

6 October 2021

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| Committee | Licensing |
| Date | Thursday, 14 October 2021 |
| Time of Meeting | 2:30 pm |
| Venue | Tewkesbury Borough Council Offices, Severn Room |

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



| | Item | Page(s) |
|-----------|--|----------------|
| 4. | MINUTES To approve the Minutes of the meeting held on 15 July 2021. | 1 - 3 |
| 5. | MOBILE HOMES AND CARAVAN SITES LICENSING POLICY 2021-24 To approve the revised Mobile Homes and Caravan Sites Licensing Policy 2021-24. | 4 - 46 |
| 6. | COMMON LICENSING STANDARDS FOR TAXI AND PRIVATE HIRE LICENSING To adopt the Gloucestershire Common Licensing Standards for Taxi and Private Hire Licensing, as outlined at Appendix 1 to the report. | 47 - 73 |
| 7. | UPDATE ON THE LICENSING FUNCTION AND PROGRESS OF THE SERVICE REVIEW To consider the update on the licensing function and progress made in relation to the review of the licensing service. | 74 - 77 |

DATE OF NEXT MEETING
THURSDAY, 17 FEBRUARY 2022
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: K Berliner, G F Blackwell, G J Bocking (Chair), C L J Carter, P A Godwin, D W Gray, E J MacTiernan (Vice-Chair), J W Murphy, P W Ockelton, C Reid, R J G Smith, C Softley, R J Stanley, M G Sztymiak and M J Williams

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 15 July 2021 commencing at
2:30 pm**

Present:

| | |
|------------|---------------------------|
| Chair | Councillor G J Bocking |
| Vice Chair | Councillor E J MacTiernan |

and Councillors:

G F Blackwell, C L J Carter, P A Godwin, D W Gray, J W Murphy, C Reid, J K Smith,
R J G Smith, R J Stanley, M G Sztymiak and M J Williams

LIC.3 ANNOUNCEMENTS

3.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4.1 Apologies for absence were received from Councillors P W Ockelton and C Softley.

LIC.5 DECLARATIONS OF INTEREST

5.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

5.2 There were no declarations of interest made on this occasion.

LIC.6 MINUTES

6.1 The Minutes of the meetings held on 18 February and 4 May 2021, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.7 GENERAL UPDATE ON THE LICENSING FUNCTION AND PROGRESS ON THE SERVICE REVIEW

7.1 The report of the Interim Environmental Health Manager, circulated at Pages No. 7-10, updated the Committee on the progress of the service review which aimed to deliver an effective and responsive licensing service, both as part of the recovery from the impacts of the COVID-19 pandemic and over the longer term. Members were asked to consider the general update on the licensing function and the progress on the service review.

7.2 The Head of Community Services advised that the Licensing service had been affected by COVID-19 and the workload of the Interim Environmental Health Manager was too great to undertake the review of the service so additional resources had been brought in to assist. The current service was extremely paper-based and not customer friendly which needed to be addressed. Additional operational resources had already been employed and there was now someone working with the Business Transformation Team to make the service more digital.

The Corporate Leadership Team was equally concerned about the shortfalls in the service, particularly as the workload remained high in relation to requests for temporary events licences etc. In the short-term an Officer had commenced with the service this week for two days a week, then a more full-time resource would be employed for a year or so. There was work ongoing with the other authorities in the county so, in this instance, Tewkesbury Borough Council was using a resource from Cheltenham Borough Council who was well respected in the licensing field and in the county.

7.3 During the discussion which ensued, a Member questioned whether the existing paper-based systems would be analysed and taken forward in the most efficient and effective way even if that meant changing them. In response, the Head of Community Services explained there would be a thorough review to ensure the processes were correct and legally compliant. Referring to Paragraph 3.2.1 of the report, a Member questioned whether the consultation on the Taxi and Private Hire and Countywide Convictions Policy (Common Standards Policy), which was due to end on 6 July, had ended. The Head of Community Services undertook to find out, he also undertook to investigate when the consultation on the Mobile Homes and Caravan Sites Licensing Policy would take place.

7.4 A Member referred to Paragraph 3.3 of the report, headed public health as a licensing objective, and questioned what the significance was of public health not being one of the four licensing objectives. In response, the Head of Community Services explained that the government had considered adding it as a licensing objective but had felt that it was not appropriate. The Council's Safety Advisory Group included a member of the Public Health Group meaning it had an input which had been particularly important throughout the COVID-19 pandemic. In terms of the recruitment of a Licensing Enforcement Officer, the Head of Community Services advised that there was an Officer working with the Council's licensing service as an interim measure so some enforcement was being undertaken but there was no proactive enforcement taking place. As advised previously, the Licensing Team Leader at Cheltenham Borough Council had been employed to undertake the review and it was felt that, as he was from within the county, it would be easier to look at broader relationships as well as partnering with other authorities for licensing and those would be considered as options within the review. A Member questioned whether there were any changes in legislation which might impact on licensing activities. The Legal Advisor was not aware of any specific changes at this stage and advised that, whilst there may be changes made as a result of COVID-19, those could take a long time to go through the legislative process. It was confirmed that no information had been forthcoming from the government as yet but letters had been received asking local authorities to be more considerate of licensing requests to help traders get back on their feet following the COVID-19 pandemic.

7.5 Accordingly, it was

RESOLVED That the general update on the licensing function and progress on the service review be **NOTED**.

LIC.8 REVIEW OF CONSULTATION PERIOD FOR STREET TRADING LICENCES

8.1 The report of the Interim Environmental Health Manager, circulated at Pages No. 11-13, explained that, at its meeting on 18 February 2021, the Licensing Committee had agreed to extend the reduction of the consultation period for street trading licences and that the decision would be reviewed at each meeting. The report set out the reasoning for continuing with the reduction in the consultation period in line with the government road map until 19 July 2021 and allowed for the Head of Community Services, in consultation with the Chair and Vice-Chair of the Committee, to amend further if the timescales set out in the government road map changed further. Members were asked to approve a further extension of the

reduced time period for consultations on street trading licences until 19 July in line with the current government road map for the lifting of COVID-19 restrictions; and to delegate authority to the Head of Community Services, in consultation with the Chair and Vice-Chair of the Licensing Committee, to make any further amendments to the consultation time period which may be necessary beyond 19 July should the government road map for the lifting of COVID-19 restrictions change.

8.2 The Head of Community Services indicated that the consultation period was usually 28 days but that had been reduced to five days at the start of the COVID-19 pandemic. The reduction of the consultation period had been agreed as a way to enable street traders to commence working without delay. The current position was that, whilst street trading licences had reduced, there were still certain COVID-19 restrictions in place following the government's decision to delay the easing of restrictions. It was therefore recommended that the dispensation in respect of the consultation period for street trading applications remain in place until 19 July 2021 in line with the current government road map. The circumstances of the COVID-19 pandemic could change rapidly and, in order to ensure Officers were able to react accordingly, it was recommended that authority be delegated to the Head of Community Services, in consultation with the Chair and Vice-Chair of the Licensing Committee, to make any further amendments to the consultation time period which may be necessary beyond 19 July, should the government road map for the lifting of COVID-19 restrictions change.

8.3 A Member indicated that, at a Parish level, Councillors had been told nothing in the community centre would change; he questioned whether there would be a need to get agreement to go back to normality. The Head of Community Services advised that there was no need for permission. It had been decided that the Council Offices would be getting back to normal slowly but it was up to the individual organisations how they moved forward in accordance with the lifting of restrictions.

8.4 Accordingly, it was

RESOLVED

1. That a further extension of the reduced time period for consultations on street trading licences be **APPROVED** until 19 July in line with the current government road map for the lifting of COVID-19 restrictions.
2. That authority be delegated to the Head of Community Services, in consultation with the Chair and Vice-Chair of the Licensing Committee, to make any further amendments to the consultation time period which may be necessary beyond 19 July 2021 should the government road map for the lifting of COVID-19 restrictions change.

The meeting closed at 2:45 pm

TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|---|
| Report to: | Licensing Committee |
| Date of Meeting: | 14 October 2021 |
| Subject: | Mobile Homes and Caravan Sites Licensing Policy 2021-24 |
| Report of: | Interim Environmental Health Manager |
| Corporate Lead: | Head of Community Services |
| Lead Member: | Lead Member for Clean and Green Environment |
| Number of Appendices: | 1 |

Executive Summary:

At the Licensing Committee meeting on 18 February 2021, Members approved the draft revised Mobile Homes and Caravan Sites Licensing Policy 2021-24 for public consultation for a period of 12 weeks commencing on 1 April 2021.

