enabled nationally set regulations to be made for animal related activities. As a result, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 ("the Regulations") were published, which significantly

changed the way animal related businesses are inspected and licensed. The Regulations came into force on 01 October 2018.

- 1.2 The Regulations define the animal based activities that require a licence as:
- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business
 - Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business
 - Hiring out horses in the course of a business for either riding, instruction in riding, or both
 - Breeding dogs and advertising a business of selling dogs; or breeding three or more litters of puppies in any 12-month period
 - Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology.
- 1.3 It is important to note that the Regulations did not change anything related to the licensing of dangerous wild animals and zoos. These premises have continued to be licensed by the Council as they have previously been under their respective legislation.
- 1.4 For specific details about what the Regulations changed from a licensing perspective please refer to section 2 of this [previous report](#).
- 1.5 Although there is no statutory requirement for councils to have an Animal Welfare Licensing Policy ("Policy"), it was felt that it would help to ensure compliance with the relevant regulations (and a consistent application of them). Consequently, the Council went through the process of consulting on and adopting a Policy in 2020.

2 Proposed changes to the Policy and consultation

- 2.1 The Licensing Team reviewed the Policy and carried out a six-week consultation, as agreed at the Regulatory Committee meeting on 27 June 2025. The consultation ran from 1 September 2025 to 12 October 2025.
- 2.2 The proposed amendments are relatively minor, including:
- References to the introduction of the Regulations have been amended to reflect the fact they have now been in place for seven years.
 - Inclusion of information about the business test.
 - Rewording of the section which sets out what the licence holder must notify the Council of within 72 hours (i.e. cautions and arrests).

- Clarification that if a renewal application is not received in good time, and therefore not processed prior to expiry of the existing licence, the business cannot operate until that renewal has then been processed / issued.
- Clarification that the Council does not believe a 'variation' process can be used to transfer a licence to a new owner. NOTE: This is a general view and the Council will always review each case on its own individual merits.
- Inclusion of information about Improvement Notices

2.3 The Licensing Team notified the following parties of the consultation:

- All existing animal related licence holders within Mid Devon
- Environmental Health (MDDC)
- Planning (MDDC)
- Police
- RSPCA
- DEFRA
- Trading Standards

2.4 A notice was also placed on the Council's website advertising the consultation to the public.

2.5 One response was received during the consultation period. This was from a licensed cattery and included the following information.

Comments provided	Officer comment
Ref para. 1.1 should the listed regulations include The Animal Welfare (Licensing of Activities Involving Animals) (England) (Amendment) Regulations 2019.	This is a good point, but I do not think it is necessary to include them specifically. The regulations noted amended the 2018 regulations which are themselves listed in the policy. No change recommended.
Is para. 5.11 required as it's now covered in 5.2?	These paragraphs relate to different licensing schemes. No change recommended.
Para. 7.5 and 7.8 appear to be duplicates.	These paragraphs relate to different licensing schemes. No change recommended.
Para. 7.6 and 7.9 appear to be duplicates.	These paragraphs relate to different licensing schemes. No change recommended.
Ref. para. 7.6 suggest an additional sentence, potentially as follows: <i>For any application made more than 10 weeks before expiry and should the Council be unable to meet the renewal timescale a licence variation may be issued to extend the licence for a short period of time.</i>	The point of this is understood and consideration of such an issue should be based on the individual merits of the case. The reasons for delay could vary and where appropriate, the Licensing Team will consider how best to help businesses that are compliant and through no fault of their

	own, have experienced renewal delays. It is not felt necessary to put such an obligation into the Policy but it is something that the Licensing Team will consider as and when required.
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2.6 The Licensing Officer is not recommending any amendments to the Policy that was initially consulted on. The changes incorporated into the consultation that are now incorporated into the final draft policy are tracked within the policy version shown in Annex A.

3 Summary of options

3.1 The Committee have the following options:

- a) Recommend to Full Council the adoption of the Policy attached as Annex A (complete with tracked changes);
- b) Recommend to Full Council the adoption of a modified Policy; or
- c) Make no recommendation to Full Council

4 Recommendation

4.1 The Regulatory Committee recommends that Council adopt the final draft Animal Welfare Licensing Policy and Equality Impact Assessment contained in Annex A and B respectively.

Financial Implications: The fees payable for specific premises / licences are dependent on the length of licence granted, which is, in turn, dependent on the risk rating of the premises. In general, the lower risk the premises is, the longer the licence will be granted for.

The animal licensing scheme falls within the definition of ‘services’, and is subject to the EU Services Directive, incorporated into UK law as the Provision of Services Regulations 2009.

Application fees are therefore split into two parts; Part A and Part B. Part A is the application fee, which is payable on submission and covers the cost of considering and processing the application. Part B is the licence fee, payable by successful applicants to cover the costs of ongoing enforcement and compliance requirements.

Legal Implications: The Council is not legally required to adopt a policy. However, the adoption of a specific licensing policy will assist the Council in carrying out its functions under the Regulations in a fair and transparent way.

The Regulations and guidance issued by DEFRA set out the activities which must be licensed, who may apply for a licence and how the Council must determine

applications for a licence. The Regulations also set out the conditions which must be applied to any licence granted.

The relevant legislation can be found here:
<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>

The relevant DEFRA guidance can be found here:
<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>

Should the Council refuse to grant or renew a licence (or revoke or vary an existing licence), the applicant may be able to appeal to a First-tier Tribunal (General Regulatory Chamber) or to the Magistrates' Court (depending on the licence applied for). This must be done within 28 days of the decision.

The statutory guidance issued by DEFRA requires the Council to provide an appeal process to enable applicants to challenge the star rating they are given. The guidance sets out the timescales for this and the level of officer who should deal with the appeal. If a business is still dissatisfied, they can challenge the appeal outcome by way of judicial review. Details of the appeal process appear in the Policy.

Licence holders can also pay for a re-inspection when they have carried out improvements, which could lead to a higher star rating being issued.

Risk Assessment: It is not a statutory requirement for a Council to have an Animal Welfare Licensing Policy. However, doing so has several benefits. For example, some of the decisions that the Council may make will have a right of appeal against them and a Policy will help to ensure consistency and can be used to help justify any action that is taken.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: The general public sector equality duty within the Equality Act 2010 has overarching application and requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity within and between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

When carrying out any of its functions, the Council will comply with this duty in the general application of all its licensing duties. There are however no direct equality implications arising from the policy itself.

The Equalities Impact Assessment is attached to this report in Annex B which finds no adverse equality impacts arising from this policy update.

Relationship to Corporate Plan: This report links 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 theme of Community, People and Equalities within the Corporate Plan.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 20.11.25

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 20.11.25

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 20.11.25

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 12 November 2025

Cabinet member notified: Yes

Contact:

Name: Tom Keating – Specialist Lead, Licensing, Public Health and Housing Options / Simon Newcombe, Head of Housing and Health

Email: tkeating@middevon.gov.uk / snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background Papers:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018: <https://www.legislation.gov.uk/ukdsi/2018/9780111165485>
- Animal activities licensing: guidance for local authorities (DEFRA): <https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>
- Regulatory Committee June 2020 – Animal Welfare Licensing Policy report: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=140&MId=1239&Ver=4>
- Regulatory Committee June 2025 – Review of Animal Welfare Licensing Policy report: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=140&MId=2168>



Animal Welfare Licensing Policy

Date of implementation: ~~July 2020~~ TBC

**Mid Devon District Council
Phoenix House, Phoenix Lane
Tiverton, Devon, EX16 6PP
Tel: 01884 255255
www.middevon.gov.uk**

Mid Devon District Council
Animal Welfare Licensing Policy

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1.0 Introduction

1.1 This policy sets out how the Council will exercise its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

~~1.2 This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as the "Regulations") on 1 October 2018. Where relevant (and appropriate), specific information has been provided relevant to the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.~~

~~1.23~~ The ~~Policy~~ policy will be reviewed as standard every ~~3~~ five years following first approval, and / or and at other times where considered necessary (for example, to reflect significant changes in relevant legislation or guidance). ~~The Head of Housing & Health is authorised to make minor amendments to the policy.~~

~~1.34~~ Any general reference to 'guidance' ~~Guidance~~ in this policy is reference to the 'Animal activities licensing: statutory guidance for local authorities' produced by DEFRA. This ~~guidance~~ Guidance ~~can be viewed in full here~~ is available to view online: ~~<https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities>~~. If any other guidance is referenced in this policy, specific details will be provided.

~~1.45~~ This policy sets out the principles the Council will use when dealing with animal related licensing matters. This includes dealing with applications for new licences and issues relating to licensed premises.

~~1.56~~ This policy provides guidance to any person with an interest in animal licensing. In particular, but not exclusively:

- Applicants for licencses
- Existing licence holders whose licences are being reviewed
- Users of licensed premises
- Licensing Officers
- Members of the Licensing Committee, and
- Magistrates' hearing appeals against ~~local authority~~ the Council's decisions.

- 1.67 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is suitable to be granted, have renewed or continue to hold a licence. In addition to criminal convictions the Council will, where permitted under the relevant legislation, also take into account other factors such as general character, compliance with licence requirements / guidance / conditions, non-criminal behavior, and other relevant records or information from reliable and relevant sources.

2.0 Policy objectives

- 2.1 The [Policy-policy](#) is designed to ensure that:
- any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the relevant legislation
 - the licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant legislation
 - the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision
 - the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured, in accordance with the relevant legislation
 - each application is considered on its own merits
 - decisions made by the Council are transparent and consistent
- 2.2 In addition, the Council will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:
- Responsibility to protect the welfare of all fellow creatures
 - Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”
 - Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice
 - Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced

3.0 Animal Welfare Act

- 3.1 The Animal Welfare Act 2006 ([hereinafter referred to as the “Act”](#)) established that reasonable welfare standards must be maintained whilst unifying all animal legislation, including responsibilities falling to various enforcement agencies.
- 3.2 The Act introduced five overarching principles of animal welfare, known as the “five needs” which are:

1. The need for a suitable environment

- *by providing an appropriate environment, including shelter and a comfortable resting area*

2. The need for a suitable diet

- *by ready access, where appropriate, to fresh water and a diet to maintain full health*

3. The need to be able to exhibit normal behaviour patterns;

- *by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate*

4. Any need to be housed with, or apart from, other animals;

- *by providing the company of an animal of its own kind, where appropriate*

5. The need to be protected from pain, suffering, injury and disease;

- *by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering*

4.0 Licensable Activities

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 4.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (hereinafter referred to as the “Regulations”). The Regulations apply to came into force on 1st October 2018 and have an impact on establishments licensed under the previous animal health legislation. This includes those previously licensed as pet shops, catteries, kennels, home boarders, dog day care crèches, riding establishments, dog breeders and performing animals.
- 4.2 A licence is required when any of the licensable activities outlined in Schedule 1 of the Regulations are undertaken. These are:

- selling animals as pets (Part 2)
- providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3)
- hiring out horses (Part 4)
- breeding dogs (Part 5)
- keeping or training animals for exhibition (Part 6)

4.3 In order to be licensable, a 'business test' applies and the Council will consider a range of issues when deciding if the activity amounts to a business. This includes, but is not limited to, whether or not the operator:

- makes any sale or carries out the activity to make a profit
- earns any commission or fee from the activity

The Council will also consider the HMRC's '9 badges of trade' and trading income allowance.

The Regulations replace previous licensing and registration regimes under the following legislation:

- ~~Pet Animals Act 1951~~
- ~~Animal Boarding Establishments Act 1963~~
- ~~Riding Establishments Acts 1964 & 1970~~
- ~~Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999~~
- ~~Performing Animals (Regulation) Act 1925~~

Dangerous Wild Animals Act 1976

4.4 The Dangerous Wild Animals Act 1976 dictates that a licence is required from the Council to keep certain animals that are considered wild, dangerous or exotic. A full list of animals that need a licence can be seen ~~herein the legislation:-~~ <http://www.legislation.gov.uk/ukxi/2007/2465/schedule/made->

4.5 The Council does not support the licensing of primates under the Dangerous Wild Animals Act 1976 as 'pets' to live in the domestic premises. The Council recognises that primates are dangerous and highly intelligent animals with complex needs that cannot be met in a home environment. Consideration will be given to applications

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for animal sanctuaries where it can be evidenced that there is no intention to breed or allow the primates into the home environment.

Zoo Licensing Act 1981

- 4.6 The Zoo Licensing Act 1981 dictates that a licence is required from the Council to display wild animals to the public for at least 7 days a year, in a place that is not a circus or a pet shop.
- 4.7 All relevant legislation set out in this section can be viewed in full at <http://www.legislation.gov.uk/>.

5.0 Suitability of applicants

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 5.1 In accordance with the Regulations, any individual who carries on a licensable activity will be designated as the 'operator' of the business and can apply for a licence, providing they are not disqualified from holding a licence in accordance with the Regulations.
- 5.2 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require a new applicant (or applicants) to provide a basic disclosure [and barring service](#) (DBS) certificate, issued within 3 months of the date of application. ~~Licence holders will then need to provide the Council with a new DBS check every 3 years. For any renewal application, the requirement for a DBS will begin in relation to the renewals of licences that take effect from 2021.~~ DBS checks must show that the applicant (or applicants) are not disqualified from holding a licence, and/or hold no relevant convictions which may affect whether they are a 'fit and proper' person to hold a licence. ~~The DBS check will then be required on a rolling 3-year basis.~~
- 5.3 An applicant will be granted a licence if the Council is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a 'fit and proper' person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. For the purpose of this [Policy](#), the Council will consider a 'fit and proper person' to be an individual who can demonstrate upon application that they have:
- the right to work in the UK
 - no relevant convictions

- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care
- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensed activity.

This does not limit the scope of the fit and proper assessment and the Council may take in to account other matters, should they be considered as relevant to the licensing process.

Relevance of [criminal](#) convictions

- 5.4 The purpose of this section is to offer guidance on how the Council can determine whether an applicant or licence holder is suitable to either be granted a licence in the first place or retain a licence under the Regulations. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it. Each and every case will be determined on its own merits, but in light of these guidelines.
- 5.5 Most applicants or licensees will have no convictions and that is clearly the ~~ideal~~ [preferred](#) situation. It is accepted, however, that people do make mistakes, and it is further accepted that many learn from those mistakes and do not continue to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, will not prevent the grant or renewal of a licence.
- 5.6 The Council will not normally grant a licence to a person with one (or more) conviction(s) for any offence that is related to animal cruelty or suffering. The primary purpose of the Regulations enforced by the Council is to ensure the welfare of animals and as such, these types of offences are highly relevant.
- 5.7 The Council will not normally grant a licence to a person with one (or more) conviction(s) for any offence that is related to licensing as these offences demonstrate a disregard for licensing processes and procedures.
- 5.8 In addition to the above, the Council also has wider obligations to prevent crime and disorder and safeguard both children and vulnerable adults. These obligations arise from the Crime and Disorder Act 1998; the Children Act 2004; and the Care Act 2014. As a result, the Council will not normally grant a licence to a person with one (or more) conviction(s) for any of the following offences:
- Offences involving violence

- Possession of a weapon
- Sex and indecency offences
- Offences involving dishonesty
- Offences involving drugs

5.9 Any offences or behaviour not expressly covered by this [Policy-policy](#) may still be taken into account.

5.10 The Council must ensure that licence holders remain fit and proper during the life of a licence. For this reason, licence holders must notify the Council, in writing, within 72 hours, if they have any type of licence suspended or revoked; are convicted of any offence; accept a formal caution for any offence; receive a fixed penalty notice for any offence; are made the subject of a Criminal Behaviour Order^s or Community Protection Notice; are made the subject on any injunction or restraining order; or are arrested for any matter (irrespective of the outcome following the arrest).

Failing to provide such notification will raise serious questions for the Council as to the honesty of the licence holder.

~~any of the following occurs (in relation to the types of offences highlighted above):~~

- ~~• They have any type of licence suspended or revoked~~
- ~~• They receive any warnings or cautions;~~
- ~~• Are arrested (whether or not charged with an offence);~~
- ~~• Are charged with any criminal offence;~~
- ~~• Are convicted of any criminal offence;~~
- ~~• Allegations are made of their involvement in criminal activity; or~~
- ~~• Any pending charges, to include any notices of intended prosecution~~

~~Failing to provide such notification will raise serious questions for the Council as to the honesty of the licence holder.~~

The Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981

5.11 In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council will require the applicant to provide a basic disclosure [and barring service](#) (DBS) certificate issued within 3 months of the date of application. [Licence holders will then need to provide](#)

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~~the Council with a new DBS check every 3 years. This check will then be required on a rolling 3 year basis.~~

6.0 Safeguarding

- 6.1 The Regulations have the aims of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular surrounding the protection of children and vulnerable persons and the Council must consider these in light of the Children Act 2004 and the Care Act 2014.
- 6.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a ~~Riding-horse riding Establishment~~[establishment](#), or entertaining at a children's party with an exhibition of animals).
- 6.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or vulnerable persons to:
- Have a written safeguarding policy and provide training for staff; and
 - Have a procedure for vetting staff who ~~may have unsupervised~~ contact with young/vulnerable persons [as required by the DBS](#).
- 6.4 The Council are not setting any specific standards in relation to these requirements, but each case will be considered on its own merits. For information purposes, a number of charitable organisations offer advice on safeguarding issues, including policies and staff recruitment, such as the NSPCC, which applicants and licence holders may find helpful.

