



Borough of Telford and Wrekin

Licensing Committee

Tuesday 14 March 2023

6.00 pm

The Telford Room, Addenbrooke House, Ironmasters Way, Telford,
TF3 4NT

Democratic Services: Rhys Attwell 01952 382195

Media Enquiries: Corporate Communications 01952 382406

Committee Members: Councillors H Rhodes (Chair), C R Turley (Vice-Chair),
A R H England, M B Hosken, S J Reynolds, J M Seymour,
M J Smith, B J Thompson and D Wright

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1.0	Apologies for Absence	
2.0	Declarations of Interest	
3.0	Minutes of the Previous Meeting	3 - 6
	To confirm the minutes of the previous meeting.	
4.0	Annual Licensing Report	To Follow
	To receive the Annual Licensing Report.	
5.0	Licensing Fees	7 - 36
	To receive and approve the revised licensing fees.	

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday 10 October 2022 at 6.00 pm in The Telford Room, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

Present: Councillors H Rhodes (Chair), A R H England, S J Reynolds, J M Seymour and D Wright

In Attendance: S Hardwick (Lead Lawyer: Litigation & Regulatory) and J Clarke (Senior Democracy Officer (Democracy))

Apologies: Councillor C R Turley, M B Hosken and M J Smith

LIC14 Declarations of Interest

None.

LIC15 Minutes of the Previous Meeting

RESOLVED – that the minutes of the meeting of the Licensing Committee held on 15 March 2022 be confirmed and signed by the Chair.

LIC16 Terms of Reference

The Lead Lawyer: Litigation & Regulatory presented a verbal report which asked Members to review the Terms of Reference for the Licensing Committee.

The Constitution required that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees to enable the Council to efficiently conduct its business.

At the Annual Meeting of the Council on 19 May 2022, Full Council delegated authority to each Committee to review its own Terms of Reference. The Terms of Reference forms part of the Constitution and was approved by Full Council in that context on 3 March 2022.

There was one minor change suggested to the Terms of Reference which provided clarity around the process for appointment of a Chair for the Committee in that the Chair was appointed by Full Council but set out that a Vice-Chair may be appointed by a majority decision of the Committee.

RESOLVED – that Licensing Committee agree the Terms of Reference, as amended.

LIC17 Review of Hackney Carriage and Private Hire vehicle Age Limits

The Principal Licensing Officer presented the report of the Public Protection Group Manager which considered a review of the Council's Hackney Carriage and Private Hire vehicle age limits, frequency of MOT and compliance inspection. The report also asked the Licensing Committee to consider a review of paragraph 3.14 of the Council's Hackney Carriage and Private Hire Licensing Policy, which introduced a definition of 'Purpose Built Hackney Carriage'.

The Telford & Wrekin Council Hackney Carriage and Private Hire Licensing Policy currently imposed vehicle age limits for both Private Hire and Hackney Carriages and the Licensing Team had received a request from the private hire trade to review vehicle age limits which had been in existence for a number of years.

A consultation had taken place and eleven responses had been received which supported proposals for an increase in vehicle age limits.

Benchmarking with neighbouring authorities had taken place and a number of recent Licensing Sub-Committees had taken place with proprietors seeking a renewal of the vehicle licence which was approaching the age limit.

It was proposed that the variation to the age limit of purpose built vehicles be increased from twelve to fifteen years for new applications and to apply annually for Exceptional Condition Criteria after twelve years of age up to a maximum of fifteen years. For those already licensed at 1 October 2022 after twelve years they could apply for exceptional criteria with no upper age limit.

Multi-purpose vehicles would increase from ten years to twelve years but no exceptional criteria would be given for this category.

Purpose built vehicles would require a six monthly MOT and compliance test after the age of twelve years and multi-purpose vehicles would require a six monthly MOT and compliance test after five years.

During the debate some Members asked if electric vehicles were covered by the Policy and would there be a difference with the licence and vehicle testing. Other Members raised concerns regarding vehicles operating in the area that were not licensed within the borough. It was also asked in relation to benchmarking were other authorities more generous in their policies.

The Principal Licensing Officer confirmed that hybrid vehicles were currently licensed but no electric vehicles at this time. The Policy would be kept under constant review as new vehicles come forward to be licensed. In relation to benchmarking, four other authorities had been contacted with two having no vehicle age limits, one having a sixteen year limit for hackney carriages and the remaining authority had similar vehicle ages.