It was subsequently reported to Licensing Committee at its meeting on 15 July 2021, that there had been a delay in consultation as a result of changes to legislation. This report includes the final version of the revised Mobile Homes and Caravan Sites Licensing Policy 2021-24 for approval. The outcomes of consultation will be verbally reported at Committee.

Recommendation:

To APPROVE the revised Mobile Homes and Caravan Sites Licensing Policy 2021-24

Reasons for Recommendation:

Changes to legislation under the Caravan Sites Control of Development Act 1960 have been enacted relating to the requirement for site owners or managers to be assessed as a fit and proper person and the policy has been revised to include this requirement. Consultation has been completed and the policy may now be approved.

Resource Implications:

There is a potential need for an additional 0.5 full-time equivalent post relating to this activity; it is expected that this will be met from current licensing income.

Legal Implications:

None specifically related to this report.

Risk Management Implications:

None arising from this report.

Performance Management Follow-up:

Monitoring performance against the policy will be contained within Key Performance Indicators (KPIs) for the Environmental Health Service.

Environmental Implications:

There are no direct environmental implications.

1.0 INTRODUCTION/BACKGROUND

- 1.1** A report on the proposed Mobile Homes and Caravan Sites Licensing Policy for 2021 – 2024 was brought to the Licensing Committee in February 2021 where Members approved the draft for public consultation for a period of 12 weeks commencing on 1 April 2021.
- 1.2** Previous consultation on an earlier iteration in 2018 had been delayed due to impending legal changes. At that time, no details on the proposed changes to legislation had been identified. Due to these changes it was agreed that a new consultation would be carried out.
- 1.3** Prior to the commencement of the consultation in April, it was identified that, following government consultation, new legislation was proposed relating to the assessment of owners and managers of residential caravan sites being fit and proper persons. Further training on the proposals took place in July 2021 and the new legislation took effect from 1 July 2021.
- 1.4** The new regulations required the draft policy to be further revised to incorporate the changes and this was reported to the Licensing Committee at its meeting on 15 July 2021.

2.0 MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020

- 2.1** The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 were enacted under sections 12A to 12E of the Caravan Sites and Control of Development Act 1960 and came into force on 1 July 2021.
- 2.2** The Regulations prohibit the operation of a relevant protected site (year round residential caravan sites) unless the site owner or its site manager has been assessed as a fit and proper person to do so.
- 2.3** The Regulations contain 2 key dates:
- 1 July 2021- commencement of the Register and assessment.
 - 1 October 2021 - commencement of obligations and registration periods.
- 2.4** To lawfully operate the site, the occupier must be a fit and proper person unless the site is exempt and a site owner must apply to the Council for the relevant person - either the owner or its manager - to be included in the local register of fit and proper persons to manage a site. The assessment for fit and proper person will include an up to date Disclosure and Barring Service (DBS) check.

- 2.5 The Council is required to set up and maintain a register of persons who they are satisfied are fit and proper persons to manage sites within its area and make it available for public inspection. This will also include applications which are rejected. It is proposed that inclusion on the register will last for up to five years and may contain conditions.
- 2.6 The Council can charge fees for applications, an annual fee and a fee to recover costs incurred, or which will be incurred, in appointing a person to manage a site with the owners' consent. The proposed fees are now included in the draft revised Mobile Homes and Caravan Sites Licensing Policy 2021-24 and are in line with the Council's published fee policy.
- 2.7 The Regulations also introduce offences for operating a site in contravention of the fit and proper person requirement; for providing false information or withholding information; and failing to comply with any conditions. Fines are unlimited on conviction and two or more convictions may lead to the site licence being revoked.

3.0 REVISED MOBILE HOMES AND CARAVAN SITES LICENSING POLICY 2021-24

- 3.1 Consultation on the updated revised policy commenced for a shorter period and all site owners have been contacted directly to ensure relevant information was received prior to this meeting to allow approval of the policy. There are 36 sites where the fit and proper person requirement is likely to apply.
- 3.2 The updated Mobile Homes and Caravan Sites Licensing Policy 202-24 is attached at Appendix 1 and includes a revised schedule of proposed charges.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 None

5.0 CONSULTATION

- 5.1 Consultation on the Council's website will end on 13 October – an update will be provided at the Committee meeting.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1 The Council's Corporate Plan

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1 Mobile Homes (Requirement For Manager Of Site To Be Fit And Proper Person) (England) Regulations 2020

8.0 RESOURCE IMPLICATIONS (Human/Property)

- 8.1 The resource implications from implementation of the policy will be increased taking into account the additional requirements arising from the new legislation; this equates to a 0.5 full-time equivalent (FTE) post. This will be taken into account as part of the Licensing Services review; it is expected that this will be met from current licensing income.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

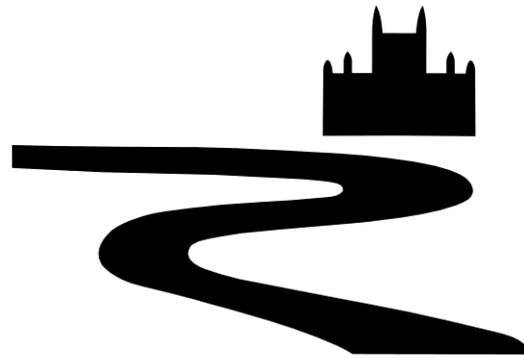
11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 Licensing Committee – 18 February 2021.

Background Papers: None

Contact Officer: Interim Environmental Health Manager
01684 272155 kath.stent@teWKesbury.gov.uk

Appendices: Appendix 1 – Draft Revised Mobile Homes and Caravan Sites
Licensing Policy 2021-24



Tewkesbury Borough Council

(DRAFT)

MOBILE HOMES AND CARAVAN SITES LICENSING POLICY

2021 - 2024

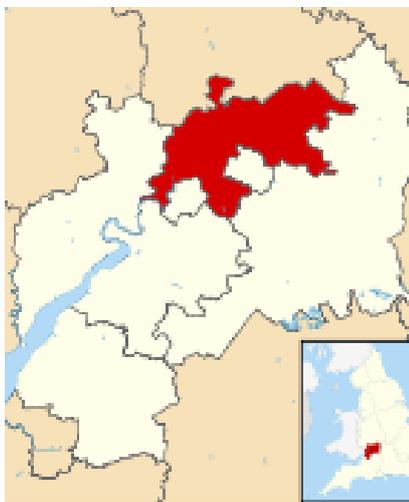
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Tewkesbury Borough Council, Council Offices
Gloucester Road, Tewkesbury, Gloucestershire, GL20 5TT

www.tewkesbury.gov.uk/licensing

Overview

1. Tewkesbury Borough Council has the responsibility to regulate mobile homes and caravan sites under the provisions of Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968, Mobile Homes Acts 1983 and 2013. Good quality, well managed sites for mobile homes and caravans provide a valuable source of accommodation for many people. As of 2016, there are 80 sites and 1696 residential, touring and seasonal mobile homes in the borough.
2. Tewkesbury Borough covers an area of 160 square miles in north Gloucestershire with a population of approximately 86,000 people. The borough is situated within the Severn vale and stretches south beyond the outskirts of Cheltenham and Gloucester with borders alongside the county of Worcestershire to the north. It occupies the northern gateway into the southwest region. The borough is predominantly rural in nature with the largest towns / villages being Tewkesbury, Winchcombe, Bishop's Cleeve and Churchdown.



3. This is the Council's policy for all licensed sites for Mobile Homes and Caravans in the administrative area of Tewkesbury Borough. The framework for developing local policies is set out in relevant legislation; Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968, Mobile Homes Acts 1983 and 2013 and The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
4. This Policy applies to any caravan site which falls within the scope of the Caravan Sites and Control of Development Act 1960. This means any site where caravans are stationed, whether for residential or holiday use. This Policy sets out how we will carry out statutory responsibilities for caravan site inspection, licensing, and enforcement. This policy makes provisions for:
 - a) A register of all residential sites whose rules are deposited with the Council
 - b) A site licensing procedure (including a register of sites, to be made available on the Council's website)
 - c) A procedure for assessment of applications for inclusion of relevant persons in a local register of fit and proper persons to manage a "relevant protected site".
 - d) Determination and review of site licensing fees and enforcement charges.