7.0 Application process

- 7.1 Licence applications must be submitted in writing on the relevant application form and in accordance with the relevant legislation. Additionally, applicants should include any supporting information that is required (as detailed in the form, this ~~Policy-policy~~ and as may be required in any particular case), together with the appropriate fee.
- 7.2 Payment for vet inspections required either by legislation or by the Council in order to determine the application, will be an additional charge that is passed on to the applicant / licence holder.

7.3 What follows is a brief overview of the application process for the animal related licences that the Council administers. In all cases, the process prescribed in the relevant legislation will be followed.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

7.4 The relevant Guidance [produced by DEFRA](#) for licences issued under these Regulations stipulates that once the Council receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:

- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet the licence conditions.
- The Council must inspect the site of the licensable activity and assess if it is likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of the Regulations, to be submitted to the Council following their inspection.
- The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
- Ensure that the appropriate fees have been paid.

7.5 Although not a statutory requirement, the Council will aim to provide licence holders with at least 3 months' notice of when their licence is due to expire. [We strongly recommend that licence holders set their own reminder to renew 3 months before the licence expiry date.](#)

[7.6](#) Licence holders must then submit an application [to renew](#) at least 10 weeks before their licence expires to continue the activity without a break. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application. [The Council failing to give notice in accordance with paragraph 7.5 will not excuse a late application. If an application is not received in good time and the renewal not processed prior to expiry of the existing licence, the business would have to stop operating. Continuing to operate without a licence](#)

would be a criminal offence and could call in to question your suitability to hold a licence.

Dangerous Wild Animals Act 1976

7.76 Once the Council receives an application for the grant or renewal of a licence it will do the following ~~before granting or renewing a licence~~:

- ~~The Council will~~ ensure that the applicant has not been disqualified from keeping dangerous wild animals.
- ~~An~~ Get an Officer of the Council ~~will to~~ inspect the relevant premises and assess if it is likely to meet the requirements of the legislation. In addition to this, a qualified vet will also be appointed to inspect the premises and produce a report.
- ~~Get the vet to provide a Reports~~ report which will contain information about the suitability of the accommodation, suitability of the applicant in terms of their handling skill / experience and the ~~vet's~~ views on qualification relating to species. The vet will also consider the animal's ability to express their natural behaviour and knowledge of the ~~owner~~ applicant to promote the animal's welfare. The report will then be sent to the Council for consideration.
- Ensure that the appropriate fees have been paid.

~~7.7 Although not a statutory requirement, the Council will aim to provide licence holders with 3 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 10 weeks before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application.~~

~~7.8 Although not a statutory requirement, the Council will aim to provide licence holders with at least 3 months' notice of when their licence is due to expire. We strongly recommend that licence holders set their own reminder to renew 3 months before the licence expiry date.~~

~~7.9 Licence holders must then submit an application to renew at least 10 weeks before their licence expires to continue the activity without a break. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application. The Council failing to give notice in accordance with~~

paragraph 7.8 will not excuse a late application. If an application is not received in good time and the renewal not processed prior to expiry of the existing licence, the business would have to stop operating. Continuing to operate without a licence would be a criminal offence and could call in to question your suitability to hold a licence.

Zoo Licensing Act 1981

- 7.108 Before submitting an application to the Council for a licence under the Zoo Licensing Act 1981, an applicant must, at least two months prior to the application, provide the Council with a notice of an intention to apply, which must contain various pieces of information (in compliance with the ~~Act Zoo Licensing Act 1981~~).
- 7.119 Additionally, a notice must also be published in a local newspaper (circulating the Mid Devon area) and a newspaper that is circulated nationally.
- 7.129 Once the Council receives an application it will do the following before granting or renewing a licence:
- ~~The Council will~~ Ensure that the applicant has not been disqualified from keeping dangerous wild animals.
 - ~~An Get an~~ Officer of the Council ~~will to~~ inspect the relevant premises and assess if it is likely to meet the requirements of the legislation. In addition to this, a qualified vet will also be appointed to inspect the premises and produce a report. The vet will, in accordance with the legislation, be approved as part of the Secretary of State's list of suitably qualified and experienced inspectors.
 - ~~The Council w~~Will take into account any representations made by or on behalf of any persons entitled to make them (as per the legislation)
 - ~~The Council w~~Will consult the applicant on the conditions that are proposed for the premises licence.
 - Ensure that the appropriate fees have been paid.
- 7.134 The Council will aim to provide licence holders with 9 months' notice of when their licence is due to expire. Licence holders must then submit an application at least 6 months before their licence expires. It is the licence holder's responsibility to ensure that any renewal application is made in good time, and the Council cannot be held responsible for any delays or lapses of a licence caused by an incomplete or late application. The Council failing to give notice in accordance with this paragraph will not excuse a late application.

8.0 Rating and licence duration

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 8.1 With the exception of '*keeping or training animals for exhibition*', licences can be issued under the Regulations for a period of either one, two or three years depending on the risk rating and level of compliance. The length of the licence will correspond with the Star Rating for the establishment.
- 8.2 Licences for the keeping or training animals for exhibition are issued for three years.
- 8.3 A copy of the Scoring ~~matrix~~ [Matrix](#) is below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

Dangerous Wild Animals Act 1976

- 8.4 Premises licensed under the Dangerous Wild Animals Act [1976](#) are not risk rated and licences, if issued, are valid for 2 years.

Zoo Licensing Act 1981

- 8.5 Premises licensed under the Zoo Licensing Act [1981](#) are not risk rated and any new premises licence, if issued, will be valid for 4 years. On renewal, licences will be valid for 6 years.

9.0 ~~Standards and conditions~~ **Conditions and Standards**

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

9.1 The Regulations include mandatory conditions for each licensable activity and DEFRA have produced associated guidance. The conditions are divided into two categories, namely 'General Conditions' and 'Specific Conditions'.

9.2 Applicants and licence holders will need to meet all of the mandatory conditions, although for existing businesses, minor failings may be noted / recorded providing they do not compromise the welfare of the animals. However, these failings should be predominantly administrative in nature, as highlighted in the relevant guidance.

9.3 For each activity (except keeping or training animals for exhibition) a number of "higher standards" have been included in the guidance. Meeting the higher standards is optional but is the only way to gain a higher star rating.

9.4 The higher standards are classified into two categories – required (mandatory) and optional. These will typically be colour coded as blue and red respectively or otherwise clearly marked and differentiated. To qualify as meeting the higher standards the business must achieve all of the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

Conditions

9.1 The Regulations apply general and activity-specific conditions that businesses must meet in order to obtain a licence. The general conditions (found in Schedule 2 of the Regulations) apply to all premises and are based on the five welfare needs set out in the Act. Specific licence conditions then apply to the different activities and these can be found in Schedules 3 – 7 of the Regulations.

Standards

9.2 The 'minimum' and 'higher' standards are outlined in DEFRA's licensable animal activity guides:

- Day care for dogs
- Dog breeding
- Selling animals as pets
- Providing home boarding for dogs
- Providing boarding in kennels for dogs
- Providing boarding for cats
- Hiring out horses

9.3 Applicants will need to meet the requirements of all the minimum standards, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (i.e. be predominantly administrative in nature).

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9.4 For each activity (except keeping or training animals for exhibition), there are also a number of higher standards. Meeting the higher standards is optional but is the only way to gain a 4 or 5-star rating.

9.5 If an individual would like to qualify at the higher standard, the business must meet:

- All of the 'required' higher standards
- At least 50% of the 'optional' higher standards

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Dangerous Wild Animals Act 1976

9.65 The Council will impose any conditions prescribed in the legislation. In addition, the Council may impose any conditions suggested by DEFRA or required by the ~~Inspecting~~ Officer / ~~inspector~~ / ~~Vet~~vet.

9.76 Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations such as, but not limited to:

- I. DEFRA
- II. British Veterinary Association
- III. National Trade Associations

Zoos Licensing Act 1981

9.87 The Council will impose any conditions prescribed in the legislation. In addition, the Council may impose any conditions suggested by DEFRA or required by the ~~Inspecting~~ Officer / ~~inspector~~ / ~~Vet~~vet.

9.98 Where the Council places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations such as, but not limited to:

- I. DEFRA
- II. British Veterinary Association
- III. National Trade Associations

10.0 Granting an application

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

10.1 Where a licence is issued the Council will provide the following ~~details~~ (if applicable):

- the ~~licence~~ [licence](#) with the Star Rating
- details of how the business has been rated, including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet (resulting in a “minor failing” category)
- a copy of the risk ~~management assessment~~ [scoring table, which is an assessment completed by an eOfficer of the Council on the likelihood of satisfactory compliance being maintained in the future](#)
- details of the appeals process and timescales

Dangerous Wild Animals Act 1976

- 10.2 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

Zoos Licensing Act 1981

- 10.3 These premises are not risk rated and as a result, only the licence is sent out, along with the relevant conditions.

11.0 Refusing an application

- 11.1 The following section provides a brief [and non-exhaustive](#) overview of the powers the Council [have has](#) to refuse an application. ~~It must be noted that the non-inclusion of information does not prevent the Council from refusing a licence on any other lawful grounds.~~

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 11.2 Depending on the licence being applied for, the Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.
- 11.3 The Council may refuse to issue a licence if it considers that the applicant cannot meet the licence conditions. The Council may also refuse a licence if the granting of a licence could have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.
- 11.4 The Council may also refuse to issue or renew a licence if the applicant has a history of non-compliance with licensing conditions or requirements, is obstructive towards ~~officers~~ [Council Officers or inspectors/vets acting on behalf of the Council](#), or if there are safeguarding concerns arising from the licensed activity. The above list is not

exhaustive, but indicative of the circumstances where the Council may want to refuse an application.

11.5 The Council may also refuse an application if it considers that the applicant does not meet the 'fit and proper person' test.

11.6 A licence cannot be issued to an operator who has been disqualified, as per the relevant Regulations.

11.7 If a licence is refused under the Regulations, the applicant will have the right of appeal to a First-tier Tribunal ([General Regulatory Chamber](#)) within 28 days ~~of the decision notice~~ beginning with the day following the date of the decision.

Dangerous Wild Animals Act 1976

11.8 The Council will consider the report from the inspector(s) and any comments made by the applicant when deciding whether to issue a licence.

11.9 The Council must not grant a licence unless it is satisfied that:

- it is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
- the applicant for the licence is a suitable person to hold a licence under the ~~relevant Act~~ Dangerous Wild Animals Act 1976;
- any animal concerned will at all times of its being kept only under the authority of the licence -
 - (i) be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
 - (ii) be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
- appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;
- all reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;

- while any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

11.10 A licence may be refused where an applicant has been convicted of any relevant offence, as per the relevant legislation.

11.11 If a licence is refused under the Dangerous Wild Animals Act 1976, the applicant will have the right of appeal to the magistrates' court within 21 days of the decision notice.

Zoo Licensing Act 1981

11.12 The Council will consider the report from the inspector(s) and any comments made by any relevant party when deciding whether to issue a licence.

11.13 The Council may refuse a licence when:

- it is satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order
- ~~they are~~ it is not satisfied that it would be able to meet conditions to take forward the relevant conservation measures
- ~~they are~~ it is not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals as a whole or for any of them, or otherwise for the proper conduct of the zoo.
- ~~They are~~ it is not satisfied that planning permission has been granted for a zoo (or the granting of the licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted).

11.14 A licence may also be refused if anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in the legislation.

11.15 If a licence is refused under the Zoo Licensing Act 1981, the applicant will have the right of appeal to the magistrates' court within 28 days, from the date on which written notification of the authority's decision is received. ~~of the decision notice.~~

12.0 Appeals to Star Rating

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 12.1 To ensure fairness to the business, the Council has an appeals procedure in place for the operator to dispute the star rating given.
- 12.2 The business will be provided with supporting information (the inspection reports) which will highlight the ~~inspecting inspector~~~~officer~~'s decision on how the risk rating, compliance level and star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.
- 12.3 A business may appeal if they consider their star rating to be wrong - in other words, if it does not reflect the standards found at the time of inspection. Any appeal to the rating given must be made in writing to the Council within 21 days, from when the star rating is issued. It is important to note that the appeal concerns specifically the standards present at the time of the inspection and will be chargeable, should the original decision be upheld.
- 12.4 ~~DEFRA-The~~ Guidance states that no ~~officer-Officer~~ involved with the initial star rating or inspection should consider an appeal. Accordingly, the Council will ensure that a separate ~~officer-Officer~~ determines the appeal in all cases. ~~DEFRA-The~~ Guidance also states that the appeal should be determined by the head of the Department or a designated deputy and this Council will consider the delegation of such functions to an ~~officer-Officer~~ that is considered suitably qualified. Depending on the specific details of the appeal, the relevant ~~officer-Officer~~ may or may not visit the premises themselves.
- 12.5 If the business disagrees with the outcome of the appeal they can challenge the decision by means of judicial review. The business also has recourse to the Council's complaints procedure (taking the matter to the Local Government Ombudsman where appropriate) if they consider that the service has not been properly delivered.
- 12.6 Separate to the appeal process highlighted above, a business may wish to apply for a 're-rating' following completion of works to rectify any non-compliance or improvements to achieve higher standards. This re-rating is carried out on a chargeable basis (for more information on fees see section 17 of this ~~Policy~~~~policy~~).

13.0 Variations, Suspensions and Revocations of Licences

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 13.1 The Regulations allow the Council to vary a licence:
- On the application in writing of the licence holder, or
 - On the initiative of the Council, with the consent in writing of the licence holder.

13.2 In addition to the above, the Council may suspend, vary or revoke a licence without the consent of the licence holder if:

- The licence conditions are not being complied with
- There has been a breach of the Regulations
- Information supplied by the licence holder is false or misleading
- It is necessary to protect the welfare of an animal

13.3 A suspension or variation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal, in which case the Council may stipulate that the decision has immediate effect.

13.4 A decision to vary or suspend the licence must be notified to the licence holder in writing and the reasons for the decision must be explained. It must also provide information regarding when the suspension or variation comes into effect and the rights of the licence holder to make written representations, as well as any specific changes deemed necessary in order to remedy the situation.

13.5 The decision to vary, suspend or revoke a licence will be dependent on the severity of the situation. If an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Council may consider revocation appropriate. Revocation of a licence will also occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.

13.6 The Council are of the view that the variation process cannot be used to transfer a licence. Should the licence holder need to change, an application for a new licence would be required.

13.~~7~~⁶ Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representations. Upon receipt of this the Council will decide whether to continue with the suspension or variation of the licence or cancel the decision.

13.~~8~~⁷ If the licence has been altered with immediate effect to protect the welfare of an animal then the Council must indicate that this is the reason.

13.98 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the Council, upon, for example, being satisfied that the licence conditions are being met.

13.109 There is no right of appeal against the suspension of a licence. After 28 days of suspension the licence must be revoked or reinstated.

13.119 A licence holder may appeal to a First-tier Tribunal ([General Regulatory Chamber](#)) if they do not agree with the decision made by the Council to vary or revoke a licence. This appeal must be made within 28 days of the [Council](#) decision and details on the appeal process will be provided to the licence holder at the relevant time.

Dangerous Wild Animals Act 1976

13.124 The Council can, at any time, add conditions, vary conditions or revoke conditions that are on a Dangerous Wild Animal licence (although any conditions prescribed in the legislation cannot be varied or revoked).

Zoo Licensing Act 1981

13.132 The Council can, at any time, vary, cancel or attach new conditions to a licence if it is considered necessary or desirable to do so for ensuring the proper conduct of the zoo. Prior to doing so, the licence holder will have an opportunity to make representations. If the change is a significant amendment, then an inspection of the premises must be arranged and the report considered, prior to any alteration being made to the licence.

13.143 If a condition is not being complied with the Council can issue a direction requiring compliance, in accordance with the Zoo Licensing Act 1981. The direction will state the steps that the licence holder must take and the period in which they must take them. In addition, the direction can also require the zoo, or part of the zoo, to be closed to the public while the direction is in force. The direction will be revoked once the zoo has complied with its requirements.

13.154 In accordance with the Zoo Licensing Act 1981, the Council must permanently close a zoo in certain circumstances (e.g. non-compliance with a direction in relation to a conservation measure). The Council also has a discretionary power to close a zoo which may be used for a number of reasons (e.g. non-compliance with a direction that does not relate to a conservation measure).