Upon being put to the vote it was, unanimously:

RESOLVED – that

- a) amendments to Hackney Carriage and Private Hire vehicle age limits and frequency of vehicle testing be approved; and
- b) amendments to the Council's policy (paragraph 3.14) on the definition of a 'Purpose Built Hackney Carriage' and amendments to 'Exceptional Condition Criteria' as it relates to Hackney Carriages be approved.

LIC18 Exclusion of Press and Public

It was recommended that the press and public be excluded from the meeting for the remaining item of business on the grounds that it may involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

LIC19 Hackney Carriage Fares

The Principal Licensing Officer updated Members on Hackney Carriage Fares Report which had recently been to Cabinet. A process of consultation was currently being undertaken on the table of fares and this had been advertised in the Shropshire Star. Cabinet had granted delegated authority to Licensing Committee to undertake any future reviews, amendments or revisions in relation to Hackney Carriages.

The meeting ended at 6.21 pm

Chairman:

Date: Tuesday 14 March 2023

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Borough of Telford and Wrekin

Licensing Committee

Tuesday 14 March 2023

Licensing Fees

Cabinet Member:	Cllr Richard Overton - Deputy Leader and Cabinet Member: Housing, Enforcement and Transport
Lead Director:	Dean Sargeant - Director: Neighbourhood & Enforcement Services
Service Area:	Neighbourhood & Enforcement Services
Report Author:	Anita Hunt - Public Protection Group Manager
Officer Contact Details:	Tel: 01952 381818 Email: anita.hunt@telford.gov.uk
Wards Affected:	All Wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	SMT- 28 February 2023 Licensing Committee – 14 March 2023

1.0 Recommendations for decision

It is recommended that Licensing Committee:

- 1.1 Review and approve the fees, charges and policy set out in Appendices A, B and C.
- 1.2 Agree that the approved fees, charges and policy take effect from 1st April 2023.

2.0 Purpose of Report

- 2.1 The purpose of this report is for Licensing Committee to review and approve the revised licensing fees, charges and policy that it proposed to take effect on 1st April 2023.

3.0 Background

- 3.1 A local authority can recover the costs of administering licences for Hackney Carriage/Private Hire, Gambling, general licences including Street Trading, Scrap Metal, Animal Establishments and Mobile Home Sites. There are also permits, registrations and licences where the level of fees are either set by statute or statutory instrument.
- 3.2 When setting fees the Council must have regard to the impact that any increase may have upon the livelihood of licence holders. The Council follows the Local Government Association guidance on locally set licence fees to ensure a fair and transparent approach for local businesses and communities. The Licensing Team strives to streamline processes and maximise efficiency in order to reduce costs and the burden on business.
- 3.3 In setting the proposed fees for Taxi, Street Trading and Gambling there has been a statutory 28 day consultation undertaken. This consultation commenced on 3 February 2023 until 2 March 2023, one response was received regarding taxi fees. Licencing Committee should note that the remaining areas of proposed adjustments to fees and charges do not require formal consultation.
- 3.4 Fees and other charges associated with licenced activity such as Private Hire, Hackney Carriage, Gambling, Mobile Homes and General Licences were previously reviewed in March 2022.
- 3.5 A full fees and charges review has been carried out to reflect any changes in legislation, government guidance, changes to processes and compliance requirements and to reflect any increase in associated costs.

4.0 Summary of main proposals

- 4.1 That committee review and approve the proposed fees, charges and Policy set out in the appendices.
- 4.2 That committee approve fees, charges and policy take affect from 1st April 2023.

5.0 Alternative Options

- 5.1 Committee can decide not to increase the fees/charges as set out in this report. In addition, Committee could decide to increase further. However, in proposing the changes as set out in the appendices, the council has reviewed associated costs and undertaken a benchmarking exercise.

6.0 Key Risks

- 6.1 Any change in policy will carry some inherent financial risk to the Council in the event of a legal challenge, however this has been mitigated by ensuing that current and relevant fee-setting and policy guidance has been considered and adhered to.