- e) Implementation of Model Standards (including the updating of site licence conditions to reflect the Model Standards where necessary)
5. This policy seeks to:
- a) Clarify the standards to be met by owners of caravan sites within the borough.
 - b) Provide advice and assistance to occupiers of mobile homes and caravans to ensure that they are able to live in safe and healthy homes.
 - c) Ensure that enforcement action is effective and proportionate.
 - d) Ensure that “relevant protected sites” are managed by fit and proper persons.

Definition

6. A caravan is defined as “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”.
7. This definition excludes any railway rolling stock which is for the time being on rails forming part of a railway system, or any tent. The definition (as amended by the Caravan Sites Act 1968) includes a twin-unit caravan provided that: a) it is composed of not more than two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices and; b) (when disassembled) it is physically capable of being moved by road from one place to another - whether by being towed or by being transported on a motor vehicle or trailer. Provided also that (when assembled):
- a) Its length (exclusive of drawbar) does not exceed 60 feet (18.288m);
 - b) Its width does not exceed 20 feet (6.096m); and
 - c) The overall height of the living accommodation (measured internally from the floor to the lowest part of the ceiling at the highest level) does not exceed 10 feet (3.048m).

Site Licensing, Inspections and Enforcement

8. Many sites in the borough are used exclusively for holiday purposes, which takes them outside the definition of Relevant Protected Sites set out in the Mobile Homes Act 2013. Nevertheless, they still require a licence.
9. Sites which include a mix of residential and holiday uses are regarded as Relevant Protected Sites for the purposes of that Act.
10. No licensing work will be carried out until an application is made in writing, and the relevant fee has been paid in full.
11. The Mobile Homes Act 2013 (which came into force on the 1st of April 2014) amended the Caravan Sites and Control of Development Act 1960. Part 1 of the Act includes a power for Local Authorities to charge fees for their licensing function in respect of Relevant Protected Sites (typically known as residential parks, mobile home parks and gypsy and traveller sites). This power also applies to the residential parts of sites with mixed holiday and residential uses. Fees are set on a cost recovery basis and will be

reviewed every three years and amended if necessary to reflect the actual costs of site licencing incurred by the Council. Costs of enforcing site licence conditions (where applicable) are recoverable in respect of all licensed sites. Fees are set out in Appendix 1 of this policy.

12. The owner of any caravan site which falls within the scope of the Caravan Sites and Control of Development Act 1960 is required to apply for a licence, unless exempted from these provisions of the Act. No licensing work will commence until the relevant fee is paid.
13. Sites managed by the following organisations are exempt from licensing:
 - a) Local authorities
 - b) The Caravan Club
 - c) The Camping Club of Great Britain and Ireland
 - d) The Boy Scouts Association
 - e) The Girl Guides Association
 - f) The Motor Caravanner's Club and other organisations may apply for a certificate of exemption from by the Secretary of State.
14. On receipt of a valid application together with the relevant fee, we will notify the applicant and make an appointment for a site visit.
15. We will make a decision either to licence the site, or to refuse a licence, within 6 weeks of receipt of a duly made application. Where a licence is refused, the applicant will be advised of the reasons for refusal, and their right of appeal.
16. We cannot license a site unless planning permission has been granted. The relevant officer will consult with the Planning Authority to confirm that the site has planning permission for the relevant use and will then visit the site to confirm the details of the licence (if any), to assess compliance with any existing licence conditions, and to determine whether new conditions are appropriate, before drafting and issuing a new licence.
17. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 requires that, with the exception of a site which is only occupied by members of the same family and not being run as a commercial residential site, the site owner or a person or persons appointed to manage the site must be a "Fit and Proper Person" and a site owner who holds or has applied for a site licence must apply to the local authority by the 1st October 2021 for the relevant person (themselves or their appointed manager) to be included in the local register of fit and proper persons to manage a site.
18. Licensable caravan and mobile home sites will be identified through Council records, housing surveys and from local information. The details of these sites will be added to the Council's database. Where an inspection is undertaken under the provisions of the 1960 Act, notification of any required improvements will be issued to the owner or person responsible.

19. Where an application is received for licensing of a caravan site which lacks planning permission, the Planning Enforcement team will take the lead. The appropriate enforcement action will be determined according to the facts of each case. A caravan site licence for the land will not be issued until planning permission (or a Certificate of Lawful Existing Use) is granted.
20. An initial inspection is required for the purpose of granting a licence. A further inspection will take place within 6 months of the granting of any site licence. Following re-inspection, a risk assessment will be undertaken.
21. We will also carry out scheduled inspections of all licensed sites in accordance with their assessed level of risk, without notice, and will advise site owners of any actions required by the site owner to ensure compliance with the site licence conditions.
22. All sites will be risk rated (High, Medium, or Low risk) based on the relevant officer's assessment, and taking into account any complaints received, any contraventions of licence conditions, and the quality of site management.
23. Sites categorised as High risk will be those where there is evidence of poor site management and/or complaints from occupiers/neighbours and/or contraventions of licence conditions. High risk sites will be re-inspected every 6 months until the relevant officer's concerns have been addressed. They will then be re-designated Medium or Low risk, as deemed appropriate.
24. Medium risk sites will be those able to evidence satisfactory site management and considered generally satisfactory by the relevant officer. They will be re-inspected every 2 years. If a re-inspection indicates that the management of the site and/or site conditions and compliance with standards have improved, then the site may be re-designated as Low risk. However, if substantiated complaints are received during this period, or if standards decline further, they may be re-designated as High risk, and enforcement action may become necessary.
25. Low risk sites will be those which have good management and good site conditions and will be inspected every 3 years, subject to the same reservations set out above.
26. The Council's responsibility for the licensing of caravan sites includes the application and enforcement of appropriate conditions. The specific purposes for which conditions can be applied are set out in Section 5 of the Caravan Sites and Control of Development Act 1960. Site licence conditions may be determined with reference to national Model Standards. The Council has a power to update site licence conditions in line with Model Standards as modified from time to time by the Government. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 (touring sites) 1989 (holiday sites) and 2008 (Residential Sites).
27. On 27 November 2008, the Council adopted model standards (Appendix 2) for residential caravan sites and approved the standard conditions for residential caravan site licences (Appendix 3). The Council also authorised officers to take steps to impose the new conditions, if approved, on some or all existing licensed residential caravan sites, particularly those at risk of flooding.

28. In line with emerging good practice, sites with only one unit or those accommodating only one family will be exempt from annual inspections and the accompanying charges. If enforcement action becomes necessary, an enforcement charge will be payable in accordance with this Policy.
29. Fees are set on a cost recovery basis and will be reviewed and published every three years. Fees are detailed in Appendix 1.
30. The main focus of enforcement activity will be informal advice and education, including the provision of information in leaflets, on the website and directly by telephone or in person. Formal enforcement action will be taken under the relevant legislation only when informal action has failed to secure an acceptable improvement in standards or compliance with licence conditions.
31. As part of the legislative changes introduced by the Mobile Homes Act 2013, Local Authorities now have additional enforcement tools to address breaches of site licence conditions. We may serve a compliance notice, which must be accompanied by a detailed breakdown of the relevant expenses.
32. Enforcement charges will be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred (e.g. legal costs). Site owners may not pass on Enforcement charges to residents in their pitch fees.
33. If any works required by the compliance notice are not carried out the licence holder commits an offence, and the Council may consider taking legal proceedings. The award of costs associated with this process will be at the discretion of the court.

Fit and Proper Persons

34. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 require the local authority to maintain a register of persons who have, on the application of a site owner, been assessed as a “fit and proper person” to manage a relevant protected site in their area.
35. Details of the information to be included in the register and the information required with an application for inclusion in the register are detailed in Appendix 4.

Appendix 1

Schedule of Site Licensing Fees

| Fee Type | Amount |
|---|---|
| New Application Fee | |
| Band A – 1 caravan/family (new application) | Band A – exempt |
| Band B – 2 to 5 caravans (new application) | Band B - £300 |
| Band C – 6 to 20 caravans (new application) | Band C - £350 |
| Band D – over 20 caravans (new application) | Band D - £400 |
| Annual Fee | |
| Band A – 1 caravan/family | Band A – exempt |
| Band B – 2 to 5 caravans | Band B - £200 |
| Band C – 6 to 20 caravans | Band C - £225 |
| Band D – over 20 caravans | Band D - £250 |
| Other Fee | |
| Compliance Notice Fee (per notice issued) | Recharge = staff time @ £40 per hour + 10% admin charge |
| Other enforcement action including | Recharge = staff time @ £40 per hour + 10% admin charge |
| Variation of site licence | £225 |
| Transfer of site licence | £100 |
| Deposit of site rules | £50 |
| Registration of “Fit and Proper Person” | £225 + £130 per Additional person |

Appendix 2



Model Standards 2008 for Caravan Sites in England

Caravan Sites and Control of Development Act 1960 Section 5

April 2008

Department for Communities and Local Government: London

Introduction

1. Under section 5(6) of the Caravan Sites and Control of Development Act 1960 (the Act) the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.
2. These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued). The standards also do not apply to sites occupied by gypsies or travelers or caravan sites which house agricultural workers.
3. These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents' Association, where appropriate. Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to 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 local authority must 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).