14.0 Status of a licence upon the death of a licence holder

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 14.1 If a licence holder dies, the Regulations allow the personal representative of the deceased to take on the licence provided that they inform the Council within 28 days of the death that they are now the licence holder. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this 'new' period.
- 14.2 Additionally, the Council can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 14.3 If the personal representative does not notify the Council within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

Dangerous Wild Animals Act 1976

- 14.4 If a licence holder dies, the licence will continue for 28 days as if it had been granted to their personal representative. If an application is made for a new licence within this period, the licence will be considered as being still in force pending the grant or refusal of the new application.

Zoos Licensing Act 1981

- 14.5 If a licence holder dies, the licence will continue for 3 months as if it had been granted to their personal representative. The Council may extend this period if considers appropriate to do so.

15.0 Inspections during the course of a licence

- 15.1 There will be cases where inspections must be carried out during the term of a licence.
- 15.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The Council must appoint a listed veterinarian to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year. It is this Council's general policy that the veterinarian must be independent and not one that is retained by the applicant / licence holder. However, exceptions to this requirement may be made where it is considered reasonable and necessary to do so. For example, where it can be demonstrated that there would be an unreasonable delay in the application process.

- 15.3 Depending on the type of zoo, inspections may be required on an annual basis, but the frequency of inspections can be less if an exemption (or 'dispensation') is in place. Inspections will include visits by the Secretary of State's zoo inspectors, in addition to licensing officers
- 15.4 Unannounced inspections can also be carried out and may be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.
- 15.5 During the course of an inspection of premises licensed under the Regulations, the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal, including ensuring that suitable restraints are provided if requested.

16.0 Qualifications of Inspectors

- 16.1 All ~~Licensing Authority~~Council inspectors (whether employed by the Council or contracted / appointed) must be suitably qualified. This is defined as:
- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity; OR
 - Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record; ~~OR~~
 - ~~Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.~~

17.0 Fees

- 17.1 The fees can be viewed on the Council's website (www.middevon.gov.uk).
- 17.2 The fees for each licence are made up of two parts, Part A and Part B. Part A covers the direct costs associated with processing the application and is payable on submission of the application. Part B covers the costs associated with the running of the licensing function. This includes dealing with complaints, enforcement and

general administration. This fee is payable once a licence has been granted but must be paid before the licence becomes operational and valid.

- 17.3 It will be a condition of all licences that the licence itself will be inoperable should the Part B fee not be paid.
- 17.4 Any relevant fees paid by an applicant who has not been granted a licence will not be refunded.

18.0 Enforcement

General enforcement powers and the Animal Welfare Act 2006

- 18.1 The main enforcement and compliance role for the Council in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon the licence and taking action when standards are not met. The Council also investigate and take appropriate action against unlicensed premises.
- 18.2 In carrying out its enforcement duties, the Council has adopted an enforcement policy, which is available to view here:
- <https://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/>
- 18.3 The Council will log and, if considered necessary, investigate complaints relating to ~~Animal~~ animal ~~Establishments~~ establishments which are currently licensed or may require a licence. The Council will require complainants to provide their name and contact details so as to ensure that a complaint is not malicious in nature, and so that witness evidence may be obtained if required for further action.
- 18.4 We aim to achieve and maintain a consistent approach when we investigate complaints and make our decisions. In reaching any decision we will consider, potentially amongst other things, the following criteria:
- Seriousness of any offences or breach of conditions
 - Operator's past history
 - Consequence(s) of non-compliance
 - Likely effectiveness of the various enforcement options
 - Danger to the welfare of animals and/or public

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- 18.5 Should concerns arise with a specific application or premises, the issue may be referred to and determined by the Council's Licensing Committee.
- 18.6 What follows is a brief overview of some of the enforcement options that are available to the Council in relation to the ~~different legislation~~ Act. The fact that a potential enforcement action is not listed does not prevent the Council from using it.
- 18.76 In relation to the ~~Animal Welfare Act 2006~~, Section 9 states that a person commits an offence if they do not take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which they are responsible are met to the extent required by good practice. An animals 'needs' include those listed in Section 3 of this pPolicy.
- 18.8 Section 10 of the ~~Animal Welfare Act 2006~~ allows an officer to issue an Improvement Notice, if for any reason they are of the opinion that a person is failing to take all reasonable steps to ensure an animals needs are being met.
- 18.9 Section 30 of the ~~Animal Welfare Act 2006~~ allows local authorities to prosecute for any offences under that Act.
- 18.107 The post-conviction power ~~from in~~ section 34 of the ~~Animal Welfare Act 2006 is in place~~, whereby a person convicted of an offence under the Act or any relevant regulations may be disqualified by the court from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or influence the way an animal is kept. They may also be disqualified from transporting or dealing in animals. Breaching these disqualifications is an offence.
- 18.118 The post-conviction power ~~from in~~ section 42 of the ~~Animal Welfare Act is also in place~~ whereby a court can cancel an existing licence and disqualify a person from holding a licence for any period it sees fit when that person is convicted of an offence under the Act or any relevant regulations.
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- 18.129 The Regulations ~~introduce~~ include a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; where there is a breach of the ~~regulations~~ Regulations; or issues relating to the protection of the welfare of an animal.
- 18.139 Anyone who carries on any of the licensable activities without a licence is committing a criminal offence and is liable to imprisonment for a term of up to six months, a fine or both.

18.1~~44~~ It is a criminal offence to breach any licence condition and to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. It is also a criminal offence not to comply with an inspector's request with regards to taking a sample from an animal. Committing any of these offences could result in a fine.

~~18.12 It is a criminal offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.~~

18.1~~53~~ The Regulations also make provision for the inspectors to take samples for laboratory testing from any animals on premises occupied by an operator, for the purposes of ensuring the licence conditions are being complied with. A licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector. It is a criminal offence not to comply with an inspector's request with regards to taking a sample from an animal.

18.1~~64~~ Samples should be as non-invasive as possible; however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.

18.1~~75~~ Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

Dangerous Wild Animals Act 1976

18.1~~86~~ Anyone that keeps a dangerous wild animal without the required licence is committing a criminal offence and is liable ~~for to~~ a fine.

18.1~~917~~ It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Council to enforce the Dangerous Wild Animals Act 1976. Committing any of these offences could result in a fine.

Zoos Licensing Act 1981

18.2~~018~~ Anyone who operates a zoo without the required licence is committing a criminal offence and is liable for a fine.

18.2149 It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Council to enforce the [Zoos Licensing Act 1981](#). Committing any of these offences could result in a fine.

18.220 Additional information about the suspension and revocation of a licence can be found in section 13 of this policy.

19.0 Additional information

19.1 The Council has additional information available online, including application forms, guidance documents and details on conditions. These can be seen here:
<https://www.middevon.gov.uk/business/licensing/animals/>.



Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

The Equality Act (2010) introduced the [Public Sector Equality Duty](#) (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act (2010). Assessments should consider relevant evidence relating to persons with protected characteristics in relation to assessments of potential impact.

The purpose of an Equality Impact Assessment (EIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy/ decision') do not create unnecessary barriers for people protected under the Act. Where negative impacts are identified these should be eliminated or minimised, and opportunities for positive impact should be maximised. An EIA is not required for a decision in relation to an individual.

Screening is a short exercise to determine whether a policy/ decision is relevant to equalities, and if so, whether a full EIA should be conducted.

Annex B: Animal Welfare Policy Equality Impact Assessment

Section 1: Equality Impact Assessment Screening

Title and description of the policy/decision:	Animal Welfare Licensing Policy
Job title of the person(s) undertaking the assessment:	Lead Officer (Food, Safety and Licensing)
Council service:	Licensing, Public Health and Housing Opt
Date of assessment:	24/10/2025
What are the aims, purposes, objectives and proposed outcomes of the policy/decision?	
<p>The policy sets out the principles the Council will use when dealing with animal related licensing matters. This includes dealing with applications for new licences and issues relating to licensed premises.</p> <p>The policy is designed to ensure that:</p> <ul style="list-style-type: none"> any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the relevant legislation the licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant legislation the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured, in accordance with the relevant legislation each application is considered on its own merits decisions made by the Council are transparent and consistent 	
Who may be affected by the policy / decision?	<ul style="list-style-type: none"> Animal-related business owners (applicants and licence holders) Local authority licensing officers Veterinary professionals (involved in inspections) Customers of licensed businesses Regulatory partners
How have stakeholders been involved in the development of the policy/decision? E.g. a consultation exercise	<p>The Licensing Team reviewed the policy and carried out a 6-week consultation. The consultation ran from 1 September 2025 to 12 October 2025. The Licensing Team notified the following parties of the consultation:</p> <ul style="list-style-type: none"> All existing animal related licence holders within Mid Devon Environmental Health (MDDC) Planning (MDDC)

Annex B: Animal Welfare Policy Equality Impact Assessment

	<ul style="list-style-type: none"> • Police • RSPCA • DEFRA • Trading Standards 																
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/decision?	<p>Yes. The policy itself will be reviewed every 5 years (as standard) and at other times when considered necessary (for example, to reflect significant changes in relevant legislation or guidance). The Head of Housing & Health is authorised to make minor amendments to the policy.</p> <p>Additionally, specific decisions on an application or star rating can be appealed by the relevant party within prescribed times.</p>																
To which part(s) of the Public Sector Equality Duties is the policy/decision relevant:																	
	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>Details</th> </tr> </thead> <tbody> <tr> <td>1. Eliminate unlawful discrimination</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Advance equality of opportunity</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Foster good relations between different groups</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> </tr> </tbody> </table>		Yes	No	Details	1. Eliminate unlawful discrimination	<input checked="" type="checkbox"/>	<input type="checkbox"/>		2. Advance equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>		3. Foster good relations between different groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Yes	No	Details														
1. Eliminate unlawful discrimination	<input checked="" type="checkbox"/>	<input type="checkbox"/>															
2. Advance equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
3. Foster good relations between different groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>															

Which of the protected characteristics is the policy/decision relevant to?

Tick and briefly describe any likely equalities impact (positive, negative, or neutral)

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>An applicant will be granted a licence if the Council is satisfied that the licence conditions will be met. In considering this, the Council will consider whether the applicant is a 'fit and proper' person to be the operator of the activity. The term 'fit and proper' is not defined in the legislation or guidance. The policy sets out what will be considered as part of this assessment, and it does not mention age specifically. However, it does mention, amongst other things, that the following issues will be considered:</p> <ul style="list-style-type: none"> • the knowledge, experience, compliance history and ability to

Annex B: Animal Welfare Policy Equality Impact Assessment

Characteristic	Positive	Negative	Neutral	Comments
				<p>comply with licence conditions and safeguard the welfare of animals in their care</p> <ul style="list-style-type: none"> Suitability of management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensed activity. <p>Each case will therefore be considered on its own merits.</p>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No specific impacts

*Applies only to Employment and the duty to give regard to the elimination of discrimination.

Decision by Corporate Manager to recommend this policy/decision for an Equality Impact Assessment?

Yes

If the answer is “Yes”, please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is “No”, please give a brief reason here.

Annex B: Animal Welfare Policy Equality Impact Assessment

EIA Screening Complete Section 2: Equality Impact Assessment

Evidence and Consultation
<p>What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy/ decision? E.g. consultations, national or local data and/or research, complaints or customer feedback. Please identify any gaps in the available information that might make it difficult to form an opinion about the effect of the policy on different groups.</p>
<p>The Councils licensing responsibilities, with regards to animal welfare, originate from legislation (i.e. the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018).</p> <p>The policies' primary purpose is animal welfare, and it is closely aligned to the Councils statutory responsibilities.</p> <p>The policy has been in effect since 2020 and the Licensing Team are not aware of any equality issues since its adoption. The updated policy has now been subject to a 6-week consultation which ran from 1 September 2025 to 12 October 2025 and no concerns were raised.</p>

Annex B: Animal Welfare Policy Equality Impact Assessment

Please complete this table for all the Protected Characteristics. If you have identified any negative impacts you will need to consider how these can be justified or where possible mitigated either to reduce or remove them. (Please add rows where needed)

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
No impacts have been identified in the completion of the assessment.			
Age			
No impacts have been identified in the completion of the assessment.			
Disability			
No impacts have been identified in the completion of the assessment.			
Religion or Belief			
No impacts have been identified in the completion of the assessment.			
Race			
No impacts have been identified in the completion of the assessment.			
Sexual Orientation			

Annex B: Animal Welfare Policy Equality Impact Assessment

No impacts have been identified in the completion of the assessment.			
Gender Reassignment			
No impacts have been identified in the completion of the assessment.			
Pregnancy/ maternity			
No impacts have been identified in the completion of the assessment.			
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			

Annex B: Animal Welfare Policy Equality Impact Assessment

Please provide details of arrangements to monitor and review the policy/decision and any mitigating actions or actions to promote equality:

The Council will review this policy every 5 years and as required to address legislative, regulatory, best practice or operational issues. However, the Head of Housing and Health is given delegated authority to make minor amendments to the policy as required by legislative changes, formal guidance or local operational considerations.

Please state where the EIA will be published (e.g. on the Mid Devon District Council website):

On the Mid Devon District Council website

=====

Equality Impact Assessment Sign off

For completion by Corporate Manager

Are you prepared to agree and sign off the EIA?

☒ **Yes** ☐ **No**

If "No", provide details of why and next steps:

Name: Simon Newcombe

Job Title: Head of Housing and Health

Date: 03 November 2025



Report for: Regulatory Committee

Date of Meeting:	5 December 2025
Subject:	INTRODUCTION OF A CARAVAN SITE AND MOBILE HOMES LICENSING POLICY
Cabinet Member:	Cllr David Wulff, Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe, Head of Housing and Health
Enclosures:	Annex A – Proposed draft Caravan Sites and Mobile Homes Policy Annex B – Policy Annex 1: Fee Policy Annex C – Policy Annex 2: Fit and Proper Person Determination Policy Annex D – Policy Annex 3: Standard conditions for tent sites Annex E – Policy Annex 4: Standard conditions for relevant protected sites Annex F – Policy Annex 5: Standard conditions for sites licenced prior to 1 April 2026 Annex G – Policy Annex 6: Standard conditions for holiday sites Annex H – Policy Annex 7: Risk Assessment Tool

Summary:

The Council has a responsibility for licencing caravan sites, including holiday sites and those used for permanent residential purposes (relevant protected sites).

Changes to legislation over recent years has introduced wider powers for Local Authorities to ensure that the interest of homeowners, and the wider public, are safeguarded through the licensing regime under the Caravan Sites and Control of Development Act 1960.

Since the implementation of the Mobile Homes Act 2013, the Council has not introduced an overarching Caravan Site and Mobile Homes policy, however following the introduction of Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) the Mobile Homes Fit and

Proper Person Fee policy and Mobile Homes Fit and Proper Person Determination Policy were introduced.

Following review, a new Caravan Site and Mobile Homes policy is proposed that would incorporate the Mobile Homes Fit and Proper person policies into a single policy with an updated fee structure and introduce wider changes to the licensing and oversight of caravan sites within Mid Devon. These changes include the introduction of a range standard conditions for different types of sites and an inspection risk assessment tool as set out in the relevant annexes.

Recommendation:

That the Regulatory Committee approve the draft Caravan Site and Mobile Homes Policy and associated Annexes (attached in Annexes A – H) for a 3-month public consultation.

1 Introduction

- 1.1 Caravan site and Mobile Home legislation within the UK is complex, and changes over recent years have brought in more responsibilities and powers for Local Authorities with respect of relevant protected sites. This followed a review by Parliament's Communities and Local Government Select Committee in early 2012 that concluded legislation was outdated and did not provide local authorities with the tools or the resources to ensure effective management and maintenance of sites.
- 1.2 Local authorities are responsible for safeguarding the interests of home owners and the public at large through the licensing regime under the [Caravan Sites and Control of Development Act 1960](#).
- 1.3 The [Mobile Homes Act 2013](#) introduced a new site licensing regime for relevant protected sites (that is park home sites and mixed sites of both residential park homes and holiday homes) which came into force on 1 April 2014. The new site licensing regime gives local authorities more effective control of conditions on relevant protected sites. In appropriate cases, it provides local authorities with the tools required to take enforcement action including the power to serve compliance notices in relation to breaches of site licence conditions, emergency action powers, and the ability to carry out works in default and recover expenses.
- 1.4 The Council have implemented the changes introduced by the 2013 Act as required at minimum level. The licensing team has in recent years been responding on a reactive basis to an increasing number of complaints and associated regulation and licensing issues. It has become apparent through a service delivery review that the current regulatory approach and policy support were inadequate and that existing resources can be better deployed on a more proactive basis through the introduction of a more coherent licensing approach.

This would not only result on higher, more coherent standards on sites it would also potentially reduce the level of complaint and reactive working.