7.0 Council Priorities

7.1 The report supports the following Council priorities

- Every child, young person and adult lives well in their community
- All neighbourhoods are a great place to live
- Everyone benefits from a thriving economy
- A community-focussed innovative council providing efficient, effective and quality services

8.0 Financial Implications

8.1 A full review of license fees has been undertaken for 2023/24 with the Licensing Service. Licence fees have been calculated on a cost recovery basis taking into account the statutory costs that the service are allowed to recover and reflecting the inflationary increases of these associated costs.

8.2 In setting the fees and charges the Council has taken into account national guidance from both the Local Government Association on locally set licence fees and the Department for Communities, and the Local Government “A Guide for Local authorities on setting site licensing fees”. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this the legislation only allows Councils to set fees and charges to recover costs incurred.

9.0 Legal and HR Implications

9.1 The Committee’s responsibilities are set out in the Council’s Constitution and include setting and reviewing licensing fees other than those set by statute.

9.2 The power to levy fees is contained in the legislation relevant to each function or otherwise in the Local Government Act 2003 in relation to discretionary services.

9.3 For taxi licensing sections 53 of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to recover such fee as they consider reasonable with a view to recovering the costs of issue and administration in respect of licences to drive private hire or hackney carriage vehicles.

9.4 Section 70 of the 1976 Act provides that a district Council may charge such fees for the grant of a vehicle and operators’ licence as may be resolved by them to cover the cost of providing stands and reasonable administrative and other costs in connection with the control and supervision of vehicles.

9.5 Generally under the Licensing Act 2003 and Gambling Act 2005, fees and charges are set by statute.

9.6 Fees charged must be reasonable in relation to costs incurred in the issue, administration and enforcement of licences covering the costs associated with the licensing process but not generate a profit.

10.0 Ward Implications

10.1 This report has implications for all wards in the Borough.

11.0 Health, Social and Economic Implications

11.1 Licensing of certain premises and activities is important to ensure that businesses comply with licence conditions, guidance and standards set out in legislation or by government bodies. This safeguards public safety by setting clear guidelines for licensees operating within the borough. Gambling regulation incorporates an overarching social responsibility to help prevent gambling addiction and to protect children and vulnerable adults from harm by restricting access to gambling. Regulating animal establishments also ensures that good standards of animal welfare is maintained.

11.2 An effective and efficient licensing service not only supports residents and businesses but provides opportunity to ensure compliance with relevant conditions and legislation is maintained. Such compliance ensures public safety is not compromised but also supports the Council in tackling health inequalities.

11.3 The recommendations contained within this report are not considered to have a direct impact on the Armed Forces Duty, specific socio-economic groups or town and parish councils.

12.0 Equality and Diversity Implications

12.1 Having had regard to the council's obligations it is considered that there are no human rights or equalities implications associated with the proposed fees and charges report, as they will apply equally to everyone regardless of any protected characteristic.

13.0 Climate Change and Environmental Implications

13.1 Licensing of scrap metal sites and mobile collector's plays an important part in reducing the effects of environmental crime such as fly tipping.

13.2 Licensing and monitoring of taxis ensures well maintained vehicles with the focus on lower emissions are provided. However, this relates to those vehicles that are licensed by the Council only.

14.0 Background Papers

None.

15.0 Appendices

- A Proposed Licence Fees 2023-2024
- B Proposed Fees 2023-2024 - Mobile Homes
- C Draft Mobile Homes Fees and Charges Policy 2023-2024

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	27/02/2023	03/03/2023	SH
Finance	27/02/2023	06/06/2023	PT
Director	23/02/2023	05/03/2023	DRS

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Appendix A

Private Hire/Hackney Carriage				
Licence Type	Current Licence Fee £		Proposed Licence Fees for Financial Year 2023/24 £	
Private Hire Vehicle/Hackney Carriage 12mth licence – New Application	130		135	
Private Hire Vehicle/Hackney Carriage 12mth licence – Renewal Application	118		125	
Vehicle Transfer	90		90	
D ual Driver (HC&PH) 3yr licence – New Application	135		147	
D ual Driver (HC&PH) 3yr licence – Renewal Application	125		137	
P Private Hire Operator licence (5yr)- New Application	1-5 vehicles	570	1-5 vehicles	600
	6-20 vehicles	755	6-20 vehicles	800
	21-50 vehicles	890	21- 50 vehicles	940
	50+ vehicles	1050	50+ vehicles	1110
Private Hire Operator licence (5yr) – Renewal Application	1-5 vehicles	365	1-5 vehicles	385
	6-20 vehicles	550	6-20 vehicles	585
	21-50 vehicles	690	21- 50 vehicles	735
	50+ vehicles	850	50+ vehicles	905
Private Hire Operator licence (5yr) – Transfer Application	90		90	
Change of Details	65		70	