4. The model standards represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions.
5. The annex to this document provides advice on the application and enforcement of the model standards when considering attaching conditions to licences.
6. In the model standards any references to “site” includes a park home site (including a mobile home site) and to “caravan” includes a mobile or park home.
7. This document should be referred to as Model Standards 2008 for Caravan Sites in England.

Previous Standards

8. The 2008 Standards replace the document “Model Standards 1989: Permanent Residential Mobile Homes Sites”. When issuing any new licences or reviewing current ones the local authority must have regard to the 2008 Standards in setting or varying any of the conditions attached.

THE STANDARDS

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.
 - (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.
- (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. 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).
- (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 consult with the Environment Agency and Tewkesbury Borough Council's Flood Risk Engineer to establish whether the site is at risk from flooding.
- (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).”

Annex to Model Standards 2008 for Caravan Sites in England: Explanatory Notes

Preface

1. These explanatory notes are designed to be read in conjunction with Model Standards 2008 for Caravan Sites in England (“the Standards”) and are intended to offer guidance on the application and enforcement of the standards for local authorities.
2. The standards are a revision and modernisation of the 1989 standards, incorporating a number of new requirements, particularly in relation to maintenance of sites and flood protection measures, other standards have been modified and the standard relating to telephones has been deleted. The standards also take account of the effect of the Regulatory Reform (Fire Safety) Order 2005.
3. These standards do not apply to sites used exclusively for siting holiday or touring caravans. However, the standards apply to holiday sites containing permanent residential

caravans (except those holiday sites where the only permanent residents are the site owner and members of his family and/ or his employees who are employed on the site and occupy the caravan pursuant to their contract of employment). The standards should be applied with due regard to the particular circumstance of the site to which they are intended to apply, including its physical characteristics, size, density, layout, amenities, and services. See also paragraph 3 of the Standards document for further advice on the application of the standards.

4. In this document the term “site owner” is referred to throughout, as normally that person would be the licence holder.

Legal background

5. The use of land as caravan sites is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960 (“the Act”). Section 5 of the Act enables local authorities to set licence conditions.
6. Under the Act, most privately owned sites must be licensed by the local authority, unless exempted under the Act¹. A licence will be granted unless the applicant does not have relevant planning permission to operate the site or has had a licence revoked in the last three years.²
7. The local authority may attach conditions to the licence, but these can only relate to the physical use of the site and its management³. The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence⁴. The authority may from time to time alter a site licence condition (either of its own volition or upon the application of the licence holder)⁵.
8. A licence holder may appeal against the imposition of a condition in a licence or any proposed alteration to a condition or a refusal to alter a condition⁶.
9. It is an offence to breach a licence condition and on summary conviction the offender can currently be fined up to £2,500⁷. Where a condition requires works to the site to be carried out and these are not done either within the time specified or to satisfaction of the local authority, the authority may carry out the works itself and recover from the licence holder any expenses it has reasonably incurred in doing so⁸.
10. The local authority may apply to the court to have a licence revoked if the licence holder

¹ Section 2 and Schedule 1 to the Act set out in which circumstances a site licence is not required.

² Section 3 (4) and (6).

³ Section 5 (1) to (5). For restriction see *Mixnam’s Properties v Chertsey UDC* A.C. 735.

⁴ Section 5 (6).

⁵ Section 8.

⁶ Sections 7 and 8 (2).

⁷ Section 9 (1). The maximum penalty on summary conviction is a fine not exceeding level 4 on the standard scale.

⁸ Section 9 (3).

has been convicted on two or more occasions of breaches of licence conditions⁹.

11. The local authority is required, under Section 25 of the Act, to maintain an accurate register of the site licences in their area. Given the number of different types of sites that local authorities may deal with, it is recommended that the register shows what type of site each is, be it holiday, residential, mixed use or gypsy and traveller. It is recommended as a minimum the information the site register has is:
- Name and address of site (if available the Geographic Information Service mapping code should also be logged)
 - Name of the licence holder, the site owner (if different) and any person managing the site on behalf of either of those persons
 - Type of site
 - The number of pitches
 - The licence conditions (if any)

MODEL STANDARDS – EXPLANATORY NOTES

Introduction

12. The Model Standards 2008 for Caravan Sites in England have been made under powers conferred on the Secretary of State under section 5(6) of the Caravan Sites & Control of Development Act 1960 (the Act). A local authority must have regard to the standards when it imposes conditions in a site licence.
13. The standards do not apply to sites used solely for caravan holiday homes (although they do apply to mixed residential/ holiday sites), touring caravans or to sites occupied by gypsies and travelers or agricultural workers. The standards as laid out represent what would normally be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any facilities or services that may already be available within convenient reach and other local conditions.
14. The local authority must apply the Model Standards with regard to the particular characteristics of the site to which they are intended to apply, and in particular its existing layout and size. It is recognised that not all sites will easily be able to meet the Model Standards in every case due to their particular characteristics, but a local authority will need to be able to justify any decision not to have regard to a standard in setting a licence condition.
15. The standards are not intended to be the “ideal”; local authorities may in the circumstances set more demanding ones if that can be justified.

⁹ Section 9 (2).

16. There will be some licence conditions which require inter and cross agency input and advice from other teams within the local authority and outside organisations, such as the Health and Safety Executive, the local Fire and Rescue Service and the Environment Agency. It is important for all parties concerned with sites that effective lines of communication are established to ensure that any problems are identified and resolved as early as possible.
17. Disability Discrimination legislation applies to sites, and this should be borne in mind when framing licence conditions and considering possible enforcement action. Guidance can be found at www.dwp.gov.uk and this can also help local authorities in their consideration of licence conditions. Further guidance can also be found on the Equality and Rights Commission website at www.equalityhumanrights.com.

Enforcement

18. Any decision to enforce a licence condition should be taken in line with the Compliance Code (ISBN: 978-0-85605-712-0) which came into force in April 2008, for which comprehensive guidance is available on the Department for Business, Enterprise, and Regulatory Reform website, www.bre.berr.gov.uk.
19. Local authorities should allow a reasonable period of time after any site licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
20. When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

The Boundaries and Plan of the Site

21. The boundary should clearly define the limit of the site owner's responsibility. The boundary should be suitably marked and properly maintained. This boundary could be formed of a fence, hedge, wall or natural feature or any other suitable structure (or any combination of these) or it may in whole, or part, be formed by an appropriate natural feature, such as a river or a wood. It would not normally be appropriate for that natural feature to simply include an open field.
22. Plans of the site shall be provided to the local authority at the site owners' expense.
23. It is best practice for copies of the plan to be made available to the emergency services.
24. The 3-metre separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side of the boundary, such as a road, and other developments, such as houses etc.
25. The 3-metre separation distance measurement should be taken from the caravan wall.

28. If a caravan has been fitted with cladding from class 1 fire rated materials, then the distance between units may be reduced. However, there is a need for the privacy of residents to be taken into consideration. Health and safety matters, such as the positioning of gas bottles, etc. will also need to be taken into account.
29. For the purposes of calculating the distance between the caravans, the point from which measurements are taken is the exterior cladding of the relevant caravan. Eaves, drainpipes, gutters, sills, threshold, door canopies and bay windows should be discounted.
30. Porches should not render the home incapable of being moved, which means they should be demountable.
31. If structures, other than garages, are on pitches within the separation distance and are of a combustible construction, then the local authority should consider allowing sufficient time for them to be replaced with an acceptable noncombustible model.
32. At no time should a garage constructed of combustible material be allowed in the separation distance.

Enforcement

33. In considering the enforcement of the separation distance the local authority should consult with the local Fire and Rescue Service. It should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
34. Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.