- 1.5 This policy looks to provide a more comprehensive and coherent policy approach that fully implements relevant powers and formalises a proactive inspection regime for all caravan sites, not only relevant protected sites. It also introduces a broader fee structure as is allowed for under the relevant legislation to ensure effective cost-recovery.
- 1.6 It is not proposed to increase resourcing within the team to implement the proposed changes. Instead, the new fee structure and proactive risk-based inspection approach will more accurately encompass the current team resources and level of activity regulating this sector. The new policy approach will also ensure broader working across teams within the service and utilisation of specific expertise from environmental health and private sector housing specialists as appropriate to sites.
- 1.7 For context, within Mid Devon there are currently 49 caravan sites, with 37% of these sites being relevant protected sites.
- 1.8 In developing the proposed local policy and inspection approach, the licensing team have reviewed existing policies regionally and alongside published national model standards/guidance to ensure a consistent, best practice approach is deployed.
- 1.9 A data project is underway, with involvement from Licensing, Private Sector Housing and Development Management (Planning). One of the objectives being to ensure that all our sites are accurately defined and relevant protected sites identified with a consistent corporate approach to the regulation of this sector.

2 Consultation

- 2.1 A 3-month consultation will be undertaken to help shape the policy and aims to establish if it is fit for purpose.
- 2.2 We are proposing to consult with the following parties:
 - Site licence holders directly
 - Members of the public via a banner on the website
 - Residents associations directly (where they exist)
 - Devon and Cornwall Fire and Rescue
 - Environmental Health to include Private Sector Housing
 - MDDC Development Control
- 2.3 The proposed consultation period will run from 15th December 2025 until 15th March 2026. Existing licence holders will be given the opportunity to attend a face-to-face feedback and Q&A session in February 2026.

3 Main policy highlights

- 3.1 The draft policy is attached at Annex A for full review, with the main objectives of the draft policy summarised below.
- 3.2 Provide an overview of the relevant licencing processes for existing licence holders and applicants and a reference point for staff when dealing with applications for site licences, licence transfer requests, applications for fit and proper persons and compliance and enforcement.
- 3.3 Update the standard conditions in accordance with Model Standards.
- 3.4 Introduction of an annual fee structure for relevant protected sites, to cover the costs associated with the ongoing compliance checks of sites. The fee has been calculated based on the cost of an inspection.
- 3.5 Introduce an exemption from fees for sites with up to 3 caravans or used by a single family.
- 3.6 Some Local Authorities have introduced fees for all caravan site types, but it is the opinion of the author of this report, that this is not in accordance with the powers laid out in the Caravan Sites and Control of Development Act 1960.
- 3.7 Introduction of a new application fee and transfer fee for relevant protected sites.
- 3.8 Introduction of a fee for the depositing of site rules.
- 3.9 Introduction of cost recovery for enforcement against site licence conditions.
- 3.10 Introduction of programmed site inspections to check compliance with site licence conditions. Inspections will be carried out by either a Licensing Officer, Commercial team officer, or Private Sector Housing Officer, or a combination of. This will be determined by site type and risk band.
- 3.11 Introduction of a risk assessment and rating process to identify a risk band for sites that will determine the annual fee and frequency of site inspection. The risk assessment will be based on 3 criteria, number of residential pitches, compliance history (from year 2) and confidence in management (from year 2).
- 3.12 Consolidation of previous policies into single policy document, including the Mobile Homes Fit and Proper Person Fee Setting Policy and Mobile Homes Fit and Proper Person Determination Policy.

4 Next steps

- 4.1 Officers are visiting sites throughout November and December 2025 to check data held on our database is up to date and accurate and to inform licence holders of the draft policy and proposed consultation (subject to Committee agreement). Details of any residents' associations that are established will be sought. They will also be asked if they would like a face-to-face feedback session to be arranged in February 2026.

- 4.2 If agreed, the Licensing Team will arrange for and conduct the proposed consultation, to start 15th December 2025 for a 3-month period.
- 4.3 The results of this will be presented to the Regulatory Committee in spring 2026 with a view to them recommending to Full Council the adoption of the policy.

5 Recommendation

- 5.1 In accordance with the above, the following recommendation is made:
- 5.2 That the Regulatory Committee approve the draft Caravan Site and Mobile Homes Policy and associated Annexes (attached in Annexes A – H) for a 3-month public consultation.

Financial Implications: The commitment to a programme of site inspections will have an associated cost. For the sites in scope of a fee, the costs associated will be covered by the annual fee. For other sites, that are considered low risk, the inspection will be light touch and carried out by existing staff within the licensing team as set out in more detail within the report.

Legal Implications: The Council is responsible for safeguarding the interests of home owners and the public at large through the licensing regime under the [Caravan Sites and Control of Development Act 1960](#). The licensing regime introduced by the [Mobile Homes Act 2013](#) has not been fully implemented. Additionally, there has not been regular contact with our licenced sites for many years, and without the inspection regime, we have limited information on compliance with licence conditions.

Risk Assessment: Continuing without fully implementing the licencing regime for relevant protected sites, potentially puts residents at risk, and in the event of an incident, could have possible reputational damage for the Council.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equalities impact assessment will be carried out prior to implementation of the new policy following consultation.

Relationship to Corporate Plan: This report links 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, People and Equalities within the Corporate Plan.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151 Officer
Date: 20.11.25

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 20.11.25

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 20.11.25

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 14 November 2025

Cabinet member notified: Yes

Contact for more Information:

Name: Harriet Said, Team Leader (Commercial), Public Health and Housing Options / Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background Papers:

- Caravan Sites and Control of Development Act 1960
<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62/contents>
- Model Standards 2008 for Caravan Sites in England
<https://webarchive.nationalarchives.gov.uk/ukgwa/20120919234852/http://www.communities.gov.uk/publications/housing/modelstandardsparkhomes>
- Mobile Homes Act 2013
<https://www.legislation.gov.uk/ukpga/2013/14/contents>
- Mobile Homes Act 2013: a best practice guide for local authorities on enforcement of the new site licensing regime
<https://www.gov.uk/government/publications/mobile-homes-act-2013-a-best-practice-guide-for-local-authorities-on-enforcement-of-new-site-licensing-regime/mobile-homes-act-2013-a-best-practice-guide-for-local-authorities-on-enforcement-of-the-new-site-licensing-regime>
- Mobile Homes Act 2013: a guide for local authorities on setting licence fees
<https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees>



MID DEVON DISTRICT COUNCIL
CARAVAN SITE AND MOBILE HOMES LICENSING POLICY

Effective date: April 2026 TBC

Date approved by Licensing and Regulatory Committee: TBC

Date approved by Full Council: TBC

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1.0 Definitions

“Caravan” any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. This does not include any railway rolling stock or any tent.

“Moveable dwelling” Any tent, any van or other conveyance whether on wheels or not, and, subject as hereinafter provided, any shed or similar structure, being a tent, conveyance or structure which is used either regularly, or at certain seasons only, or intermittently, for human habitation. The definition does not include caravans or campervans.

“Relevant person” is defined in paragraph 2 of the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations”), “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.

“Relevant protected site” is defined in the Act as any land to be used as a caravan site other than one where a licence is:

- granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions), for example seasonal use of touring sites.

“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 Act” The Caravan Sites and Control of Development Act 1960

“The 2013 Act” The Mobile Homes Act 2013

“The Regulations” The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations”)

2.0 Review

- 2.1 The policy will be subject to a 5 yearly review. Reviews may also be carried out at another time subject to legislative changes or for any other reason at the discretion of Mid Devon District Council (the Council).
- 2.2 Site fees as laid out in Annex 1 will be subject to annual review in accordance with general fee setting policy, and the annex itself will be updated annually outside of full policy review.

3.0 Introduction

- 3.1 Local authorities are responsible for safeguarding the interests of home owners and the public at large through the licensing regime under the [Caravan Sites and Control of Development Act 1960](#) (The Act). A review by Parliament's Communities and Local Government Select Committee in early 2012 found the legislation governing caravan sites was outdated and did not provide local authorities with the tools or the resources to ensure effective management and maintenance of sites.
- 3.2 Approximately 85,000 households live on about 2000 mobile home sites in England. Many of these sites are well managed and run. Unfortunately, across the UK, there are some rogue site operators, who do not run their sites well and allow conditions to deteriorate, affecting the amenity of the site, and the health and safety of residents.
- 3.3 The [Mobile Homes Act 2013](#) (The 2013 Act) introduced a new site licensing regime for relevant protected sites (that is park home sites and mixed sites of both residential park homes and holiday homes) which came into force on 1 April 2014. The new site licensing regime gives local authorities more effective control of conditions on relevant protected sites. In appropriate cases, it provides local authorities with the tools required to take enforcement action including the power to serve compliance notices in relation to breaches of site licence conditions, emergency action powers, and the ability to carry out works in default and recover expenses.
- 3.4 This policy seeks to fully implement the changes brought in by the 2013 Act within Mid Devon. As well as formalise processes for all other sites that are out of scope of the 2013 Act.
- 3.5 Mid Devon has 50 licenced caravan sites, being a combination of permanent residential, holiday use sites, and mixed use sites.

4.0 Consultation

- 4.1 Consultation on this policy took place between *TBC*:
- 4.2 The following groups were consulted during this period:
- Site licence holders
 - Members of the public

- Residents associations *TBC through data capture project if any are in place*
- Devon and Cornwall Fire and Rescue
- Environmental Health to include Private Sector Housing
- MDDC Development Control

5.0 Exemptions from Caravan Site licensing requirement

5.1 The following are exempt from the requirement for a caravan site licence:

- a) Incidental use within the curtilage of a dwelling-house
- b) The stationing of a single caravan for no more than two consecutive nights for a maximum of 28 days in any 12 months
- c) Up to three caravans on a site of not less than five acres, for a maximum of 28 days in any 12 months
- d) Sites occupied and supervised by exempted organisations
- e) Sites approved by exempted organisations
- f) Sites used for social get-togethers or meetings organised by exempted organisations (eg. a rally)
- g) Sites used to occupy seasonal agricultural or forestry workers, certified travelling showmen, or building and engineering sites
- h) Sites owned by a Local Authority

5.2 Further details regarding the above information can be found under [Schedule 1 of the Caravan Sites and Control of Development Act 1960](#).

6.0 What is a relevant protected site

6.1 A **relevant protected site** is defined in the Act as any land to be used as a caravan site other than one where a licence is:

- granted for holiday use only
- in any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions)

6.2 Relevant protected sites are typically known as residential parks, mobile home parks, Gypsy Roma and Traveller sites and so on.

6.3 Any licensable caravan site will be a relevant protected site unless it is specifically exempted from being so. At all times, a sites status as a relevant protected site, or its exemption, will be determined by its planning permission. For example, if a site has holiday use only, but residents live their full time, the site will not be considered a relevant protected site. If the permission is silent it will depend on what the site licence permits; and if there is a conflict between the planning permission and site licence as to the sites use it is the use permitted under the planning permission that applies.

- 6.4 Holiday sites will be subject to the licensing provisions of the Caravan Sites Control of Development Act that existed before the Mobile Homes Act 2013 amendments.
- 6.5 There are some sites where the planning permission and/or site licence permits both use for holiday and permanent residential purposes. Such sites are relevant protected sites, because the relevant consent is not exclusively for holiday purposes. However, there is an important exemption to this rule, which is that if a holiday site has permission for residential use too, and that use is only by the owner of the site (including family members) or employees working on the site, their permanent occupation does not make the site a relevant protected site. The caveat to this is that if the residential occupier/employee occupies the home under the agreement to which the Mobile Homes Act 1983 applies, the site will be a relevant protected site.
- 7.0 Mobile Homes Fit and Proper person**
- 7.1 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 relevant protected 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, for inclusion in the register of Fit and Proper Persons.
- 7.2 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.*”
- 7.3 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 meets the fit and proper person assessment.
- 7.4 The Council has adopted a Mobile Homes Fit and Proper Person Determination policy, which can be found at Annex 2. The Council has also created guidance on the application process that can be found here, alongside the application form [Fit and Proper Person Register - MIDDEVON.GOV.UK](#)
- 7.5 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.
- 7.6 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.

8.0 Tented campsites / moveable dwellings

- 8.1 Under Section 269 of the [Public Health Act 1936](#), a site licence is required if a person allows any land occupied by them to be used for camping purposes on more than 42 consecutive days, or more than 60 days in any 12 consecutive months.
- 8.2 Subject to the above conditions, a person shall not keep a moveable dwelling on any one site, or on two or more sites in succession, if any of those sites are within one hundred yards of each other.
- 8.3 The following are exempt from the requirement for a tented campsite licence:
- a) A moveable dwelling which is kept by its owner on land occupied by them in connection with their dwelling-house, and is used for habitation only by the owner or by members of their household
 - b) A moveable dwelling which is kept by its owner on agricultural land occupied by them and is used for habitation only at certain seasons, and only by persons employed in farming operations on that land
 - c) A moveable dwelling while it is not in use for human habitation
 - d) Travelling showman and sites owned by the local authority
 - e) Certain organisations, such as the Caravan Club or the Camping and Caravanning Club, benefit from exemptions from the site licensing requirements. For example, the two clubs can permit 'certified locations' (CLs) and 'certificated sites' (CSs), which operate without a site licence but subject to a club-members-only policy.

*The exemptions above applies solely to tents, and any caravans or campervans onsite may require a separate caravan site licence

- 8.4 Further information on exemptions can be found on the gov.uk website [Social clubs: get an exemption to camp without a licence - GOV.UK](#)
- 8.5 If you have been issued with an exemption certificate from an exempt organisation, please notify us at licensing@middevon.gov.uk
- 8.6 From 26 July 2023, campsites can accommodate up to 50 tents, motorhomes or campervans for 60 days per calendar year under 'Class BC' permitted development rights.
- 8.7 No more than 50 pitches are permitted on the land at any one time. The amendment also does not allow for the siting of any caravan except when used as a motor vehicle designed or adapted for human habitation (e.g. motorhomes and campervans only).
- 8.9 Should you solely wish to accommodate tents on site; you will only require a licence if the site is operating:
- a) for more than 42 days consecutively or
 - b) more than 60 days in total in any 12 consecutive months

8.10 Conditions for tented campsites are attached as annex 3.

9.0 Applications for site licence – general

9.1 It is important that anyone planning to buy, sell or transfer a relevant protected site should contact the local authority before doing so to check with the local authority whether it would accept an application for the transfer of a licence or grant a new licence in replacement of the existing one. This approach should also ensure that a tentative decision can be reached in advance of a formal application, which could, therefore, be dealt with relatively quickly.

9.2 The Council encourages applicants to contact us in advance of formally submitting applications for the grant or transfer of licences. It is recommended that formal applications for the grant or transfer of a licence are made before ownership is transferred, or in the case of a new site, acquired. This ensures the proposed licence holder does not fall foul of the criminal offence in section 1 of the Act.

9.3 Consultation following application

The licensing authority may consult with the following authorities whilst considering an application for a new site licence and transfer of licence:

- Environmental Health
- Private sector Housing (for Relevant Protected sites)
- Devon and Cornwall Fire & Rescue (only where the Regulatory Reform (Fire Safety) order 2005 does not apply)
- MDDC Development Control (where no evidence of planning permission)

10.0 Applications for site licence – new sites only

10.1 A new licence will normally only be required if the site is new or there have been boundary changes. Where a new site has been created or the boundaries have changed, planning permission will be required, and a local authority may not issue a site licence until that planning permission has been given.

10.2 New site applications are subject to a fee, as detailed in Annex 1 Fee policy.

10.3 A site licence can only be issued where the relevant planning permission has been granted. For applications made before planning permission is granted, they will be processed within 6 weeks of the permission being granted.

10.4 The application will not be considered until all relevant requested information has been provided, and the relevant fee paid. Failure to provide the relevant information may result in a refusal of the application.

10.5 The fee is for consideration of the application and is not refundable if the application is not successful.

10.6 Statutory time limits apply for the consideration of an application for new site licence. The application will normally be processed and a decision reached

within 2 months of the application, unless the parties agree otherwise. This period runs from the date that all required information has been received by the local authority.