Gambling Act 2005 Licences								
Classes Premises Licence		Fee in respect of Provisional Statement £	New Application fee £	First Annual Fee (Payable within 30 Days of Issue of Licence) £	Subsequent Annual Fee £	Fee for Application to Vary a Licence £	Fee for Application to Transfer a Licence £	Fee for Application for Reinstatement of a Licence £
Regional Casino Licence	Current	6,960	13,050	9,790	13,050	6,530	5,660	5,660
	Proposed 2023/24	6,960	13,050	9,790	13,050	6,530	5,660	5,660
Large Casino Licence	Current	4,350	8,700	6,530	8,700	4,350	1,870	1,870
	Proposed 2023/24	4,350	8,700	6,530	8,700	4,350	1,870	1,870
Small Casino Licence	Current	2,610	6,960	3,260	4,350	3,480	1,570	1,570
	Proposed 2023/24	2,610	6,960	3,260	4,350	3,480	1,570	1,570
Bingo Premises Licence	Current	340	620	185	245	340	340	340
	Proposed 2023/24	355	640	195	260	355	355	355
Adult Gaming Centre Licence	Current	340	620	185	245	340	340	340
	Proposed 2023/24	355	640	195	260	355	355	355
Betting Premises (Track) Licence	Current	340	620	185	245	340	340	340
	Proposed 2023/24	355	640	195	260	355	355	355
Family Entertainment Centre Licence	Current	340	620	185	245	340	340	340
	Proposed 2023/24	355	640	195	260	355	355	355
Betting Premises (other) Licence	Current	340	620	185	245	340	340	340
	Proposed 2023/24	355	640	195	260	355	355	355

Gambling Act 2005 – Other Fees			
Application type	Current Licence Fee	Proposed Licence Fee for Financial Year 2022/23	Maximum Licence Fee (Statutory)
	£	£	£
Notification of Change - All Premises	50	50	50
Copy Of Licence - All Premises	25	25	25

Animal Licences		
Licence Type	Current Licence Fee £	Proposed Licence Fee for Financial Year 2022/23 £
Animal Boarding (single activity) – New Application (1-3yrs)	475	500
Animal Boarding (single activity) – Renewal Application (1-3yrs)	455	485
Animal Boarding (single activity) – Re-Inspection	150	155
Animal Boarding (each additional activity) New, Renewal & Re-inspection	120	130
Dog Breeding – New Application (1-3yrs)	650 includes Vets fees	800 includes Vets fees
Dog Breeding – Renewal Application (1-3yrs)	460	480
Dog Breeding – Re-inspection	150 Plus vets fee if applicable @ £305	155 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile

Licence Type	Current Licence Fee £	Proposed Licence Fee for Financial Year 2022/23 £
Keeping or Training Animals for Exhibition – New Application (3yrs)	475 Plus vets fee if applicable @ £305	500 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile
Keeping or Training Animals for Exhibition – Renewal Application (3yrs)	460 Plus vets fee if applicable @ £305	485 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile
Keeping or Training Animals for Exhibition - Re-inspection	150 plus vets fee if applicable	135 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile
Selling Animals as Pets – New Application (1-3yrs)	650	670 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile
Selling Animals as Pets – Renewal Application (1-3yrs)	625	655 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile
Selling Animals as Pets – Re-inspection	500	240 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile
Animal Licence Additional Activity new, renewal and re-inspection	120 per activity plus vets additional time @ £72.53 hr where applicable	N/A see above– additional activity only relevant to types of animal boarding.
Change of details	65	70