Roads Gateways and Overhead Cables

35. Roads should be constructed of bitumen macadam or concrete with suitable compacted base. However, sites with roads constructed of tarmac (which is now obsolete and no longer commercially available) should not be required to automatically upgrade their roads. The roads should only be required to be upgraded as and when they begin to fall into disrepair.
36. Some larger sites may have traffic calming measures such as speed humps on their roads. Though not specifically covered in this standard, it will be worth ensuring that any legal requirements applying to un-adopted roads are met. Guidance and assistance can be found on the Department for Transport website, www.dft.gov.uk.
37. Gateways, roads and turnings should have enough clearance to allow safe entry for emergency vehicles and new units on lorries. The widths and heights given are based on the maximum sizes of emergency vehicles that may regularly attend incidents on sites.

38. In determining the permitted height of cable overhangs the local authority must take into account the current statutory requirements. Those applying as at the date of this guidance are found in the Electricity Safety Quality and Continuity Regulations 2002 SI 2002/2665 (ESQCR). These regulations provide that, in general, cables should not overhang a road at a height of less than 5.8 metres. In the case of fully insulated overhead conductors the ground clearance is 3.8 metres. There are a number of exceptions where:

- The overhead line follows a route along a hedgerow, fences, boundary walls or similar features. The minimum clearance in these circumstances is 4 metres.
- If it crosses a driveway with an access width of no more than 2.5 metres (and the driveway is defined by gateposts or similar features), the minimum clearance is 4.3 metres.

Further advice on minimum clearances is available from the Health and Safety Executive.

39. It is good practice that all overhead lines on sites should be fully insulated and where a cable is in within easy reach of a property; it must be so and protected from interference.

40. The authority should require the site owner to comply with regulation 3 of the ESQCR and in considering any enforcement action in relation to cables must consult with the HSE.

Footpaths and Pavements

41. Communal path widths should normally be 0.9 metres in respect of new sites or sites that are undergoing substantial redevelopment (including expansion to part of the site); otherwise, paths of not less than 0.75 metres should be accepted where they already exist.

Lighting

42. The lighting provided for communal paths and roads should be adequate to allow safe movement around the site during the hours of darkness. Many sites use low lighters rather than traditional streetlamps and these work well as long as they are well maintained, and plants/vegetation are not allowed to grow around them and stop them emitting light effectively. The lighting must be fit for purpose i.e., to allow vehicles and pedestrians to navigate around the site between dusk and dawn.

Bases

43. It is important to note that the construction, maintenance, and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The industry's current standard for the bases provides:

“A hard-core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006¹⁰) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary.”

44. Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

Enforcement

45. When considering any enforcement action, the authority should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
46. Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.
47. Where a caravan has to be removed in order to facilitate works to the base the authority should normally, if it is feasible and if it is the resident's wish, require the site owner to reinstate, at his own expense, the caravan on the original pitch on completion of the works.

Maintenance of Common Areas, including Grass, Vegetation and Trees

48. Cut grass and vegetation should be removed from the site as soon as practicable. Bonfires should not be used as a means of disposal. Vegetation is often used for sight screening but should be kept at a reasonable height.
49. Trees on the site will normally be the responsibility of the site owner. Where trees are in need of care and maintenance the local authority should, before any action is taken, liaise with the officer responsible for trees at the authority to ensure that all statutory and other requirements are complied with.
50. The common parts of the site (including roads, paths, and pavements) must be kept free of any rubbish and maintained in a clean and tidy condition. The local authority may wish to consider whether appropriate receptacles for litter need to be provided in such areas. In any case the site owner should be required to make arrangement for the regular collection of routine rubbish from the site. He should also be required to make arrangements for the prompt disposal of waste and other materials which accumulate on the site during any works etc. Secure noncombustible facilities should be provided on the site for the proper storage of rubbish and waste prior to its removal and disposal off the site.

¹⁰ Copies of the Standard can be obtained from the British Standards Institute.

Supply and Storage of Gas etc

51. The HSE website, www.hse.gov.uk, provides details and information about the various legislative requirements and contacts if further information is needed. In addition, the trade body for LPG suppliers, uk LPG, www.lpga.co.uk, also has information which may be of use.
52. Anyone being employed by a site owner to carry out work on gas (including natural gas) or oil installations should be suitably qualified to do the work. The HSE pages contain details of some of the schemes. The Communities and Local Government website contains details of various certification schemes which may apply. The details of these schemes can be found at www.communities.gov.uk.

Enforcement

53. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.
54. Local authority officials who identify areas of concern on sites should always consult the HSE about the problem(s).
55. All new installations must be to the current regulations and maintained at that standard.

Electrical Installations

56. The electrical installations on the site will be a distributor's network either belonging to the local regional electricity network operator or the owner of the site. The HSE website: www.hse.gov.uk contains information on the electricity legislation which may well apply to the site and can provide further information if needed.
57. A suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above.
58. It may be necessary to ensure the electricity distribution network complies with ESQCR, in which case such work should only be undertaken by a competent person familiar with those Regulations.
59. All new installations must meet the requirements of the current regulations and maintained at that standard.

Enforcement

60. In considering whether to take enforcement action for a breach of site licence conditions, officers should liaise with the Health and Safety Executive to ensure any action taken by

the authority is not in conflict with any action the HSE are proposing to take.

61. Local authority officials who identify significant areas of concern with site electrical networks and installations should always consult the HSE about the problem(s).

Water Supply

62. OFWAT lay down service standards for the water suppliers and details can be found on their website at www.ofwat.gov.uk. In addition there are various schemes for suitably qualified persons and authorities should check to see those undertaking works are qualified. The main scheme is run by NIC certification and details can be found about the scheme at www.niccertification.com.

Enforcement

63. With the majority of well-established sites, enforcement of this section will need to be carefully handled, as most sites will have long established water systems. As with gas and electricity above, there may be a case for dual enforcement if an offence is identified. Consultation with the Environment Agency and the local water company is essential.
64. As with the previous sections, local authority officers who identify an issue with water supply on a particular site may wish to advise the Environment Agency, and the local water company of the problem.
65. All new installations must be to the current regulations and maintained at the appropriate standard.

Drainage and Sanitation

66. As with water supplies, provision of sewerage facilities is overseen by OFWAT and codes of practice are in place.
67. It is important that all drains and sewers are well maintained and are connected to the appropriate system. If left unchecked, there can be consequences for the health of residents, along with those who live near the site.
68. It should be noted that the environmental quality of drainage is regulated by the Environment Agency, with whom the local authority must consult about any problems.

Enforcement

69. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Environment Agency to ensure any action taken by the authority is not in conflict with any action the Agency are proposing to take.

70. Local authority officials who identify areas of concern on sites should alert the Environment Agency and the local water company to the possible defects.
71. All new installations must be to the current regulations and maintained at that standard.

Domestic Refuse Storage and Disposal

72. If communal bins are provided they should be of a type that is non-combustible and stored properly. Liaison with colleagues who deal with refuse collection matters will help in ensuring that the bins provided by the site owner (in the case of communal bins) are acceptable to the local authority in pursuance of its collection of rubbish from them.
73. The site owner should be required to discuss with the local authority arrangements for the separation of waste for the purpose of recycling it and require him to provide the necessary receptacles etc. on the site.

Communal Vehicular Parking

74. Parking needs will vary considerably between individual parks. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of units, the occupation criteria of the site and the availability of public transport in the immediate vicinity.
75. Provision of parking spaces on new sites or those undergoing redevelopment or extension should be consistent with local planning policies.

Communal Recreation Space

76. This standard should only be applied if the local authority is satisfied that it is both practicable to provide recreation space on the site and there is insufficient recreation space off the site in the near locality.
77. It will only be practicable to provide such space on the site if there is sufficient open space which is available and it is possible to safely use that space for recreation. The standard requires the local authority to consider the need for recreation space; it does not require it to consider the need for recreation facilities, although the local authority may consider that need as part of a licence condition. The larger the site the more recreation space or spaces may be needed. On small sites there may be no need for space at all. In deciding whether it is practicable to provide the space the authority should also consider the site layout, the availability of private open spaces (e.g., within the pitch), the availability of other amenities on the site (e.g., club houses) and the age and number of residents on the site.
78. On site recreation space may be considered unnecessary if there is sufficient suitable space available off site within close (walking) distance of it. The space must, however, be freely accessible by the public, such as a municipal park, commons land, and greens or

any part of the countryside to which the public have a right to walk.