- 10.7 For relevant protected sites there is no deemed consent in the event that the Council does not process the applications within the statutory timeframe.
- 10.8 For exempt sites, in the event that the licence is not issued within 2 months of the application, no offence of occupying the land without a licence will be committed.
- 10.9 The Council has discretion to refuse a site licence application for Relevant Protected sites only, if it is not satisfied that the proposed licence holder is suitable to manage the site, or there are outstanding issues concerning the existing licence holder.
- 10.10 New site licence application form can be found on our website [here](#)

11.0 Consent to transfer a site licence

- 11.1 Section 10 of the Act enables the site licence holder to apply for consent to transfer the site licence when they cease to be the occupier of the land.
- 11.2 An application for the transfer of a licence can only be made by the existing site owner – and not by the person to whom it is proposed to transfer the licence.
- 11.3 The 2013 Act, establishes a duty for the local authority to exercise discretion when considering the grant or approval of a licence transfer for a Relevant Protected Site.
- 11.4 For relevant protected site, the authority must make enquiries into the proposed licence holder's suitability to hold the licence. In order to assess suitability, the following information will be requested from the applicant:
- a. evidence of their interest or estate in the site
 - b. funding arrangements that will be in place for managing the site, including for meeting obligations under the licence
 - c. the management structure that will apply to the site, including the competence of the purchaser or any nominated manager to manage a park home site
- 11.5 If at the time a transfer application is received, the licensing authority is of the opinion that the existing licence conditions are no longer adequate or enforceable and the local authority wishes to alter the licence conditions it can refuse the transfer application and request that an application is made for the grant of a new licence. In this scenario, we would discuss and agree with the applicant at the pre-application discussion stage, what kind of application would be required.

- 11.6 If consent to the transfer is granted, the name of the licence holder will be changed and the licence transferred to them. Both the new holder and former licence holder will be notified of the decision.
- 11.7 The date of the transfer will be the date the parties have agreed to. However, in order to ensure the transferee is the legal owner of the site, the date agreed cannot be earlier than the transferee acquired ownership of the site.
- 11.8 If consent to transfer is not granted, the Council will follow the notification procedure set out in the regulations and give notice to both parties of the decision and the reasons for it.
- 11.9 The consent to transfer a site licence does not provide the same consent to transfer a Fit and Proper Person. There is no mechanism to transfer inclusion in the register between persons. Where the site owner is the subject of the assessment, the application must be made on behalf of the existing site owner or any person who has applied to the local authority for a new Caravan site licence or for the transfer of an existing licence. The relevant fee must also be paid, see annex 1 fee policy.
- 11.11 Where a person becomes the site owner as a result of inheriting the estate of a previous site owner and there is no fit and proper site manager in place, they will have to apply either for themselves or for the person appointed or to be appointed to manage the site, to be placed on the fit and proper register.
- 11.12 Site licence transfer application form and fit and proper person application form can be found at [URL](#)

12.0 Licence conditions

- 12.1 Licence conditions can be attached under section 5 of the Act to impose on the occupier of the land in the interests of persons dwelling in the caravans, or of any other class of persons, or of the public at large.
- 12.2 A site licence may be issued subject to conditions—
- a) for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at any one time;
 - b) for controlling (whether by reference to their size, the state of their repair or, any other feature) the types of caravan which are stationed on the land;
 - c) for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description and of tents;

- d) for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
 - e) for securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;
 - f) for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.
- 12.3 Standard site licence conditions for relevant protected sites have been updated with reference to the Model Standards 2008 for Caravan Sites in England, see attached at Annex 4.
- 12.4 Where relevant, annex 4 conditions will apply to all new site licences from 1st April 2026. The Council will have regard to the relevant guidance and Model Standards 2008 for Caravan Sites in England when setting conditions.
- 12.5 Annex 4 conditions will not be imported wholesale into site licences, and the Council will evaluate as to the suitability of conditions in the circumstances of the particular site.
- 12.6 The Model Standards Annex 4 conditions can be seen as a template for what would reasonably be expected on a typical site and it would not be unusual to expect to include most, if not all conditions covered by the Model Standards in a relevant protected site licence. Equally, it may also be appropriate to include conditions for a particular site that are not covered in the Model Standards, provided that they can be justified if challenged.
- 12.7 Historic licences will continue to be subject to conditions attached at the time of licence issue, unless the licence holder seeks to vary the licence, the licensing authority seeks to amend conditions via a variation or review process, or at the point a licence is transferred.
- 12.8 Relevant protected site conditions applied to licences issued prior to 1st April 2026 are attached as Annex 5. This is to ensure where licences were issued prior to April 2026, licence holders have continued access to the conditions attached to their licence.
- 12.9 Standard conditions for Caravan sites, other than relevant protected sites (exempt sites, also termed holiday sites) can be found at Annex 6.
- 13.0 Changing or reviewing site licence conditions**
- 13.1 Section 8 of the Act allows the local authority to alter licence conditions at any time. The local authority does not require the “agreement” of a site operator to change the conditions but must consult on the proposed changes.

- 13.2 There is no statutory consultation time frame in these circumstances, but this Council will allow a minimum of 28 days consultation for site owners to consider changes. This period will be increased for more significant changes.
- 13.3 The site owner holding the licence may apply to change a licence condition.
- 13.4 The Council will consult the site licence holder on the proposed conditions and may consult with residents or a Residents' Association, where appropriate.
- 13.5 Where a current licence condition is adequate in serving its purpose, the Council will not apply the new standard.
- 13.6 Where it is appropriate to apply the new standard to a condition the Council will justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the Council will have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition).

14.0 Site rules

- 14.1 The 2013 Act also introduced changes relating to site rules. These are different to site licence conditions, in that they are neither created by, nor enforced by the Licensing Authority.
- 14.2 Site owners may create a set of rules for the site (Site rules) which residents have to comply with. Where such rules are created, they must be deposited with the Council.
- 14.3 The Council charges a set fee for depositing site rules, see fee policy annex 1.
- 14.4 The Council will publish an up-to-date register of these rules on our website Caravan sites - MIDDEVON.GOV.UK.

15.0 Enforcement of licence conditions

- 15.1 For relevant protected sites, the 2013 Act provides the power to intervene where a breach of a site licence condition is creating a 'risk of harm'. Enforcement notices can be served on the site operator, where a breach of a site licence condition has occurred.
- 15.2 Officers of this Council will have regard to the Regulators code, and MDDC Enforcement policy, and apply a graduated approach to enforcement, with considerations of risk of harm at the forefront of decision making.
- 15.3 Failure to comply with a compliance notice within the period specified in the notice is an offence which on summary conviction carries a level 5 fine (unlimited).
- 15.4 A local authority may take emergency action where the site operator has failed or is failing to comply with a site licence condition and, as a result of such failure, there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.

15.5 Local authorities also have powers to prosecute a site operator in a magistrates' court:

- for causing or permitting any land to be used as a caravan (park home) site without a site licence (Caravan Sites and Control of Development Act 1960 s.1(2)). Maximum fine, level 5.
- for wilful obstruction of an officer carrying out his duties or from entering land by authorisation of a warrant (Caravan Sites and Control of Development Act 1960 s.26(5)). Maximum fine, level 4.
- for failure to take the steps specified in a Compliance Notice within the period so specified (Caravan Sites and Control of Development Act 1960 s.9B(1)). Unlimited fine at level 5.
- on the third (or more) conviction of the site operator in the Magistrates' Court for failure to comply with site licence conditions, to hear an application from the local authority for an order revoking the site licence in question.
- in cases against an individual instead of or as well as a body corporate when considering any offence under the Caravan Sites and Control of Development Act 1960 (s.26A)

16.0 Site inspections

16.1 This Council will routinely inspect licenced sites to monitor compliance with licence conditions.

16.2 A risk assessment will be carried out for all site prior to inception of this policy and reviewed at subsequent inspections if required. The risk assessment tool can be found at Annex 7.

16.3 The risk band assigned to the site will determine the inspection frequency and the annual fee for relevant protected sites. Frequency of site inspection will be annually for Band A and B sites and biannually for Band C, every 3 years for Band D.

16.4 For relevant protected sites, inspections will be carried out by officers of both the Licensing team and Private Sector Housing team where required. Other officers from different departments, such as planning, or external partners, such as Fire and Rescue may also be present.

16.5 Generally for the programmed site inspection, band D sites will be inspected by the Licensing Regulatory Officer only, due to the lower risk nature of these sites.

16.6 Inspections of sites, other than relevant protected sites, will be carried out by either Licensing officers or Commercial Regulatory Officers, with a focus on compliance with Health and Safety regulations as well as site licence conditions.

17.0 Decisions, notifications and rights of Appeal

17.1 Decisions will be made in line with statutory timescales, where they exist.

- 17.2 The Council will inform the applicant and where relevant, the transferee of decisions within the reasonable period of time. Reasons for any refusal will be provided to all relevant parties.
- 17.3 All notifications of decisions will be accompanied by the relevant information on a right of appeal.
- 17.4 Appeals in site licensing matters under the Act will be heard by the First Tier Tribunal (Property Chamber).
- 17.5 Appeals must be made by the applicant to the First Tier Tribunal (Property Chamber)

Residential property: Southern region

First-tier Tribunal (Property Chamber)
Havant Justice Centre, The Court
House, Elmleigh Road
Havant, Hampshire
PO9 2AL

Email

rpsouthern@justice.gov.uk

Telephone: 01243 779 3912.6

- 17.6 Appeals that may be considered by the Tribunal include those against:

- Refusal to grant a licence or approve a transfer
- Appeal against a variation, or refusal to vary licence conditions
- Site licence conditions set by a local authority
- Service of a Compliance Notice (for failure to comply with a site licence condition).
- Emergency Action (that has been taken for failure to comply with a site licence condition and/or compliance notice).
- Demands for payment following works in default or Emergency Action.
- Including the relevant person on the fit and proper person register for an effective period of less than 5 years.
- Including the relevant person on the fit and proper person register subject to conditions.
- Rejecting an application for inclusion on the Fit and Proper Person register.

- 17.7 The Tribunal may allow, quash or vary an appeal and may also award payments for compensation, damages or otherwise.

18.0 Complaints

- 18.1 In the event that an individual or organisation is not happy with the service that they have received, they should first contact the licensing officer, or Team Leader Commercial. If you are not able to resolve the issue, the authority has a formal complaint process that can be initiated on the website [Customer feedback and complaints - MIDDEVON.GOV.UK](#)

Annex A – Proposed draft Caravan Sites and Mobile Homes Policy
List of annexes

Annex 1: Caravan site fee policy
Annex 2: Mobile Homes Fit and Proper Person Determination
Annex 3: Standard conditions for Tent sites
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DRAFT

MID DEVON DISTRICT COUNCIL

Annex 1 to Caravan Site and Mobile Homes Policy

Caravan site Fee Policy (Relevant Protected Sites only)

1. The Mobile Homes Act 2013 brought in changes from 1st April 2014 to the Caravan Sites and Control of development Act 1960 to enable Local Authorities to set fees and recover costs.
2. Fees should be fair and transparent so that anyone required to pay a fee can know what they will be or are being charged for. Fees should also only cover the costs (or part of the costs) incurred by a local authority in carrying out their functions under the Regulations.
3. This policy covers the fees payable for:
 - a. Applications for the grant of a site licence
 - b. Applications for the transfer of a site licence
 - c. Applications for alteration to the conditions of an existing licence
 - d. Annual fee payable for an existing licence
 - e. Deposit of site rules
 - f. Application for fit and proper person
 - g. Expenses for enforcement action
- 4.0 The Council in setting the fees payable has had regard to 'The Mobile Homes Act 2013, A Guide for Local Authorities on Setting Site Licence Fees' issued by the Department for Communities and Local Government. 1.8 It has also had regard to the Local Government Association's Guidance on Locally Set Fees.

5.0 Activities and officers included within fee calculations

- 5.1 The application fee to consider a licence fee has been calculated taking into account officer time to carry out the following tasks:
 - Initial enquiries;
 - 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 licensing process;
 - sending out forms;
 - updating hard files/ computer systems;
 - processing the licensing fee;
 - land registry searches;
 - time for reviewing necessary documents and certificates;
 - preparing reports on contraventions;
 - preparing draft and final licences;
 - review by Senior Licensing Officer
 - review any consultation responses from third parties;

- updating public register;
- carrying out any risk assessment process considered necessary;
- reviews of decisions or in defending appeals
- Site inspection at planning stage, or immediately following planning approval.
- Travel costs will be set to 45p per mile, and applied in addition to the site licence fee.

5.2 Officers involved in licensing work and salary scale points used to calculate fees

Role	
Specialist Support Officer	SCP 11
Licensing Specialist Assistant	SCP 17
Regulatory Officer (Licensing)	SCP 23
Senior Officer (Licensing)	SCP 31 (TBC)
Team Leader	SCP 39

6.0 Applications for the transfer of a site licence

- 6.1 In the case of an application to transfer a licence generally, a site visit is not normally required as the application is a desk top exercise only.
- 6.2 The fee covers 2 hours of officer time at Regulatory Officer level.

7.0 Applications for alteration to the conditions of an existing licence

- 7.1 No charge is currently levied this process.

8.0 Annual fee payable for an existing licence

- 8.1 Annual fees are to cover the costs of monitoring, inspections, administrative work involved and checking compliance with licence conditions.
- 8.2 The annual fee will be determined by the risk band for the site. Band A – High risk, Band B – Medium risk and Band C – Low risk.
- 8.3 The annual fee is based on the cost to carry out a programme inspection and the administrative activities associated with the site visit. For band C sites, the fee will be split across the 2 i.e. the cost to carry out the site inspection will be spread over 2 years in an annual fee.
- 8.4 Sites occupied by members of the same family and not being run as a commercial residential site are exempt from the annual fee Band D. The rationale for the exemption is that they are lower risk, tend to be family run and are not normally run as commercial businesses.

- 8.5 The fee will become due on 1st April of each year for the financial year ahead, 1st April till 31st March. With the exception of year 1, after policy inception, the fee will become due at the point on inception of this policy and will be pro-rata for the financial year 2026/2027.
- 8.6 The fee will be charged to the site owner/licence holder and payment link and annual fee reminder sent out the month before the fee becomes due.
- 8.7 Where a new site is licenced part way through a financial year, the annual fee will be calculated pro rata based on whole months only.
- 8.8 In the event that the annual fee for a site is not paid within the terms of the invoice, the authority may appeal to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the invoice.
- 9.0 Deposit of site rules**
- 9.1 Any site rules deposited with the authority for the first time, or applications to vary of delete must be accompanied by the appropriate fee.
- 9.2 Before publishing site rules, the authority will ensure that the site rules have been made in accordance with the statutory procedure.
- 10.0 Application for Mobile Homes Fit and Proper Person Assessment**
- 10.1 The fee for applications for a fit and proper person assessment are standard for all sites and not determined by the risk band. This is because, the same process is applied and checks are made against the individual, and this is not influenced by the size of the site or compliance history.
- 10.2 The fee will be reviewed annually in accordance with the Councils fee policy.
- 10.3 A local authority must not make a profit and can only pass on to the site owner their costs incurred in carrying out the fit and proper function.
- 10.4 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).
- 10.5 The Council is 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.
- 10.6 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.

- 10.7 Where the application by a site owner is more complex the Council is able to increase the fee, according to officer time. 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 5.1 above for the list of matters which may be included in calculating the annual fee.
- 10.8 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 officer rates used for calculating the annual fee will be those referred to in paragraph 5.2 above.
- 10.9 The annual fee includes the cost of monitoring the fit and proper person register or any conditions attached to entries in the register. Any costs involved with varying existing conditions, or adding new conditions to an entry are factored into the cost of calculating the annual fee.
- 10.10 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.
- 10.11 If the Council decides not to approve an application the applicant is not entitled to a refund of the fee paid.
- 10.12 Where relevant, 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.
- 10.13 Where the Council is provided with the site owner's consent to appoint an individual to manage a site, reasonable costs can be recovered. The officer rates used to calculate the fee are referred to at paragraph 5.1 above.
- 11.0 Expenses for enforcement action**
- 11.1 The charges for enforcement action will be calculated by time incurred and at the hourly rate outlined below at section 12. Additional mileage will be claimed at 45p/mile.
- 11.2 A demand for expenses will be served in conjunction with a compliance notice and may be registered as a local land charge.
- 11.3 Any charge will be removed once the full amount has been recovered.

12.0 Table of fees

Process	Site risk banding / anticipated risk banding	Fee
New Application	Band A – C Band D	£360 Exempt
Annual Fee	Band A Band B Band C Band D	£400 £260 £109 Exempt
Transfer of Licence	All	£102 (2 hours Regulatory Officer time)
Deposit of site rules	All	£50
Alter conditions	All	No charge
Fit and proper person application	A – C	TBC
Enforcement charges	All	Calculated according to work involved at the following rates: Regulatory Officer £51 per hour Senior Licensing Officer £62 per hour Mileage charged at 45p / mile.

13.0 Review

- 13.1 The fees at section 12 above will be reviewed annually to reflect changes to officer hourly rates, and to ensure a cost neutral basis. This annex will be updated on an annual basis outside of full policy review.
- 13.2 As part of the annual review, an assessment of previous costs will be made to determine if they were accurate. Where there is a deficit of expenditure the excess monies need to be reflected in the fee charged to the site owner in the next year.

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MID DEVON DISTRICT COUNCIL
Annex 2 to Caravan Site and Mobile Homes Policy
Mobile Homes Fit and Proper Person Determination

1.0 Introduction

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

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.