Licence Type	Current Licence Fee £	Proposed Licence Fee for Financial Year 2022/23 £
Dangerous Wild Animals – New Application (2yrs)	£220 + vets fees payable at time of inspection	£465 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile payable at time of inspection
Dangerous Wild Animals – Renewal Application (2yrs)	£195 + vets fees payable at time of inspection	£425 Plus vets fee if applicable charged @ £80 per hour plus mileage @ 45p per mile payable at time of inspection
Zoo – New Application including 4 inspections by Council officer and vet during the 4yrs of the licence	£1490 + Zoo Inspector's Fees plus zoo inspector's fees and vets fees for 1 periodic and 1 interim Local Authority inspection payable at time of inspections	£1800 + Zoo Inspectors fee In addition, Zoo Inspector's and vets fees for 1 periodic and 1 informal interim Local Authority inspections, payable at time of inspections
Zoo – Renewal Application including 6 inspections by Council officer and vet during the 6yrs of the licence	£1750 + Zoo Inspector's Fees plus zoo inspector's fees and vets fees for 2 periodic and 21 interim Local Authority inspections payable at time of inspections	£2100 + Zoo Inspectors Fee In addition, Zoo Inspector's and vets fees for 2 periodic and 2 informal interim Local Authority inspections, payable at time of inspections
Change of details	65	70

Hiring Out Horses

Licence		Proposed Licence Fees for Financial Year 2023/24					
		Part A Initial Application Fee £	Part B Inspection application fee based on no. of horses includes vets fee £		Part C Annual Inspection fees based on length of licence granted includes vets fee £		Total Fee (A+ B+C) £
Hiring out Horses – New Application (1-3yrs)	260	No of horses 1-5	170	1yr	190	620	435
				2yrs	380	810	500
				3yrs	570	1000	500
	260	6- 10	320	1yr	305	885	575
				2yrs	610	1190	675
				3yrs	915	1495	675
	260	11-15	415	1yr	365	1040	669
				2yrs	730	1405	792
				3yrs	1095	1770	792

		Part A Initial Application Fee £	Part B Inspection application fee based on no. of horses includes vets fee £		Part C Annual Inspection fees based on length of licence granted includes vets fee £		Total Fee (A+ B+C) £	Current fee £
	260	16-20	505	1yr	420	1185	762	
				2yrs	840	1605	909	
				3yrs	1260	2025	909	
	260	21-25	600	1yr	480	1340	855	
				2yrs	960	1820	1025	
				3yrs	1440	2300	1025	
	260	26-30	690	1yr	535	1485	942	
				2yrs	1070	2020	1134	
				3yrs	1605	2555	1134	
260	31-35	780	1yr	595	1635	1035		
			2yrs	1190	2230	1250		
			3yrs	1785	2825	1250		
260	36-40	870	1yr	650	1780	1128		
			2yrs	1300	2430	1367		
			3yrs	1950	3080	1367		

		260	40+	1000	1yr	710	1970	1262
					2yrs	1420	2680	1533
					3yrs	2130	3390	1533

**Proposed Licence Fees
for Financial Year 2023/24**

Licence		Proposed Licence Fees for Financial Year 2023/24						
		Part A Initial Application Fee £	Part B Inspection application fee based on no. of horses £		Part C Annual Inspection fees based on length of licence granted £		Total Fee (A+ B+C) £	Current fee £
Hiring out Horses – Renewal Application (1-3yrs) Page 21	245	No of horses 1-5	170	1yr	190	605	420	
				2yrs	380	645	485	
				3yrs	570	985	485	
	245	6- 10	320	1yr	305	870	560	
				2yrs	610	1175	660	
				3ys	915	1480	660	
	245	11-15	415	1yr	365	1025	654	
				2yrs	730	1390	777	
				3yrs	1095	1775	777	

Hiring out Horses – Renewal Application (1-3yrs)		Part A Initial Application Fee £	Part B Inspection application fee based on no. of horses £		Part C Annual Inspection fees based on length of licence granted £		Total Fee (A+ B+C) £	Current fee £
		245	16-20	505	1yr	420	1170	747
			2yrs	840	1590	894		
			3yrs	1260	2010	894		
245	21-25	600	1yr	480	1325	840		
			2yrs	960	1805	1010		
			3yrs	1440	2285	1010		
245	26-30	690	1yr	535	1470	927		
			2yrs	1070	2005	1119		
			3yrs	1605	2540	1119		
245	31-35	780	1yr	595	1620	1020		
			2yrs	1190	2215	1235		
			3yrs	1785	2810	1235		
245	36-40	870	1yr	650	1765	1113		
			2yrs	1300	2415	1352		
			3yrs	1950	3065	1352		