Notices and Information

79. It is important that all notices are protected from the weather and are prominently displayed, either on a board, in an office open to the public, or other places on the site which the residents have free and reasonable access to.
80. The notices must include the most recent site licence, and the contact details of the site manager, and if different the licence holder. This should include an out of hours contact number for emergencies, and if available an e-mail address.
81. The site owner is also required to make available certain information for inspection by residents in a prominent position on the site. That could be the site office provided it is open at reasonable times, a community room which every resident was entitled to use and which is also open at reasonable sites or a notice board located at the entrance to or in a central part of the site.

Flooding

82. It is important that if a site is in an area susceptible to flooding, procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice should be prominently displayed with all relevant information.
83. The site should be included in any local authority flood evacuation plan.
84. Advice on flood risks is available from the Environment Agency website:
www.environment-agency.gov.uk
85. It is important in those parts of the country where flooding is an issue that local authorities have effective liaison with the Environment Agency office for their area, as well as relevant officials across their own local authority. Local water companies should also be contacted.

Fire Safety Measures

86. The Regulatory Reform (Fire Safety) Order 2005 (the Order) applies to caravan sites. The Order disapplies some fire related standards that may be in current site licensing conditions. It applies to all non-domestic premises in England and Wales, including certain types of caravan sites:
 - all sites with common or shared parts; and
 - individual caravans which are holiday-let type i.e. they are rented out
87. On such sites the local authority should advise the 'responsible person', who will be the

licence holder of his duty under that Order to undertake a fire risk assessment and decide what prevention and protection arrangements are appropriate and adequate to mitigate the identified risks.

88. However, there are some sites around the country which do not fall under the Order. These may include single unit sites and those sites which are occupied by single family groups.
89. Where the Order applies the authority should satisfy itself that the site owner is aware of, and complying with, his obligations under it, in particular that a fire risk assessment has been carried out. In this regard the local authority should seek the advice of the local Fire and Rescue Service who are the main enforcers of the Order.
90. The Communities and Local Government website: www.communities.gov.uk contains a range of helpful information on fire safety and the requirements of the Fire Safety Order. This includes links to technical guides for specific types of accommodation, including one for sleeping accommodation.
91. The Fire and Rescue Service has a duty to provide fire safety advice to those who ask for it, although it will not carry out risk assessments.
92. In applying any standards relating to fire safety measures where the Order does not apply, the local authority must consult the local Fire and Rescue Service.

Fire Fighting Equipment

93. The Guidance under the remaining sections only applies to sites to which the Order does not apply; however these standards will provide a useful benchmark of the sort of preventative and protective measures that may be necessary following completion of a fire risk assessment.
94. The siting of the fire points should be so that they are visible at all times and marked in a way that makes it obvious as to what they are. They will need to be kept clear of any obstructions at all times should they be needed in the event that a fire breaks out.
95. Fire Points are the places on sites where firefighting equipment is stored, ready for use by anyone in the event of an emergency.
96. If hosepipes are provided, they should be of the relevant British and European Standards¹¹, and positioned in such a way that they are easily attachable to the mains water supply, if not permanently attached. Any valves connecting the hose to the water supply should be easily accessible. The hose reel should be well maintained and in good working order.
97. Any hydrants provided on the site should be kept clear of any obstruction in the event that they need to be used. The positioning of mains connected hydrants is the responsibility of

¹¹ Details of relevant British Standards can be found at www.communities.gov.uk

the local water company, and any queries as to whether a site has a hydrant should be directed to them. The positioning of the hydrants should be recorded on the site map, which will assist the emergency service in locating them in the event of an emergency.

98. Fire Extinguishers should only be used if there is not enough water pressure for a hose reel. Where provided, extinguishers should comply with the current British or European Standard.

99. A water tank with buckets and a pump should not be the main means of fighting fire for the following reasons:

- Pumps and buckets are likely to be vandalised or stolen.
- Pumps and buckets are inadequate for fighting a fire.
- A water storage tank should be securely covered to prevent it becoming a health or safety hazard.

Fire Warning

100. The means of raising the alarm in the event of a fire should be appropriate to the size and layout of the site. If you are unsure of which form of raising the alarm is the most suitable to the site, then contact the local Fire and Rescue Service, who will be able to advise you.

Maintenance and Testing of Fire Fighting Equipment

101. It is important that all fire warning systems and firefighting equipment are regularly inspected and maintained. The suggestion is that these checks should be carried out on an annual basis. All testing and maintenance should be carried out by a person suitably qualified to do the work. Records should be kept of any testing and when the most recent inspections were carried out. The record of all tests and inspections should be kept on the site for inspection.

Fire Notices

102. The fire action notice should be displayed on a notice board, and at other suitable points around the site. The full address of the site, including the postcode should be included.

Enforcement

103. The main enforcer for the Order is the Fire and Rescue Service.

Appendix 3

Conditions for Permanent Residential Caravan Sites

1. Number of Caravans

- (i) Subject to the provisions of Condition 3, the total number of caravans which shall be stationed on the site shall not at any one time exceed *.

2. 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.

3. 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.

- (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.

4. 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 macadam 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.
- (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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 to 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.

12. 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 wastewater 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.

13. 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.

14. Communal Vehicular Parking

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

15. 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.

16. 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).

- (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.

17. 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.

18. 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.

19. 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).”

Appendix 4

Register of Fit and Proper Persons

1. The register provides a record of the outcome of the fit and proper person tests carried out for the sites in the local area and is available for public inspection.

The register gives details of:

- The relevant person and of the site, including whether they are the owner or manager of the site.
 - the dates of inclusion and whether any conditions are attached to the inclusion in the register, along with the date that any conditions are met or changed.
 - local authorities may decide and record how long a person's inclusion in the register has effect, up to a maximum of 5 years.
2. To continue to comply with the fit and proper person provision, a site owner must, at least two months before it comes to an end, submit a new application for the person (or an alternative) to be included in the register thus allowing for a new assessment on the basis of recent information, to ensure that there continues to be a fit and proper person to manage the site.
 3. Where a fit and proper person application has been rejected, details of the site and the date the decision was issued will be included on the register.
 4. Information about a rejected application will remain in the register until a successful fit and proper person application is made in respect of the owner or manager of the site.
 5. For privacy reasons, the name of the rejected applicant will not be included on the register - Requests for further information about the entry on the register, for example the details of the specific conditions attached, and any additional information will be considered on a case-by-case basis, in accordance with data protection legislation.

Application

6. Application for assessment must be made by the site owner for themselves where they are the person responsible for managing the site, or for a person they have appointed to manage the site. A site owner may only apply if they hold or have applied for a site licence for the site.
7. The following information must be provided as set out in Schedule 2 of the regulations: -
 - a basic DBS certificate (no more than six months before the date of the application) must be submitted for the individual who is being assessed and, where applicable, other individuals responsible for the day-to-day management of the site.
 - Where a company is being assessed as the fit and proper person, or a company is responsible for the day-to-day management, a criminal records certificate will need

to be submitted for the individual with responsibility for the day-to-day management of the site.

- If that individual is not a company officer, a criminal records certificate will be required for the officer that they report to if the officer is an individual.
8. any applicant wishing to be included on the register will have to show that there are suitable financial and management arrangements in place for the site and to provide information relating to their conduct in relation to:
- offences relating to fraud, dishonesty, violence, arson or drugs or listed in schedule 3 of the Sexual Offences Act 2003
 - contraventions of law in relation to; housing, caravan sites, mobile homes, public health, planning or environmental health or landlord and tenant law
 - contraventions of law in relation to the Equality Act 2010
 - contraventions of law in connection with the carrying out of any business
 - harassment of any person in connection with the carrying out of any business.
 - insolvency within the last ten years
 - disqualification from acting as a company director within the last ten years
 - their right to work in the UK

Assessment

9. By applying the considerations within the assessment which relate to any natural person with responsibility for the site management, the council can give an equivalent level of scrutiny to key individuals in companies and other bodies operating sites to that applied to individual site owners and managers.
10. The decision on an application will be made and notified to the applicant as soon as reasonably practicable
11. The council may decide to grant the application unconditionally and include the relevant person on the register for 5 years, approve the application subject to conditions or refuse to grant the application.
12. In these cases a preliminary decision notice will be served on the applicant which includes the reasons for making the decision and details of the right to make representations.
13. Written representations must be made within 28 days of the day following service of the notice and will be taken into account before a final decision is taken.
14. Following consideration of any representations, a final decision notice will be issued which will include the reasons for the decision and information regarding the right of appeal

Review

The council may review a person's inclusion if relevant new information comes to light. Such a review may result in the removal of a person from the register, or the addition, variation or removal of a condition attached to a person's inclusion.