2.0 The Fit and Proper assessment

2.1 Competence to manage the site

- 2.1.1 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.

- 2.1.2 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.

- 2.1.3 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.

2.2 The management structure and funding arrangements for the site

- 2.2.1 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.

- 2.2.2 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.

- 2.2.3 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

Annex C: Policy Annex 2: Fit and Proper Persons Determination Policy

contribute to the overall assessment of their suitability to manage the site effectively.

2.3 The proposed management structure and funding arrangements in place for managing the site

2.3.1 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.

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

2.4 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) at any point in time;

(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 .

Note: There is no current requirement for site owners or their managers to belong to a government-approved redress scheme. However, if the relevant person is a member of a trade body's redress scheme it is sufficient to provide that information in the application.

2.5 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.

2.6 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.

2.7 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.

- 2.8 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.
- 2.9 The Council in their determination will address any underlying issues by attaching conditions to the individual's entry on the register.
- 2.10 Where the person has committed offences or contravened legislation listed at paragraph 3.2, these breaches should be considered, together with all the other information available, when reaching their preliminary decision.
- 2.11 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.

3.0 Other considerations

- 3.1 "The applicant" is defined as "the person who makes an application under the Regulations".
- 3.2 The "relevant person" is defined as "the subject of the fit and proper person assessment under Regulation 7".
- 3.3 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.
- 3.4 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 should have already been provided in their own application forms.
- 3.5 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.
- 3.6 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.
- 3.7 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.

- 3.8 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.

4.0 Decisions, notification and rights of appeal

- 4.1 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.

- 4.2 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.

4.2(a) Granting the application unconditionally

- 4.2.1 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.

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

- 4.2.3 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.
- 4.2.4 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.
- 4.2.5 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.
- 4.2.6 Conditions will be clearly stated for the applicant's understanding and this will also allow for local authorities to ensure that they are enforceable.

4.2(c) Decisions not to include the applicant on the register

- 4.2.7 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.

4.2.8 A preliminary decision notice will be issued to the applicant where a local authority makes a decision not to include the applicant on the register,

4.2.9 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.

5.0 Right to make a representation

5.1 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.

5.2 The Council will consider and take any representations it receives into account before making a final decision.

6.0 Final decision notice

6.1 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.

6.2 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.

7.0 Withdrawal or amendment of notice

7.1 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;

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(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.

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

8.0 Removal from the register

8.1 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.

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

8.3 The review may be carried out by an Officer or referred to a Sub-Committee of the Regulatory Committee for consideration.

8.4 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 7.1(a) to (c) above, the local authority must serve a notice of any proposed action on the occupier.

8.5 The notice of proposed action will 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.

8.6 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.

9.0 Notice of action taken

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- 9.1 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.
- 9.2 The Council must, as soon as reasonably practicable after the end of the 28-day period, decide whether to carry out the proposed action.
- 9.3 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.
- 9.5 The notice of action will 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.

10.0 Offences

- 10.1 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 may have certain defences under the Regulations in any proceedings brought 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 any proceedings brought against them for this offence.
 - (c) Failing to comply with a specified condition - The site owner may have certain defences under the Regulations in any proceedings brought against them.
- 10.2 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.

11.0 The Fit and Proper Persons Register

- 11.1 The Council holds 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 is published

- 11.2 The register provides a record of the outcome (as defined above) of the fit and proper person assessment 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).
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 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.

MID DEVON DISTRICT COUNCIL
Annex 3 to Caravan Site and Mobile Homes Policy
Standard conditions for Tent sites

DENSITY AND SPACE BETWEEN TENTS

- 1 The maximum number of tents on the site at the same time shall not exceed **
- 2 The minimum space between any 2 tents shall be 4.6 metres. If cars are parked between tents there shall be a space of 4.6 metres between the tent, or car, of one pitch and between the tent or car of the adjacent pitch.
- 3 The gross density shall not exceed 62 tents to the hectare.

WATER SUPPLY

- 4 The site shall be provided with a water supply complying with BS Code of Practice CP 310 (1952).
- 5 Water standpipe with an adequate supply of water shall be situated not more than 18 metres from any tent.

Where gross densities are 30 to the hectare or less no tent standing shall be more than 55 metres from a water standpipe.

ROADS AND FOOTPATHS

- 6 The entrances to and exits from the site extending over an area agreed with the Licensing Authority shall be surfaced with a suitable material to the satisfaction of the Authority.
- 7 Where roads of suitable material are provided, no tent standing or toilet block shall be more than 45 metres from a road. Each toilet block shall be connected to a carriageway by a footpath with a hard surface. Carriageways shall not be less than 4 metres wide or, if they form part of a one way traffic system, 2.75 metres wide. Footpaths shall not be less than 0.75 metres wide.

DRAINAGE, SANITATION AND WASHING FACILITIES

- 8 Satisfactory provisions shall be made for foul drainage either by connection to a public sewer or by discharge to a properly constructed septic tank or cesspool.
- 9 Communal toilet blocks shall be provided with adequate supplies of water on at least the following scales:-
 - Men: 1 WC and 1 Urinal per 15 tents
 - Women: 2 WCs per 15 tents
 - 1 wash basin for men and 1 wash basin for women per 15 tents
 - 1 shower or bath (with hot and cold water) for each sex per 20 tents.
- 10 Laundry facilities shall be provided in a separate room on the scale of not less than one deep sink with running hot and cold water per 30 tents.
- 11 Properly designed disposal points for the contents of chemical closets shall be provided with an adequate supply of water for cleaning the containers.
- 12 There shall be adequate surface water drainage for carriageways, footways and paved areas and for the site generally.

Annex D – Policy Annex 3: Standard conditions for tent sites

REFUSE DISPOSAL

- 13 Every tent shall have access to a suitable refuse container and arrangements shall be made for the refuse containers to be placed at a convenient point for regular removal.

FIRE FIGHTING APPLIANCES

Fire Points

- 14 These shall be established so that no tent or site building is more than 30 metres from a fire point. They shall be easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- 15 Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 3 metres from the nozzle, such water standpipes shall be situated at each fire point together with a reel of small diameter hose of not less than 30 metres in length, having a means of connection to a water standpipe (preferably a screw thread connection) and terminating in a small hand control nozzle. Hoses shall be housed in a box painted red and marked "HOSE REEL".
- 16 Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with either water extinguishers (2 x 9 litres) or a water tank of at least 500 litres capacity equipped with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

FIRE WARNING

- 17 A means of raising the alarm in the event of a fire shall be provided at each fire point. (For this purpose a manually operated sounder, e.g. a metal triangle with a striker, gong or hand operated siren would be suitable.)

MAINTENANCE

- 18 All alarm and fire fighting equipment shall be maintained in working order and available for inspection by or on behalf of the licensing authority.
- 19 All equipment susceptible to damage by frost shall be suitably protected.

FIRE NOTICE

- 20 A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice shall include the following:-

"On discovering a fire

- i ensure the tent or site building involved is evacuated
- ii raise the alarm
- iii call the fire brigade (the nearest telephone is sited)
- iv attack the fire using the fire fighting equipment provided.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment."

FIRE HAZARD

- 21 Long grass and vegetation shall be cut at frequent and regular intervals to prevent it becoming a fire hazard. Any such cuttings shall be removed from the vicinity of tents.
- 22 Provision shall be made for the storage of liquefied petroleum gas and regard shall be had to the

Annex D – Policy Annex 3: Standard conditions for tent sites

Health and Safety Executive Guidance Note HS4 for the keeping of Liquefied Petroleum Gas in Cylinders and Similar Containers.

TELEPHONES

- 23 A telephone shall be available on the site for calling the police, fire brigade, ambulance or other services in an emergency.

ELECTRICITY INSTALLATIONS

- 24 The electrical installation in connection with any communal toilet block, laundry, site lighting, etc shall be sufficient in all respects to meet all reasonable demands.
- 25 Any electrical installation other than Electricity Board works and circuits subject to regulations made by the Secretary of State for Energy, under Section 60 of the Electricity Act 1947, shall be installed and maintained in accordance with the requirements of the Institution of Electrical Engineers' Regulations for the Electrical Equipment of Buildings (the IEE Wiring Regulations) for the time being in force, and where appropriate to the standard which would be acceptable for the purpose of the Electricity (Overhead Lines) Regulations 1970, SI No 1355.
- 26 The installation shall be inspected not less than once in every 12 months, (in the case of underground installations, 3 years) or in such longer period as may be recommended by a person who shall be one of the following:-

A professionally qualified electrical engineer;

A member of the Electrical Contractors' Association;

A member of the Electrical Contractors' Association of Scotland;

A certificate holder of the National Inspection Council for Electrical Installation Contracting; or

A qualified person acting on behalf of one of these, (in which case it should be stated for whom he is acting).

Such person shall within 1 month of such an inspection issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which shall be retained by the site operator and displayed with the site licence. The cost of the inspection and report shall be met by the site operator.

INFORMATION

NATURAL GAS AND LIQUEFIED PETROLEUM GAS (LPG) INSTALLATION AND STORAGE

- 27 The Natural Gas and LPG installations in connection with any communal toilet block, laundry, etc, shall be sufficient in all respects to meet all reasonable demands.

LPG storage supplied from tanks shall comply with Guidance Booklet HSG 34 "The Storage of LPG at Fixed Installations" or, where LPG is supplied from cylinders, with Guidance Note CS4 "The Keeping of LPG in Cylinders and Similar Containers" as appropriate.

Where there are metered supplies from a common LPG storage tank, then Guidance Note CS11 "The Storage and Use of LPG at Metered Estates" provides further guidance. In this case and where a British Gas mains supply is available, then the Gas Safety (Installation and Use) Regulations 1994 and the Pipe-lines Act 1962 may also be applicable.

Exposed gas bottles or cylinders shall not be within the separation boundary of an adjoining unit.

LPG installations shall conform to British Standard 5482, "Code of practice for domestic butane and propane gas burning installations, Part 2: 1977 Installations in Caravans and non-permanent dwellings".

For mains gas supply, the 1994 Regulations will be relevant for the installation downstream of any service pipe(s) supplying any primary meter(s) and such service pipes are subject to the Gas

Annex D – Policy Annex 3: Standard conditions for tent sites
Safety Regulations 1972.

Site Operators must have all gas appliances installed on their site serviced annually by a business or person registered with CORGI. Service records must be kept available for Local Authority scrutiny.

In cases where the site owner supplies gas to caravans on the site, he may need an authorisation to do so from OFGAS under the Gas Act 1986.

- 28 The name and address of the nearest doctor's surgery and treatment rooms (where available) details of the siting of the first aid kit and the availability of local medical services shall be prominently displayed on the site at all times.
- 29 A copy of the licence conditions shall be prominently displayed on the site at all times.
- 30 There shall be erected at the entrance to the site a board indicating clearly the name of the site, such name board to be approved by the licensing authority.

**MID DEVON DISTRICT COUNCIL
LICENSING SERVICES
PHOENIX HOUSE
PHOENIX LANE
TIVERTON
DEVON EX16 6PP

TELEPHONE NO: 01884 255255**

VRP/HP/28/3/95

MID DEVON DISTRICT COUNCIL

Annex 4 to Caravan Site and Mobile Homes Policy

Mid Devon District Council standard conditions for Relevant Protected sites

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority. (b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home. 6 Model Standards 2008 for Caravan Sites in England
 - (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
 - (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.

(d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.

(e) Windows in structures within the separation distance shall not face towards the caravan on either side.

(f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.

(g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.

(v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

(i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.

(ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.

(iii) All roads shall have adequate surface water/storm drainage.

(iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.

(v) One-way systems shall be clearly signposted.

(vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical. The Standards 7

(vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.

(viii) Roads shall be maintained in a good condition.

(ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

(i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.

(ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

6. Bases

- (i) Every unit must stand on a concrete base or hard-standing.
- (ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.
 - (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.
 - (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
 - (iv) Trees within the site shall (subject to the necessary consents) be maintained.
 - (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.
- 8 Model Standards 2008 for Caravan Sites in England

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.

(iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.

(iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

(i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.

(ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.

(iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.

(iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

(i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.

(ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

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

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

15. Notices and Information

(i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board). 10 Model Standards 2008 for Caravan Sites in England

- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is not subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:

(a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.

(b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.

(c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.

(iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.

(v) Access to hydrants and other water supplies shall not be obstructed or obscured.

(vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

(vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point. Maintenance and Testing of Fire Fighting Equipment

(viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

(ix) A record shall be kept of all testing and remedial action taken.

(x) All equipment susceptible to damage by frost shall be suitably protected. Fire

Notices

(xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following: "On discovering a fire: I. Ensure the caravan or site building involved is evacuated. II. Raise the alarm. III. Call the fire brigade (the nearest phone is sited at)"

MID DEVON DISTRICT COUNCIL

Annex 1 to Caravan Site and Mobile Homes Policy

Standard conditions for site licenced prior to 1st April 2026

**MID DEVON DISTRICT COUNCIL
LICENSING DEPARTMENT**

PERMANENT RESIDENTIAL CARAVAN SITES

STANDARD CONDITIONS

SITE BOUNDARIES

- 1 The boundaries of the site shall be clearly marked, for example by fences or hedges. In addition, the site owner shall give the local authority a plan of its layout. It is recommended that a three metre wide area shall be kept clear within the inside of all boundaries.

DENSITY AND SPACE BETWEEN CARAVANS

- 2 Subject to the following variations, every caravan shall be not less than 6 metres from any other caravan which is occupied separately and not less than 2 metres from a road. The point of measurement for porches, awnings, etc is the exterior cladding of the caravan.
 - ◆ Porches may protrude one metre into the 6 metres and shall be of the open type.
 - ◆ Where awnings are used, the distance between any part of the awning and an adjoining caravan shall not be less than 3 metres. They shall not be of the type which incorporates sleeping accommodation and they shall not face each other or touch.
 - ◆ Eaves, drainpipes and bay windows may extend into the 6 metre space provided the total distance between the extremities of 2 adjacent units is not less than 5.25 metres.
 - ◆ Where there are ramps for the disabled, verandahs and stairs extending from the unit, there shall be 4.5 metres clear space between them and 2 such items shall not face each other in any space. If they are enclosed, they may need to be considered as part of the unit and, as such, shall not intrude into the 6 metre space.
 - ◆ A garage, a shed or a covered storage space shall be permitted between units only if it is of non-combustible construction (including non-combustible roof) and sufficient space is maintained around each unit so as not to prejudice means of escape in case of fire. Windows in such structures shall not face towards the unit on either side. Car ports and covered walkways shall in no circumstances be allowed within the 6 metre space. For cars and boats between units, see standard (27).
- 3 The density shall be consistent with safety standards and health and safety requirements. The gross density shall not exceed 50 caravans to the hectare, calculated on the basis of the useable area (ie excluding lakes, roads, communal services and other areas unsuitable for the siting of caravans) rather than the total site area.

ROADS, GATEWAYS AND FOOTPATHS

- 4 Roads and footpaths shall be designed to provide adequate access for fire appliances. (Detailed guidance on turning circles, etc is available from fire authorities). Roads of suitable material shall be provided so that no caravan standing is more than 50 metres from a road. Where the approach to the caravan is across ground that may become difficult or dangerous to negotiate in wet weather, each standing shall be connected to a carriageway by a footpath with a hard surface. Roads shall not be less than 3.7 metres wide, or, if they form part of a clearly-marked one way traffic system, 3 metres wide. Gateways shall be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres. Footpaths shall not be less than 0.75 metres wide. Roads shall have no overhead cables less than 4.5 metres above the ground. Roads and footpaths shall be suitably lit. Emergency vehicle routes within the site shall be kept clear of obstruction at all times.

HARD STANDINGS

- 5 Every caravan shall stand on a concrete hard-standing which shall extend over the whole area occupied by the caravan placed upon it and should project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely.

FIRE FIGHTING APPLIANCES

Fire Points

- 6 These shall be established so that no caravan or site building is more than 30 metres from a fire point. They shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- 7 Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes shall be situated at each fire point. There shall also be a reel that complies with British Standard 5306 Part 1, with a hose not less than 30 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand control nozzle. Hoses shall be housed in a box painted red and marked "HOSE REEL".
- 8 Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants shall be installed within 100 metres of every caravan standing. Hydrants shall conform to British Standard 750. Access to hydrants and other water supplies shall not be obstructed or obscured.
- 9 Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with either water extinguishers (2 x 9 litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

FIRE WARNING

- 10 A means of raising the alarm in the event of a fire shall be provided at each fire point. This could be by means of a manually operated sounder, eg metal triangle with a striker, gong or hand operated siren. The advice of the fire authority shall be sought on an appropriate system.

MAINTENANCE

- 11 All alarm and fire fighting equipment shall be installed, tested and maintained in working order by a competent person and be available for inspection by, or on behalf of, the licensing authority. A log book shall be kept to record all tests and any remedial action.
- 12 All equipment susceptible to damage by frost shall be suitably protected.