		245	40+	1000	1yr	710	1995	1247
					2yrs	1420	2665	1518
					3yrs	2130	3375	1518

Hiring out Horses - Re-inspection Fee		A relevant Part B Fee						
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GENERAL LICENCES

Licence Type	Current Licence Fee £	Proposed Licence Fee for Financial Year 2023/24 £
Pleasure Boats – New Application	460	480
Pleasure Boats – Renewal Application	395	415
Sex Establishment – (Shop and Cinema) New Application	1215	1340
Sex Establishment – (Shop and Cinema) Renewal Application	700	770
Sex Establishment - (Shop and Cinema) Transfer	350	385
Sex Establishment – (Entertainment Venue) New Application	1435	1580

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Sex Establishment (Entertainment Venue) Renewal Application	900	990
Sex Establishment (Entertainment Venue) Transfer	460	510
Licence Type	Current Licence Fee £	Proposed Licence Fee for Financial Year 2023/24 £
Scrap Metal Site Licence – New Application (3yrs)	460	485
Scrap Metal Site Licence – Renewal Application (3yrs)	440	465
Scrap Metal Site Licence – Variation Application	140	150
Scrap Metal Collector's Licence – New Application (3yrs)	305	320
Scrap Metal Collector's Licence – Renewal Application (3yrs)	265	280
Scrap Metal Collector's Licence – Variation Application	140	150
Street Trading Consent – New Application (12mths)	285	300
Street Trading Consent – Renewal Application (12mths)	190	200
Street Trading Day Consent	80	85

Licence Type	Current Licence Fee £		Proposed Licence Fee for Financial Year 2023/24 £	
Street Trading Day Consent	Up 5 traders	165	Up 5 traders	170
	6-15 traders	200	6-15 traders	210
	16- 30 traders	240	16- 30 traders	250
	30+ traders	280	30+ traders	295
Change of Details on a Licence	65		70	
Transfer of a Licence	65		70	

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Appendix B – Proposed Licence Fees 2023-2024 – Mobile Homes

New Application Licence Fee

Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
No. of Units	1-5	6-10	11-20	21-30	31-40	41-50	51-74	75+
Current Fee	£550	£620	£720	£850	£945	£1055	£1150	£1345
Proposed Fee Financial Year 2023/2024	£580	£655	£755	£890	£995	£1105	£1205	£1410

Transfer and Standard Amendment Fee

Current Fee	£275
Proposed Fee Financial Year 2023/2024	£295

Annual Inspection Fees

Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
No. of Units	1-5	6-10	11-20	21-30	31-40	41-50	51-74	75+
Current Fee	£330	£450	£545	£640	£755	£870	£1000	£1170
Proposed Fee Financial Year 2023/2024	£355	£480	£575	£675	£795	£915	£1050	£1225

Fit & Proper Person Application Fee

Current Fee	£330
Proposed Fee Financial Year 2023/2024	£350

Fit & Proper Person Annual fee (Registration with conditions)

Current Fee	£155
Proposed Fee Financial Year 2023/2024	£160

Fees for Depositing Site Rules

Current Fee	£65
Proposed Fee Financial Year 2023/2024	£65

Charges for Enforcement Notices

	Manager Discussion and agreement to serve	Licensing Officer Preparation and service of notice
Current Fee	£60 per hour	£45 per hour
Proposed Fee Financial Year 2023-2024	£60 per hour	£45 per hour



Public Protection

Mobile Home Fees and Charges Policy

2023-2024

Contents

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- 3 Establishing number of units (Caravans) per site
- 4 Charging Approach
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 - 5.3 New Application Licence Fee
 - 5.4 Transfer and Standards Amendment Fee
 - 5.5 Fee Combination
 - 5.6 Fees and Charges Payment Time Frames
- 6 Fees for Depositing Site Rules
- 7 Exemptions
- 8 Charges for Enforcement Notices
- 9 Fees for the Fit and Proper Person
- 10 Review

1. Introduction

The Mobile Homes Act 2013 introduced amendments to the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983. The new legislation affects how Councils licence residential caravan sites only. These sites are termed as “relevant protected sites”¹ under the Mobile Homes Act 2013.

By virtue of the Caravan Site and Control of Development Act 1960, relevant caravan sites and park home sites are required to hold a license granted by the local authority.

The licensing scheme is in place to ensure that the health and safety of residents living in caravans and park homes are better protected and that the value of their homes are safeguarded.