Appeal

A site owner has a right of appeal to the First-tier Tribunal against a local authority's decision to include a person on the register for less than 5 years, attach or vary conditions to an entry on the register, reject an application for an entry on, or remove a person from, the register.

Appointment of a person to manage the site

1. Where a site owner, or their manager fails to meet the criteria for inclusion on the register of fit and proper persons and they are unable to identify, and appoint a suitable alternative manager, who must also undergo the fit and proper assessment, the local authority may appoint a person to manage the site, with the consent of the site owner.
2. If the Council is required to appoint a person to manage the site, the reasonable costs of this action can also be recovered from the site. If this were to be required, the Council would seek full cost recovery of all officer time and any other resources required to undertake this action.

Offences

The Regulations introduce 3 criminal offences:

1. operating a site in contravention of the fit and proper person requirement
2. providing false or misleading information in, or withholding information from, an application for inclusion of the register, and
3. failing to comply with a condition of inclusion in the register

If convicted of any of these offences, the site owner would face a penalty of an unlimited fine.

If convicted twice or more for operating a site in contravention of the regulations, the local authority may apply to the magistrates' court for an order to revoke the site licence.

An order to revoke the site licence may also be granted by the First-tier Tribunal, on the application of the local authority if the site owner breaches the fit and proper person requirement.

TEWKESBURY BOROUGH COUNCIL

| | |
|------------------------------|--|
| Report to: | Licensing Committee |
| Date of Meeting: | 14 October 2021 |
| Subject: | Adoption of Common Licensing Standards for Taxi and Private Hire Licensing |
| Report of: | Interim Licensing Team Leader |
| Corporate Lead: | Head of Community Services |
| Lead Member: | Lead Member for Clean and Green Environment |
| Number of Appendices: | One |

Executive Summary:

To advise the Committee on the outcome of the consultation and seek adoption of the Gloucestershire Common Licensing Standards for Taxi and Private Hire Licensing.

Recommendation:

To ADOPT the Gloucestershire Common Licensing Standards for Taxi and Private Hire Licensing, as outlined at Appendix 1 of this report.

Reasons for Recommendation:

The Council's Taxi and Private Hire Policy was reviewed in 2019 and consultation undertaken; however, the policy review was not implemented. Countywide, the Licensing Group has considered the implications from the Department for Transport (DfT) statutory guidance requiring common standards and has developed a new policy for adoption.

The common policy for adoption incorporates elements of the 2019 review.

Resource Implications:

None specifically related to this report.

Legal Implications:

The Statutory Taxi and Private Hire Standards ("Standards") have been published by the Department for Transport under the powers set out in section 177 of the Policing and Crime Act 2017. Section 177(4) of the Policing and Crime Act 2017 states that any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section. Failure to adopt these Standards could leave the Council open to legal challenge.

There are data protection implications arising from the adoption of the Standards, particularly around information sharing between licensing authorities and third parties. It is recommended that the relevant privacy notices and associated documents are reviewed and updated as necessary to reflect the proposed changes.

Risk Management Implications:

If the authority is not willing to consider common licensing standards for drivers, there is a risk that the authority will not be able to adhere to the requirements and standards of the statutory guidance.

Similarly, if the authority is not willing to adopt common licensing standards for driver licensing, this authority will need to set its own licensing standards that might differ from the rest of the county. This would carry public safety and protection implications, particularly if any locally adopted standards are lower than the common approach adopted.

Performance Management Follow-up:

Reporting will form part of the Licensing team's Key Performance Indicators (KPIs).

Environmental Implications:

There are no direct environmental implications.

1.0 INTRODUCTION/BACKGROUND

- 1.1 The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.
- 1.2 The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities "must have regard" to when exercising their licensing and safeguarding functions.
- 1.3 In light of the DfT statutory standards and requirements contained within it, the licensing authorities in Gloucestershire have collectively undertaken a review of their hackney carriage and private hire licensing policies. As a result of this combined effort, the licensing authorities in Gloucestershire have drafted proposed common licensing standards for the county based on the requirements in the statutory standards document.
- 1.4 The DfT statutory standards principally relate to driver and private hire operator licensing. As such, areas not in scope of the DfT statutory standards - for example, vehicle fitness and licensing standards - are not included in the consultation and remain unaffected by the draft common licensing standards.
- 1.5 The only exception to local vehicle fitness and licensing standards covered by the statutory guidance is CCTV; however, further work is required on this and a separate consultation will be undertaken on the statutory guidance's requirements with regards to CCTV.
- 1.6 At the moment, each of the six licensing authorities in Gloucestershire decide on their own taxi and private hire licensing standards and policies. The practical implication of this is six different interpretations on the question of "fit and proper" person and other standards designed to protect the public.
- 1.7 The draft Common Taxi and Private Hire Licensing Standards will mean that the same high standards will apply to anywhere in the county, based on national guidance and best practice to promote public safety, protection and, as a secondary consideration, reduce unnecessary bureaucracy for businesses that operate across district boundaries.

2.0 COMMON LICENSING STANDARDS FOR TAXI AND PRIVATE HIRE LICENSING

2.1 The DfT statutory standards principally relate to driver and private hire operator licensing.

2.2 A copy of the draft common standards is attached at Appendix 1 of this report.

2.3 A number of important aspects to promote public safety have been included in the draft common licensing standards. These are:

- 2.3.1 A definitive definition of “fit and proper” and assessment criteria to assist Members when making decisions;
- 2.3.2 Requirements for every licensed driver in Cheltenham, and the county, to be subscribed to the DBS update service which will also allow officers to undertake more frequent bulk checking of licence holders against DBS records;
- 2.3.3 An updated “Relevance of Convictions Policy” taking into account national best practice from both the DfT and Institute of Licensing;
- 2.3.4 An updated and common “Enforcement and Complaints Policy”;
- 2.3.5 Criminality checks for vehicle proprietors;
- 2.3.6 Criminality checks for private hire vehicle operators; and
- 2.3.7 Requirements on licensed private hire operator(s) ensuring that all booking and dispatch staff have had a basic DBS check.

3.0 PHASE 2 OF COMMON LICENSING STANDARDS

3.1 Phase 1 of the common licensing standards focussed principally on driver licensing; however, the statutory guidance includes a number of other issues yet to be fully addressed including consideration of CCTV in licensed vehicles, a more structured and formal approach to mandatory safeguarding and equality training and a common procedure(s) for immediate suspension and revocation of licences.

3.2 The outstanding work will be picked up by the County Senior Licensing Group as part of a second phase of work and will be subject to separate consultation and decision making.

4.0 OTHER OPTIONS CONSIDERED

4.1 None

4.0 CONSULTATION

4.1 A 12-week consultation from 13 April 2021 was undertaken.

4.2 No consultation responses were received during the consultation process. No changes to the policy are therefore proposed.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 The Council’s Corporate Plan.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Statutory Taxi and Private Hire Vehicle Standards 2020

- 7.0 RESOURCE IMPLICATIONS (Human/Property)**
- 7.1 This will be considered as part of the current licensing review.
- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1 None
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1 This will be considered as part of the current licensing review.
- 10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 10.1 [Licensing Committee, Thursday, 18 February 2021](#)
Taxi and Private Hire and Countywide Convictions Policy
To consider proposals to consult on changes to the Taxi and Private Hire Policy and Countywide Convictions Policy for a 12-week period to commence on 13 April 2021.

Background Papers: [Statutory Taxi and Private Hire Vehicle Standards 2020](#)

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Appendices: Appendix 1 - Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire

Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire



Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire

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Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will be brought into scope once these standards have been adopted (Autumn 2021).

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

[Licensee self-reporting](#)

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

[Complaints against licensees](#)

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

[Certificate of Good Character](#)

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

Hackney Carriage & Private Hire Drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Mandatory Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

Hackney Carriage & Private Hire vehicle proprietors

Criminality checks for vehicle proprietors

Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence.

Whether a licensed vehicle proprietor is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Appendix A.

Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately.