FIRE NOTICES

- 13 A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of a fire and the location of the nearest telephone. This notice shall include the following:

"On discovering a fire

- i ensure the caravan or site building involved is evacuated
- ii raise the alarm
- iii call the fire brigade (the nearest telephone is sited)
- iv attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment."

Annex F – Policy Annex 5: Standard conditions for site licenced prior to 1st April 2026

FIRE HAZARDS

- 14 Long grass and vegetation shall be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings shall be removed from the vicinity of caravans. The space beneath and between caravans shall not be used for the storage of combustible materials.

TELEPHONES

- 15 An immediately accessible telephone shall be available on the site for calling the emergency services. A notice by the telephone shall include the address of the site.

NATURAL GAS AND LIQUEFIED PETROLEUM GAS (LPG) INSTALLATION AND STORAGE

- 16 LPG storage supplied from tanks shall comply with Guidance Booklet HSG 34 "The Storage of LPG at Fixed Installations" or, where LPG is supplied from cylinders, with Guidance Note CS4 "The Keeping of LPG in Cylinders and Similar Containers" as appropriate.

Where there are metered supplies from a common LPG storage tank, then Guidance Note CS11 "The Storage and Use of LPG at Metered Estates" provides further guidance. In this case and where a British Gas mains supply is available, then the Gas Safety (Installation and Use) Regulations 1994 and the Pipe-lines Act 1962 may also be applicable.

Exposed gas bottles or cylinders shall not be within the separation boundary of an adjoining unit.

LPG installations shall conform to British Standard 5482, "Code of practice for domestic butane and propane gas burning installations, Part 2: 1977 Installations in Caravans and non-permanent dwellings".

For mains gas supply, the 1994 Regulations will be relevant for the installation downstream of any service pipe(s) supplying any primary meter(s) and such service pipes are subject to the Gas Safety Regulations 1972.

Site Operators must have all gas appliances installed on their site serviced annually by a business or person registered with CORGI. Service records must be kept available for Local Authority scrutiny, or by any tenant on request.

In cases where the site owner supplies gas to caravans on the site, he may need an authorisation to do so from OFGAS under the Gas Act 1986.

ELECTRICAL INSTALLATIONS

- 17 Sites shall be provided with an electricity supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- 18 Any electrical installations, which are not Electricity Board works and circuits subject to regulations made by the Secretary of State under section 16 of the Energy Act 1983 and section 64 of the Electricity Act 1947, should be installed, tested and maintained in accordance with the provisions of the Institution of Electrical Engineers' (IEE) Regulations for Electrical Installations for the time being in force, and where appropriate, to the standard which should be acceptable for the purposes of the Electricity (Overhead Lines) Regulations 1988, SI 1988 No 1057.
- 19 Work on electrical installations and appliances should be carried out only by competent persons such as the manufacturer's appointed agent, the electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractors' Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations should be inspected periodically: under IEE Wiring Regulations, every year or such longer period (not exceeding 3 years) as is considered appropriate in each case. When an installation is inspected, it shall be judged against the current regulations.

The inspector shall, within one month of such an inspection, issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which shall be retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with the site licence. The cost of the inspection and report shall be met by the site operator or licence holder.

Annex F – Policy Annex 5: Standard conditions for site licenced prior to 1st April 2026

- 20 If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies shall be rectified. Any major alterations and extensions to an installation and all parts of the existing installation affected by them shall comply with the latest version of the IEE Wiring Regulations.
- 21 If there are overhead electric lines on the site, suitable warning notices shall be displayed at the entrance to the site and on supports for the line. Where appropriate, particular attention shall be drawn to the danger of masts of yachts or dinghies contacting the line.

Annex F – Policy Annex 5: Standard conditions for site licenced prior to 1st April 2026
WATER SUPPLY

- 22 All parks shall be provided with a water supply in accordance with appropriate Water Byelaws and statutory quality standards.

DRAINAGE, SANITATION AND WASHING FACILITIES

- 23 Satisfactory provision shall be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- 24 Each caravan shall have its own water supply and water closet. Each caravan standing shall be provided with a connection to the foul drainage system; the connection shall be capable of being made air-tight when not in use.
- 25 Every site and every hard standing shall be provided with an adequate drainage system for the complete and hygienic disposal of foul, rain and surface water from the site, buildings, caravans, roads and footpaths.

REFUSE DISPOSAL

- 26 Every caravan standing shall have an adequate number of suitable non-combustible refuse bins with close-fitting lids or plastic bags. Arrangements shall be made for the bins to be emptied regularly. Where communal refuse bins are also provided these shall be of similar construction and housed within a properly constructed bin store.

PARKING

- 27 One car only may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces shall be provided where necessary to meet the additional requirements of the occupants and their visitors. Plastic or wooden boats shall not be parked between units.

RECREATION SPACE

- 28 Where children live on the site, space equivalent to about one-tenth of the total area shall be allocated for children's games and/or other recreational purposes. This provision will normally be necessary because of the limited space available round the caravans but may be omitted where there are suitable alternative publicly provided recreational facilities which are readily accessible.

NOTICES

- 29 A suitable sign shall be prominently displayed at the site entrance indicating the name of the site.
- 30 A copy of the site licence with its conditions shall be displayed prominently on the site.
- 31 Notices and a plan shall be displayed on the site setting out the action to be taken in the event of an emergency. They shall show where the police, fire brigade, ambulance and local doctors can be contacted and the location of the nearest public telephone. The notices shall also give the name and location/telephone number of the site licence holder or his/her accredited representative. At sites subject to flood risk, warning notices shall be displayed giving advice about the operation of the flood warning system.
- 32 All notices shall be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting.

**MID DEVON DISTRICT COUNCIL
LICENSING DEPARTMENT
PHOENIX HOUSE, PHOENIX LANE
TIVERTON
DEVON EX16 6PP**

TELEPHONE NO: 01884 255255

MID DEVON DISTRICT COUNCIL

Annex 6 to Caravan Site and Mobile Homes Policy

Standard conditions for Holiday sites

SITE BOUNDARIES

- 1 The boundaries of the site shall be clearly marked, for example by fences or hedges. In addition, the site owner shall give the local authority a plan of its layout. It is recommended that a 3 metre wide area shall be kept clear within the inside of all boundaries.

DENSITY AND SPACE BETWEEN CARAVANS

- 2 Subject to the following variations, the minimum spacing distance between caravans made of aluminium or other materials with similar fire performance properties shall be not less than 5 metres between units, 3.5 metres at the corners. For those with a plywood or similar skin it shall be not less than 6 metres. Where there is a mixture of holiday caravans of aluminium and plywood, the separation distance shall be 6 metres; and where there is a mixture of permanent residential homes and holiday caravans, the separation distance shall again be 6 metres. The point of measurement for porches, awnings, etc is the exterior cladding of the caravan.
 - " Porches may protrude one metre into the 5 metres and shall be of the open type.
 - " Where awnings are used, the distance between any part of the awning and an adjoining caravan shall be not less than 3 metres. They shall not be of the type which incorporates sleeping accommodation and they shall not face each other or touch.
 - " Eaves, drainpipes and bay windows may extend into the 5 metre space provided the total distance between the extremities of 2 adjacent units is not less than 4.5 metres.
 - " Where there are ramps for the disabled, verandahs and stairs extending from the unit, there shall be 3.5 metres clear space between them (4.5 metres if mixture of caravans) and such items shall not face each other in any space. If they are enclosed, they may need to be considered as part of the unit and, as such, shall not intrude into the 5 metre (or 6 metre) space.
 - " A garage, a shed or a covered storage space shall be permitted between units only if it is of non-combustible construction (including non-combustible roof) and sufficient space is maintained around each unit so as not to prejudice means of escape in case of fire. Windows in such structures shall not face towards the unit on either side. Car ports and covered walkways should in no circumstances be allowed within the 5 or 6 metre space. For cars and boats between units, see standard 27.

- 3 The density shall be consistent with safety standards and health and amenity requirements. The gross density shall not exceed 60 caravans to the hectare, calculated on the basis of the useable area (ie excluding lakes, roads, communal services and other areas unsuitable for the siting of caravans) rather than the total site area.

ROADS, GATEWAYS AND FOOTPATHS

- 4 Roads and footpaths shall be designed to provide adequate access for fire appliances. (Detailed guidance on turning circles, etc is available from fire authorities.) Roads of suitable material shall be provided so that no caravan standing is more than 50 metres from a road. Where the approach to the caravan is across ground that may become difficult or dangerous to negotiate in wet weather, each standing shall be connected to a carriageway by a footpath with a hard surface. Roads should not be less than 3.7 metres wide, or, if they form part of a clearly-marked one way traffic system, 3 metres wide. Gateways shall be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres. Footpaths shall not be less than 0.75 metres wide. Roads shall have no overhead cables less than 4.5 metres above the ground. They shall be suitably lit taking into account the needs and characteristics of a particular site. Emergency vehicle routes within the site shall be kept clear of obstruction at all times.

HARD STANDINGS

- 5 Where possible, every caravan shall stand on a hard standing of suitable material, which shall extend over the whole area occupied by the caravan placed upon it and should project a sufficient distance outwards from the entrance or entrances of the caravan to enable occupants to enter and leave safely.

Hard standings may be dispensed with if the caravans are removed during the winter, or if they are situated on ground which is firm and safe in poor weather conditions.

FIRE FIGHTING APPLIANCES

Fire Points

- 6 These shall be established so that no caravan or site building is more than 30 metres from a fire point. They shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- 7 Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point.

There should also be a reel that complies with British Standard 5306 Part 1, with a hose not less than 30 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of

Annex G – Policy Annex 6: Standard conditions for holiday sites

sufficient pressure and terminating in a small hand control nozzle. Hoses, should be housed in a box painted red and marked "HOSE REEL".

- 8 Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants should be installed within 100 metres of every caravan standing. Hydrants should conform to British Standard 750. Access to hydrants and other water supplies should not be obstructed or obscured.
- 9 Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with either water extinguishers (2 x 9 litres) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

FIRE WARNING

- 10 A means of raising the alarm in the event of a fire should be provided at each fire point. This could be by means of a manually operated sounder, eg metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.

MAINTENANCE

- 11 All alarm and fire fighting equipment shall be installed, tested and maintained in working order by a competent person and be available for inspection by, or on behalf of, the licensing authority. A log book should be kept to record all tests and any remedial action.
- 12 All equipment susceptible to damage by frost should be suitably protected.

Fire Notices

- 13 A clearly written and conspicuous notice should be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice should include the following:-

"On discovering a fire

- i ensure the caravan or site building involved is evacuated,
- ii raise the alarm,
- iii call the fire brigade (the nearest telephone is sited)
- iv attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment."

Fire Hazards

- 14 Long grass and vegetation should be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of caravans. The space beneath and between caravans should not be used for the storage of combustible materials.

- 15 An immediately accessible telephone should be available on the site for calling the emergency services. A notice by the telephone should include the address of the site.

NATURAL GAS AND LIQUEFIED PETROLEUM GAS (LPG) INSTALLATION AND STORAGE

- 16 LPG storage supplied from tanks shall comply with Guidance Booklet HSG 34 "The Storage of LPG at Fixed Installations" or, where LPG is supplied from cylinders, with Guidance Note CS4 "The Keeping of LPG in Cylinders and Similar Containers" as appropriate.

Where there are metered supplies from a common LPG storage tank, then Guidance Note CS11 "The Storage and Use of LPG at Metered Estates" provides further guidance. In this case and where a British Gas mains supply is available, then the Gas Safety (Installation and Use) Regulations 1994 and the Pipe-lines Act 1962 may also be applicable.

Exposed gas bottles or cylinders shall not be within the separation boundary of an adjoining unit.

LPG installations shall conform to British Standard 5482, "Code of practice for domestic butane and propane gas burning installations, Part 2: 1977 Installations in Caravans and non-permanent dwellings".

For mains gas supply, the 1994 Regulations will be relevant for the installation downstream of any service pipe(s) supplying any primary meter(s) and such service pipes are subject to the Gas Safety Regulations 1972.

Site Operators must have all gas appliances installed on their site serviced annually by a business or person registered with CORGI. Service records must be kept available for Local Authority scrutiny, or by any tenant on request.

In cases where the site owner supplies gas to caravans on the site, he may need an authorisation to do so from OFGAS under the Gas Act 1986.

ELECTRICAL INSTALLATIONS

- 17 Sites shall be provided with an electricity supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- 18 Such electrical installations, other than Electricity Board works and circuits subject to regulations made by the Secretary of State under section 16 of the Energy Act 1983 and section 64 of the Electricity Act 1947, should be installed, tested and maintained in accordance with the provisions of the Institution of Electrical Engineers' (IEE) Regulations for Electrical Installations for the time being in force, and where appropriate, to the standard which would be acceptable for the purposes of the Electricity (Overhead Lines) Regulations 1988, Statutory Instrument 1988 No. 1057.
- 19 Work on electrical installations and appliances shall be carried out only by competent persons such as the manufacturer's appointed agent, the electricity

Annex G – Policy Annex 6: Standard conditions for holiday sites

supplier, a professionally qualified electrical engineer, a member of the Electrical Contractors' Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations should be inspected periodically: under IEE Wiring Regulations, every year or such longer period (not exceeding 3 years) as is considered appropriate in each case. When an installation is inspected, it shall be judged against the current regulations.

The inspector shall, within one month of such an inspection, issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which shall be retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with the site licence. The cost of the inspection and report shall be met by the site operator or licence holder.

- 20 If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies shall be rectified. Any major alterations and extensions to an installation and all parts of the existing installation affected by them shall comply with the latest version of the IEE Wiring Regulations.
- 21 If there are overhead electric lines on the site, suitable warning notices shall be displayed at the entrance to the site and on supports for the line. Where appropriate, particular attention shall be drawn to the danger of masts of yachts or dinghies contacting the line.

WATER SUPPLY

- 22 All sites shall be provided with a water supply in accordance with appropriate Water Byelaws and statutory quality standards.

DRAINAGE, SANITATION AND WASHING FACILITIES

- 23 Satisfactory provision shall be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the Local Authority.
- 24 Properly designed disposal points for the contents of chemical closets shall be provided, with an adequate supply of water for cleaning the containers.
- 25 For caravans without their own water supply and water closets, communal toilet blocks should be provided, with adequate supplies of water, on at least the following scales:-

Men: 1 WC and 1 urinal per 15 caravans

Women: 2 WCs per 15 caravans

1 wash basin for each WC or group of WCs

1 shower or bath (with hot and cold water) for each sex per 20 caravans

Toilet blocks should be sited conveniently so that all site occupants may have reasonable access to one by means of a road or footpath.

REFUSE DISPOSAL

- 26 Every caravan standing shall have an adequate number of suitable non-combustible refuse bins with close-fitting lids or plastic bags. Arrangements shall be made for the bins to be emptied regularly. Where communal refuse bins are also provided these should be of similar construction and housed within a properly constructed bin store.

PARKING

- 27 One car only may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces should be provided where necessary to meet the additional requirements of the occupants and their visitors. Plastic or wooden boats should not be parked between units.

RECREATION SPACE

- 28 Where children stay on the site, space equivalent to about one-tenth of the total area should be allocated for children's games and/or other recreational purposes. This provision will normally be necessary because of the limited space available round the caravans, but may be omitted where there are suitable alternative publicly provided recreational facilities which are readily accessible.

NOTICES

- 29 A suitable sign shall be prominently displayed at the site entrance indicating the name of the site.
- 30 A copy of the site licence with its conditions shall be displayed prominently on the site.
- 31 Notices and a plan shall be displayed on the site setting out the action to be taken in the event of an emergency. They should show where the police, fire brigade, ambulance and local doctors can be contacted and the location of the nearest public telephone. The notices should also give the name and location/telephone number of the site licence holder or his/her accredited representative. At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system.
- 32 All notices shall be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting.

TOURING CARAVANS

STANDARD CONDITIONS

DENSITY

- 1 Site density should not exceed 75 units (caravans or motor caravans) per hectare (30 units per acre) calculated on the basis of useable area rather than the total site area (ie excluding crags, lakes, roads, communal services, etc) provided that, where tent camping is also permitted the maximum number of units stationed on the site at any one time should be reduced by the number of pitches occupied by main tents stationed for human habitation.

SPACING

- 2 Every unit should be not less than 6 metres from any other unit in separate family occupation and not less than 3 metres should be permitted between units in any circumstances.
- 3 Vehicles and other ancillary equipment should be permitted within the 6 metre space between units in separate family occupation but in order to restrict the spread of fire there should always be 3 metres clear space within the 6 metres separation.
- 4 Emergency vehicles should be able to secure access at all times to within 90 metres of any unit on the site.