The costs associated with considering site licence applications, variations, transfers, administration and compliance monitoring were previously absorbed by the local authority and therefore funded through the public purse.

The new legislation brought in the ability for local authorities to charge fees for a range of activities associated with regulating such sites. The ranges of site licensing functions which attract a charge include;

- Determining and issuing new site licences;
- An annual fee for licensing existing sites;
- Amendments to site licences;
- Transferring existing licences to new site managers;
- Depositing of site rules with the Council; and
- Costs associated with issuing Enforcement Notices on site owners².

The site owner or licensee is responsible for the payment of all associated fees, as set out above, however they are only allowed to pass on the cost of the annual licensing fee to site residents.

Under the *Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034)* (“the Regulations”) the site owner must apply to their local authority for the relevant person (themselves or their appointed manager) to be added to the register of fit and proper persons managing sites in their area.

The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the register.

¹ A relevant protected site is defined as being any land to be used as a caravan site or park home site except one for holiday use only, or subject to conditions which restrict the use of the site of stationing caravans for human habitation at certain times of the year.

² In setting the fees local authorities may only recover their costs, they cannot charge for the enforcement of notices or subsequent enforcement/legal action as such recovery can only be granted by the law courts.

2. Setting of Fees and Charges

In setting the fees and charges the Council has taken into account both national guidance, Department for Levelling Up, Housing and Communities “A Guide for Local authorities on setting site licensing fees”. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this the legislation only allows Councils to set fees and charges to recover costs incurred.

3. Establishing the units (caravans) per Site

All sites have varying numbers and types of units (qualifying caravans); the most equitable method for setting fees is to make it relative to the number of units on site. Therefore, it is important to establish the definition of a unit and how the Council determines the number of units per site.

For the purposes of this policy a unit (caravan) is classed as a single dwelling, which is capable of being moved from one place to another. This can be in the form of a traditional caravan, which is towed on the back of a vehicle or a chalet type dwelling in up to 2 parts joined on site. The precise definition of a caravan can be found in Section 29(1) of the Caravan Sites and Control of Development act 1960 as amended.

It is important for the setting of fees and charges to be able to determine the precise number of units on each site. All sites must have planning permission or a Certificate of Lawful Use, which sets out the maximum number of permissible units and this will be the determining factor for calculating the number of units for each site. However, there may be occasions due to historic use where this information is not available and these instances this will be based on the number of units set out in the existing site licence.

4. Charging Approach

The Council considered a number of options in relation to charging approaches. The Council decided on a charging approach based on a price set per the number of units on each site. These charging rates have been split into different bands as being a clear, transparent, equitable and cost efficient system of caravan site charging.

The bands have been set out as follows:

Band A	1 - 5 caravan
Band B	6 - 10 caravans
Band C	11 - 20 caravans
Band D	21 – 30 caravans
Band E	31 – 40 caravans
Band F	41 – 50 caravans
Band G	51 – 74 caravans
Band G	75 or more

The allocation of site banding is based on either the number of units set out in planning permission or as set out in the site licence, where there is no specific planning condition. A total of 8 bands have been set with the top band applying to sites with 75 units or more.

5. Licensing Fees

5.1 Considerations

The following fees per band have been set based on the assessed time taken for various activities, officer grades and on costs. Activities include:

- Administration of licence fees;
- Pre-inspection preparation;
- Site inspection (including travelling time and mileage allowances at current rates);
- Post inspection administration e.g. notification of compliance or detailing non-compliance;
- Re-inspection due to non-compliance;
- General administration - maintaining files, electronic records and cost accounting;
- Training and research;
- Maintenance and development of ICT systems;
- Support and shared services on costs e.g. HR and Legal
- Officer grade – Officers involved with caravan site licensing functions span Grades PO3 for Environmental Health Officer and PO10 for Public Protection Manager.

Caravan site fees and charges will be reviewed annually, taking into account the regulatory activity undertaken in the previous 12 months.

5.2 New Application fee

Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
No. of Units	1-5	6-10	11-20	21-30	31-40	41-50	51-74	75+
Fee	£580	£655	£755	£890	£995	£1105	£1205	£1410

5.3 Annual Inspection fee

Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
No. of Units	1-5	6-10	11-20	21-30	31-40	41-50	51-74	75+
Fee	£355	£480	£575	£675	£795	£915	£1050	£1225

5.4 Transfer and Standard Amendment Fee

A fee of **£295** will be charged to process a transfer of licence or a standard amendment

5.5 Fee Combination

New sites are required to apply for a site licence on a non-refundable fee basis as this will cover the administration and verification of application documents, whether granted or refused. Where the licence is granted the annual fee is also payable within the same year.