A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage of private hire vehicle or private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate should will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

DRAFT

Appendix A - Table of Delegations

| Matter to be dealt with | Full Committee | Sub-Committee | Licensing Officers |
|---|-----------------------|--|---------------------------------------|
| Full policy review | All cases | | |
| Application for driver's licence, with no convictions | | | All cases |
| Application for driver's licence, with relevant convictions | | Cases where referral for determination required, other than traffic offences | Cases in relation to traffic offences |
| Suspension of driver's licence (public safety) | | All cases where referral for determination required | |
| Revocation of driver's licence (public safety, immigration) | | Cases where referral for determination required | Cases where immediate effect required |
| Application for vehicle licence | | | All cases |
| Suspension of vehicle licence (public safety) | | | All cases with a reasonable cause |
| Revocation of vehicle licence (public safety) | | Cases where referral for determination required | Cases where immediate effect required |
| Application for operator's licence | | | All cases |
| Application for operator's licence, with relevant convictions | | All cases where referral for determination required | |
| Suspension of operator's licence (public safety) | | All cases where referral for determination required | |
| Revocation of operator's licence (public safety) | | Cases where referral for determination required | Cases where immediate effect required |
| Assistance dogs in taxis: exemption certificate request forms | | | All cases |

| | | | |
|---|--|--|-----------|
| Decision on whether a complaint is irrelevant, frivolous, vexatious, etc. | | | All cases |
|---|--|--|-----------|

DRAFT

Appendix B – Relevance of Convictions Policy

GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process

- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
 17. A caution is regarded in exactly the same way as a conviction.
 18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
 19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
 20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
 21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
 22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
 23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
 24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
 25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
 26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver’s, vehicle and operator’s) and it must be understood that any convictions or other actions on the part of the

licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent

- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.

37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked

38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked

39. Sexual/Indecency Offences include (this is not an exhaustive list)

- a. Rape
- b. Assault by penetration
- c. Offences involving children or vulnerable adults
- d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- e. Making or distributing obscene material
- f. Possession of indecent photographs depicting child pornography.
- g. Sexual assault
- h. Indecent assault
- i. Exploitation of prostitution
- j. Soliciting (kerb crawling)
- k. Making obscene / indecent telephone calls
- l. Indecent exposure
- m. Any similar offences (including attempted or conspiracy to commit) offences

40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously
42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked
43. Dishonesty offence includes (this is not an exhaustive list)
 - a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked
47. Examples of Discrimination offences include (this is not exhaustive list)
 - a. Racially aggravated common assault
 - b. Any racially-aggravated offence against a person or property.

- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.
58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

Appendix C - Enforcement and Complaints Policy & Procedure

Enforcement

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

| Action | Examples (but not an exhaustive list) |
|---|---|
| Take no action | <ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history |
| Verbal or written advice for example recommendation to re-take driver assessment test | <ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder |
| Verbal or written warning | <ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code |
| Fixed penalty notice | <ul style="list-style-type: none"> • Smoking offences in a licensed vehicle |
| Immediate suspension or revocation of licence | <ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical |
| Suspension of licence – 21 days notice | <ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory |
| Simple caution issued by authorised officer | <ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending |
| Review of the licence by the Licensing Sub-Committee | <ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence |
| Prosecution | <ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog |

- | | |
|--|---|
| | <ul style="list-style-type: none">• Exceeding the number of passengers on the plate |
|--|---|

Review of the Licence by the Licensing Sub-Committee

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take a anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

TEWKESBURY BOROUGH COUNCIL

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|------------------------------|---|
| Report to: | Licensing Committee |
| Date of Meeting: | 14 October 2021 |
| Subject: | Update on the Licensing Function and Progress of the Service Review |
| Report of: | Interim Environmental Health Manager |
| Corporate Lead: | Head of Community Services |
| Lead Member: | Lead Member for Clean and Green Environment |
| Number of Appendices: | None |

Executive Summary:

This report updates the Committee on the progress of the service review to deliver an effective and responsive licensing service, both as part of the recovery from the impacts of the COVID-19 pandemic and over a longer term.

Proposals for additional staffing reported to the Licensing Committee on 15 July 2021 have been implemented and the review is now overseen by the Corporate Programme Board to ensure progress is monitored regularly and any issues identified and resolved quickly.

The Business Transformation Team will continue to deliver the online applications project; however, commencement of this work has been deferred until later in the programme and it is proposed that the full review and associated improvements will continue for a further 12 months to ensure all aspects are fully considered and implemented.

Recommendation:

To CONSIDER the update on the licensing function and progress made in relation to the review of the licensing service.

Reasons for Recommendation:

COVID-19 has had an impact on service delivery and the service requires review to improve efficiency and delivery.

Resource Implications:

Long term resources are being considered as part of the review along with increase in fee generation.

Legal Implications:

None directly arising from this report

Risk Management Implications:

There is a risk that online applications are delayed; however, this is now being overseen via the Corporate Programme Board.

Performance Management Follow-up:

The outcomes of the service review will be reported to the Licensing Committee.

Environmental Implications:

Online applications will have a direct impact on environmental considerations by reducing the use of paper

1.0 INTRODUCTION/BACKGROUND

1.1 This report looks at the progress of the service review to deliver a substantive and responsive licensing service, both as part of the recovery from the impacts of the COVID-19 pandemic and over the longer term.

2.0 SERVICE REVIEW UPDATE

2.1 The licensing service has continued to be seriously impacted due to COVID-19 by long term sickness which continues to affect one Officer. A further two additional Officers have been recruited using the Contain Outbreak Management fund to assist with the continuing high workload and to address the backlog of animal licensing and caravan site applications.

2.2 A report to the Licensing Committee on 15 July 2021 outlined proposals for additional resources to assist with the implementation of the service review funded via tranche 5 COVID-19 funding from central government. A secondment from a neighbouring authority has been successful, as has recruitment for a 12 month fixed-term contract role. The secondment commenced in August 2021 and will run until the end of October 2021 and the 12 month fixed-term Team Leader starts on 29 November 2021. Both are experienced Licensing Team Leaders with local knowledge.

2.3 Requests for Temporary Events remain high, and we are continuing to see many requests for larger events in the run-up to Christmas as businesses and communities look to recoup lost income and get back to normal following the easing of restrictions. The Licensing team continue to have a significant input to events considered by the Safety Advisory Group.

2.4 The teams' capacity to take enforcement action and carry out premises inspections remains limited as backlogs are being cleared.

2.5 In preparation for online applications, a thorough review of all licensing procedures has commenced including the back office data processing system by the seconded Team Leader and it is planned for this to be completed by the end of October. This will greatly assist in the ability to produce accurate reports and will align with our financial reporting as well as simplifying online applications. Online applications will feed directly into our back office reducing the need for paper applications and reducing administration time. Work has also commenced on our licensing webpages and privacy notices have been uploaded. This will enable us to display our licensing registers.

- 2.6** The Business Transformation Team will continue to deliver the online applications project; however, commencement of this work has been deferred until later in the programme to ensure the service is well prepared for this.
- 2.7** For completeness, as part of the service review, we are also investigating whether or not a shared service with another Council would be beneficial in the longer term.
- 2.8** Progress on the review of the licensing service is now monitored by the Corporate Programme Board to ensure progress is monitored regularly and any issues identified and resolved quickly.
- 3.0 COVID-19, PUBLIC HEALTH AND LICENSING**
- 3.1** COVID-19 remains with us, and the level of infections remains high affecting business and the public. The requirement for enforcement in our licensed premises is paramount to seeking to control public health issues.
- 3.2** Public Health is not included under the Licensing Act 2003 priorities and The Home Office has advised it will not be conducting a review of the licensing objectives at this time.
- 3.3** Therefore, powers to include Public Health as a priority is only contained within The Police Reform and Social Responsibility Act 2011 which allows for the inclusion of health bodies as responsible authorities meaning they can ask for a review of a licence.
- 3.4** Colleagues from Public Health also sit on the Safety Advisory Group to advise on large events and powers to prevent events going ahead or to close venues where there is a significant risk to public health remain in place until 24 March 2022.
- 4.0 OTHER OPTIONS CONSIDERED**
- 4.1** None
- 5.0 CONSULTATION**
- 5.1** None
- 6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 6.1** The Council's Corporate Plan
The Council's Statement of Licensing Policy
- 7.0 RELEVANT GOVERNMENT POLICIES**
- 7.1** COVID-19 related guidance and the government's Plan A and Plan B
- 8.0 RESOURCE IMPLICATIONS (Human/Property)**
- 8.1** Additional temporary resources for licensing enforcement have been sought from the Control Outbreak Management Fund.
- 8.2** Resource implications will be considered as part of the licensing review.
- 9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 9.1** None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 Will form part of the licensing review.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

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Appendices: None