ROADS AND FOOTPATHS

- 5 Roads of suitable material shall be provided so that no pitch or toilet block is more than 45 metres from a road. Carriageways shall not be less than 2.75 metres wide.

DRINKING WATER SUPPLY

- 6 There should be an adequate supply of drinking water. Each pitch on a site should be no further than 60 metres from a water tap. At each tap there should be a gully discharging to a soakaway.

REFUSE DISPOSAL

- 7 Adequate provision should be made for the storage, collection and disposal of refuse. (It is expected that site operators should normally be able to meet their responsibilities by making arrangements with the local authority.)

FIRE PRECAUTIONS

- 8 No unit should be further than 90 metres from a fire point. At each fire point there should be two water (gas expelled) extinguishers each of 10 litres capacity and complying with British Standard 5423:1980 together with a means of raising the alarm in the event of fire (eg a manually operated sounder, gong or hand operated siren). All fire fighting equipment susceptible to damage by frost should be suitably protected.
- 9 Wherever there is a likelihood of fire spreading due to vegetation catching fire suitable beaters of the type used by the Forestry Commission should also be provided at each fire point.
- 10 The fire points should be clearly marked and easily accessible. All fire fighting equipment should be maintained in working order and kept available for use and for inspection by the licensing authority.

Annex G – Policy Annex 6: Standard conditions for holiday sites

- 11 Each fire point should exhibit a conspicuous notice indicating the action to be taken in case of fire and the location of the nearest telephone.

The notice should include the following:

"On discovering fire

- i raise the alarm
- ii ensure the affected unit is evacuated
- iii call the fire brigade (the nearest telephone is sited)
- iv if practicable, attack the fire using the fire fighting equipment provided."

NATURAL GAS AND LIQUEFIED PETROLEUM GAS (LPG) INSTALLATION AND STORAGE

- 12 LPG storage supplied from tanks shall comply with Guidance Booklet HSG 34 "The Storage of LPG at Fixed Installations" or, where LPG is supplied from cylinders, with Guidance Note CS4 "The Keeping of LPG in Cylinders and Similar Containers" as appropriate.

Where there are metered supplies from a common LPG storage tank, then Guidance Note CS11 "The Storage and Use of LPG at Metered Estates" provides further guidance. In this case and where a British Gas mains supply is available, then the Gas Safety (Installation and Use) Regulations 1994 and the Pipe-lines Act 1962 may also be applicable.

Exposed gas bottles or cylinders shall not be within the separation boundary of an adjoining unit.

LPG installations shall conform to British Standard 5482, "Code of practice for domestic butane and propane gas burning installations, Part 2: 1977 Installations in Caravans and non-permanent dwellings".

For mains gas supply, the 1994 Regulations will be relevant for the installation downstream of any service pipe(s) supplying any primary meter(s) and such service pipes are subject to the Gas Safety Regulations 1972.

Site Operators must have all gas appliances installed on their site serviced annually by a business or person registered with CORGI. Service records must be kept available for Local Authority scrutiny.

In cases where the site owner supplies gas to caravans on the site, he may need an authorisation to do so from OFGAS under the Gas Act 1986.

ELECTRICAL INSTALLATIONS

- 13 Where there is an electrical installation other than Electricity Board works and circuits subject to Regulations under Section 60 of the Electricity Act 1947 it should be installed to the requirements of the Institution of Electrical Engineers' Regulations for Electrical Installations (the IEE Wiring Regulations) for the time being in force and where appropriate to the standard acceptable for the Electricity (Overhead Lines) Regulations 1970 SI 1970 No 1355. Any installation should be maintained in such a way as to prevent danger as far as reasonably practicable and should be inspected annually and tested by a competent person in accordance with the IEE Wiring Regulations.

DRAINAGE, SANITATION AND WASHING FACILITIES

Annex G – Policy Annex 6: Standard conditions for holiday sites

- 14 Satisfactory provisions shall be made for foul drainage either by connection to a public sewer or by discharge to a properly constructed septic tank or cesspool.
- 15 A properly designed disposal point for the contents of chemical closets and waste water should be provided together with an adjacent adequate supply of water for cleansing containers. The method of disposal will need to be considered in the light of the particular circumstances and should be to the satisfaction of the local authority and the appropriate Water Authority. Where appropriate the water supply should be clearly labelled as non-potable.
- 16 Communal toilet blocks shall be provided with adequate supplies of water on at least the following scales:-
 - 1 WC and 1 Urinal for men, and
 - 2 WCs for women per 20 pitches and their location should be to the satisfaction of the licensing authority.
 - Thereafter 1 WC for men and 1 WC for women per 15 additional pitches.
 - 2 wash basins for men and 2 wash basins for women with hot and cold water per 30 units.
 - 1 shower (with hot and cold water) for each sex per 30 pitches.
- 17 Laundry facilities shall be provided on the scale of not less than one deep sink with running water per 30 pitches.

DISABLED PERSONS

- 18 Particular consideration should be given to the needs of the disabled in the provision made for water points, toilets, washing points and shower.

SITE NOTICES

- 19 A sign indicating the name of the site should be displayed at the site entrance.
- 20 Notices should be displayed prominently on the site indicating the action to be taken in the event of an emergency and show where the police, fire brigade, ambulance and local doctors can be contacted and the location of the nearest public telephone. Where practicable, a telephone should be provided on the site and the full address of the site should be displayed near the telephone.
- 21 At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system.
- 22 At sites with overhead electric lines, warning notices should be displayed on the supports for the lines and at the site entrance. Where appropriate, these should warn against the danger of contact between the lines and the masts of yachts or dinghies.
- 23 A copy of the site licence with its conditions should be displayed prominently on the site.

DRAFT

MID DEVON DISTRICT COUNCIL

Annex 7 to MDDC Caravan Site and Mobile Homes Policy

Risk assessment tool

Criteria	Range	Risk score
A. Number of pitches	Up to 10	Risk score 1
	10 to 30	Risk score 2
	30 to 100	Risk score 3
	100+	Risk score 4
B. Compliance history	No history of compliance issues	Risk score 0
	Enforcement notices served or compliance history with licensing or planning enforcement	Risk score 3
C. Confidence in management	Strong confidence	Risk score 1
	Some confidence	Risk score 2
	Limited confidence	Risk score 3

Criteria / score	Risk rating
Less than 3 units or single family occupancy and not a commercial site	Band D
Risk score < or equal to 4	Band C
Risk score 5 – 7	Band B
Risk score > 7	Band A

Note for year 1 risk assessments, only criteria A and B will be considered. Subsequent risk assessments will be carried out at the time of the site inspection to inform the risk band for year 2, and so on. This is because in a lot of cases, there will not be enough information to inform a decision on confidence in management prior to site visits being carried out. No Band A sites will be identified in the initial risk assessment.

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Report for: Regulatory Committee

Date of Meeting:	05 December 2025
Subject:	LICENSING UPDATE REPORT
Cabinet Member:	Cllr David Wulff, Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe, Head of Housing and Health
Exempt:	No
Wards Affected:	All wards
Enclosures:	None

Section 1 – Summary and Recommendation(s)

To provide the Committee with an overview of the regulatory activity as applicable to the Regulatory Committee undertaken by the Licensing Team during the first half of 2025/26.

Recommendation:

- 1. That the Regulatory Committee note the contents of the report.**

Section 2 – Report

1 Introduction

- 1.1** This report provides an overview of the activity carried out by the Licensing Team, during first half of 2025/26 in respect of the following: Hackney Carriage and Private Hire licensing. animal licences such as animal boarding, pet shops, riding establishments, dangerous wild animals; caravan sites; and the registration of acupuncturists and tattooists.

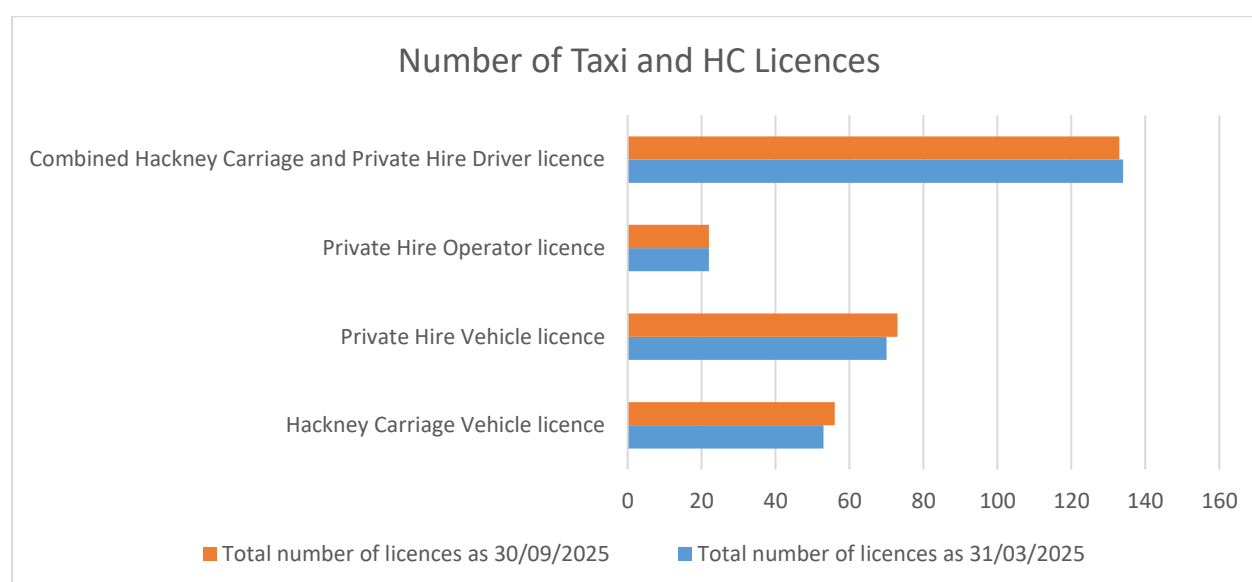
2 Service Delivery updates

Hackney Carriage and Private Hire

2.1 During the first half of 2025/2026 the team dealt with Hackney Carriage and Private Hire licensing applications as detailed below:

	Total number of licences	Number of new applications and renewals processed	Number of cancelled or surrendered licenses	Revoked or suspended
Hackney Carriage Vehicle licence	56	27	7	3
Private Hire Vehicle licence	73	34	7	3
Private Hire Operator licence	22	5	0	0
Combined Hackney Carriage and Private Hire Driver licence	133	30	0	4

2.2 Figure 1 below shows total numbers against the previous reporting period, which have remained largely constant. This shows a stabilisation in the number of Hackney Carriage Vehicle licences following falls in 2024/25 as previously reported.



2.3 32 Taxi inspections have been carried out in the first half of 2025/26. This is an increase of over 3 times against the same period last year, due to proactive checks of vehicles against the new policy and follows the introduction of new policy requirements.

- 2.4 91 drivers have attended Safeguarding and Disability Awareness training in 2025/26.
- 2.5 A consultation has taken place to determine if the trade wishes for a review of the Hackney Carriage tariff. Of the 23 licensed Hackney Carriage Proprietors consulted, 6 responded (26.1%). They all confirmed they would like an increase in the tariff.
- 2.6 The consultation asked those responding to suggest how much the tariff should be increased by and only 2 respondents provided this information. As a result, the Licensing Team plan to carry out further benchmarking and will also gather more information from those that did respond to the consultation.
- 2.7 The setting of the Hackney Carriage tariff under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 is considered an executive function and will therefore go to Cabinet when necessary. The Regulatory Committee will be informed of any changes at the next meeting appropriate meeting.

Animal Welfare

- 2.8 The team are responsible for licencing animal related establishments. This can range from dog breeding through to zoos. There are 52 animal related licenses in total which is comparable to that reported for 2024/25. Figure 2 below shows the breakdown by licence type and a comparison of number of licences to previous period:

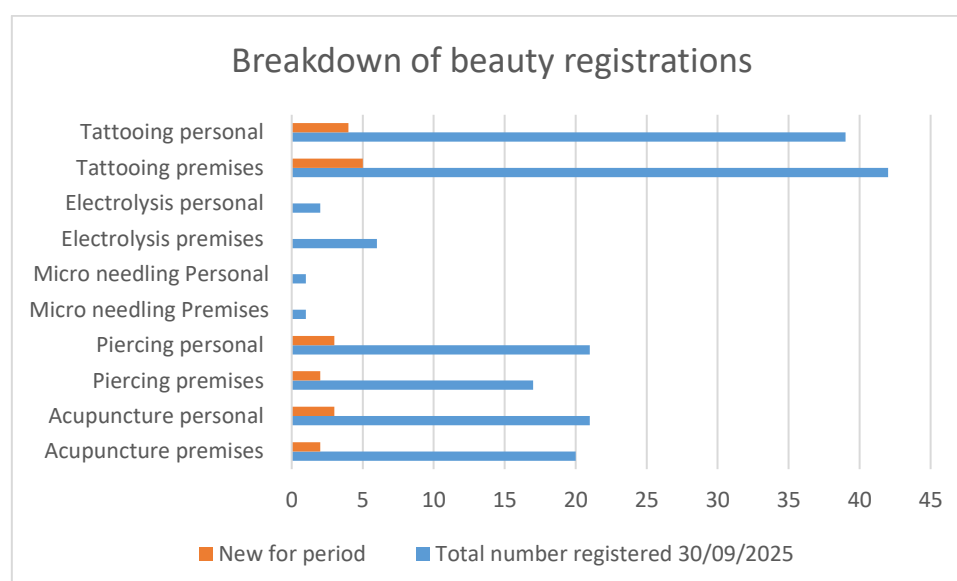


- 2.9 The team have investigated eight complaints related to animal establishments during the period. Three of these related to licenced establishments.
- 2.10 Five of the complaints therefore related to potentially unlicensed animal activity, with sources varying from members of the public to other Local Authority intelligence and voluntary sector organisations. These relate to alleged unlicensed dog breeding and sale of pets where investigations are ongoing.

- 2.11 A new Regulatory Officer (Animal Welfare) post had been created and once recruited, the officer will be responsible for all animal related licences activities, including licence issue, renewal, interim inspections and complaint investigations. Together with other officers within the team, this officer will be required to hold specialist animal licensing competency and a specific qualification as required under the licensing legislation.
- 2.12 A consultation on changes to the Animal Welfare policy has taken place with an updated policy being put forward as a separate agenda item today.

Specified beauty treatments

- 2.13 These are covered by the Local Government (Miscellaneous Provisions) Act 1982, including tattooing, piercing, electrolysis and acupuncture. Officers from Licensing work closely with officers from the Food and Health and Safety team to administer these licences. This is due to the risks associated with these activities and the need for health and safety and infectious disease considerations.
- 2.14 Total figures for premises and personal registrations in place across the district, including a breakdown of those issued in the first half of 2025/26 is shown in Figure 3 below. There has been a 6% increase in the number of registrations.



3 Enforcement and Hearings

- 3.1 One Regulatory sub-committee hearing has been conducted in the year to date.
- 3.2 This hearing was a consideration of an operator remaining fit and proper to hold said licence. The outcome of the hearing was that the operator would be monitored for compliance with licence conditions and policy over a 3-month period.

4 Caravan Site Licencing

- 4.1 A joint piece of work between Licensing and Environmental Health has been initiated with a focus on our licenced caravan sites. Planning Enforcement are also supporting the work to ensure a joined-up approach.
- 4.2 A separate report on the proposal for a new caravan site and mobile home policy will be presented to Committee today

Financial Implications: All licences for the areas mentioned above have a charge associated with them. As opposed to licensing functions that come under Licensing Act 2003/Gambling Act 2005 (Licensing Committee), these charges are set locally and reviewed on an annual basis. In some cases these are subject to statutory consultation processes. These must all be calculated based on the resource required to meet statutory obligations in issuing the license and regulating the licenced activity on a non-profit basis. The income from the licences is therefore used to offset the running of the Service. The Service is not self-funding overall as some of the fees are set at a national level (Licensing Act 2003 and Gambling Act 2005) and therefore do not fully cover costs but makes a significant contribution towards its costs within the general fund.

Legal Implications: There are various regulations that govern the range of applications administered by the Licensing Team. These detail a range of duties and statutory deadlines, as well as policy and procedural requirements.

Risk Assessment: Provision of the licensing service is statutory obligation. If resources for the Team are not available there is a risk that the Council is unable to meet its statutory duties in relation to licensed activities. This would put the health and safety of residents at risk if they accessed a service that did not meet licensing standards. This is a particular concern in respect of taxis and the beauty industry. Animal welfare is also at risk if the Council was unable to conduct regular checks of these establishments.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this update report.

Relationship to Corporate Plan: This report links 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, People and Equalities within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 20.11.25

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 20.11.25

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 20.11.25

Performance and risk: Steve Carr
Agreed by the Corporate Performance & Improvement Manager
Date: 06 November 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

Name: Harriet Said, Commercial Team Leader, Public Health and Housing
Options / Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers: None.