6. Fees for Depositing Site Rules

Site rules are different to site licence conditions in that they are neither created nor enforced by the Council. They are a set of rules created by the site owner with which residents have to comply, which may reflect the site licence conditions, but will also cover matters unrelated to

licensing. Local Authorities will need to satisfy themselves that new rules deposited with them have been made in accordance with the statutory procedure. They will also be required to establish, keep up to date and publish a register of sites which have deposited their site rules. In doing so a Local Authority may levy a fee for the depositing of site rules, or the variation or deletion of site rules.

A fee of **£65** will be made for the checking and depositing of site rules by site owners.

This fee would also be levied in the event that the posted site rules are amended and require updating.

7. Exemptions

Local Authorities can elect to exempt sites for reasons of risk and/or cost, scale etc.

- Any site that does not require a licence.
- Any site used exclusively for recreational type use.
- Any site exempted by legislation such as the Caravan Sites and Control of development Act 1960; Schedule 1.
- A recreational site where planning permission/Certificate of Lawful Use has been issued and the number of residential units on the site is 5% or less of the overall capacity.
- In accordance with the legislation Gypsy and Traveller sites owned by the Local Authority that do not require a site licence.

8. Charges for Enforcement Notices

Section 9A of the Mobile Homes Act 2013 allows Local Authorities to serve statutory notices on site owners for non-compliance with licence conditions and such a Notice incurs a charge to the site owner. These notices will set out how the site owner needs to comply with the relevant licence condition and the timescales involved. In accordance with the legislation the site owner is not allowed to pass this charge on to the residents of the site.

Under section 9C of the Mobile Homes Act 2013, the Council is entitled to recover costs associated with the service of a notice. This includes the costs incurred with inspections, preparing the notice and obtaining expert advice (including legal costs) and any interest the authority intends to charge. The demand for recovery is served with the notice and must clearly breakdown the costs. The right to recover costs is subject to appeal by the site owner in certain circumstances. These will therefore be calculated on a case by case basis.

This charge is only for the service of enforcement notices and costs associated with taking any action for non-compliance with such a notice would be recoverable through the courts. This will be costed at a rate per hour as shown below.

Manager	Discussion and agreement to serve	£60
Licensing Officer	Preparation and service of notice	£45

In addition, if compliance with such a notice is through works in default the costs for this would be as a charge against the site owner. This will include the cost for the actual cost of works in default and the officer time to administer this process.

This will be costed at a rate per hour as shown above.

9. Fee for the Fit and Proper Person

In setting the fees the Council has taken into account the [“Mobile Homes: Guide for local authorities on setting fees for the fit and proper person test”](#)

9.1. Initial application fee

A fee of **£350** will be charged to process an initial application for a Fit and Proper Person.

The Council has taken into account the following matters on which costs are incurred, or likely to be incurred when determining its fee policy for consideration of applications for entry on a fit and proper person register:

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

9.2. Annual Fee

A fee of **£160** will be charged whereby a condition(s) is/are imposed in relation to the fit and proper person entry on the register.

The Council has taken into account the following matters on which costs are incurred, or likely to be incurred when determining its fee policy for consideration of the annual fee:

- (a) letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the fit and proper process;
- (b) handling enquiries and complaints;
- (c) updating files/ computer systems and websites;
- (d) processing the annual fee;
- (e) time for reviewing necessary documents and certificates;
- (f) review by manager or lawyers; review any representations made by applicants or responses from third parties;
- (g) carrying out any risk assessment process considered necessary;
- (h) time spent on consulting the site owner and third parties;
- (i) time spent on meetings/discussions and in giving informal advice and assistance to site owners
- (j) monitoring and enforcement of fit and proper person requirements.
- (k) Site visits to assess whether or not a condition has been met

10. Review

This fees and charges policy will be published on the Telford & Wrekin Council website. The fees detailed in this policy have been determined based on experience of dealing with site licensing historically and with consideration of the changes the Mobile Homes Act 2013 has introduced.

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