

Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Tuesday, 30 November 2021

**Committee:**  
**Strategic Licensing Committee**

**Date: Wednesday, 8 December 2021**  
**Time: 10.00 am**  
**Venue: Shrewsbury Room - Shirehall**

You are requested to attend the above meeting. The Agenda is attached

Members of the public will be able to access the live stream of the meeting by clicking on the link below and a recording will be made available afterwards

<https://www.shropshire.gov.uk/strategiclicencingcommittee8december2021/>

**There will be some access to the meeting room for members of the press and public but this will be limited for health and safety reasons.**

**If you wish to attend the meeting please e-mail [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.**

Tim Collard  
Interim Assistant Director – Legal and Democratic Services

**Members of the Committee**

Roy Aldcroft (Chairman)  
Mike Isherwood  
Peter Broomhall  
Garry Burchett  
Mary Davies  
David Evans  
Richard Huffer  
Nigel Lumby  
Elliott Lynch  
Pamela Moseley  
Robert Macey  
Kevin Pardy  
Vivienne Parry  
Chris Schofield  
Dave Tremellen

**Substitute Members of the Committee**

Julian Dean  
Kate Halliday  
Nigel Hartin  
Vince Hunt  
Ruth Houghton  
Dan Thomas

Your Committee Officer is:

**Tim Ward** Committee Officer

Tel: 01743 257713

Email: [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk)

# AGENDA

## **1 Apologies**

To receive apologies for absence

## **2 Appointment of Vice- Chairman**

To appoint a Vice-Chairman for the remainder of the Municipal Year

## **3 Minutes of Previous Meeting (Pages 1 - 6)**

To approve the minutes of the previous meeting as a true record

## **4 Public Question Time**

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is [Date].

## **5 Disclosable Pecuniary Interests**

## **6 Appointment to Licensing and Safety Sub Committee**

To appoint a Conservative Member of the Committee to serve on the Licencing and Safety Sub Committee to replace Cllr Simon Jones.

## **7 Exercise of Delegated Powers (Pages 7 - 14)**

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## **8 Relevant Protected Site Fees (Pages 15 - 26)**

Report of the Transactional and Licensing Team Manager is attached.

Contact: Mandy Beever (01743 251702)

## **9 Date of Next Meeting**

To note that the next meeting of the Strategic Licensing Committee will be held on 16 March 2022 at 10.00am

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Strategic Licensing  
Committee

8 December 2021

Item

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 6  
OCTOBER 2021  
10.00 - 10.50 AM**

**Responsible Officer:** Tim Ward

Email: tim.ward@shropshire.gov.uk      Tel: 01743 257713

**Present**

Councillors Simon Jones (Vice Chairman), Mike Isherwood, Peter Broomhall, Garry Burchett, Pamela Moseley, Vivienne Parry, Dave Tremellen and Mary Davies (Substitute) (substitute for Alex Wagner)

**15 Apologies**

15.1 Apologies for absence were received from Councillors Roy Aldcroft, Elliott Lynch, Nigel Lumby, Kevin Pardy, Chris Schofield and Alex Wagner.

15.2 Councillor Mary Davies substituted for Councillor Wagner

**16 Minutes of Previous Meeting**

16.1 The minutes of the meeting held on 9 July 2021 had been circulated.

**RESOLVED:**

That the minutes of the meeting of the Strategic Licensing Committee held on 9 July 2021 be approved as a true record and signed by the Chairman

**17 Public Question Time**

17.1 There were no questions.

**18 Disclosable Pecuniary Interests**

18.1 Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

18.2 There were no declarations made

**19 Gambling Act 2005 – Policy Statement**

19.1 Members received the report of the Transactional and Licensing Team Manager which set out the proposed updated Gambling Act 2005 – Policy Statement.

19.2 In response to a question the Transactional and Licensing Team Manager confirmed that comments made by Oswestry Town Council after the closing date for submissions had been considered as part of the consultation.

19.3 **RESOLVED:**

- a. That the Committee considers the representations received following the formal consultation on the draft Gambling Policy Statement and agrees the officers' comments in Appendix 1 in response to the comments made and recommends to the Cabinet that the policy statement is published and advertised by the Head of Trading Standards and Licensing in accordance with the provisions of the Act and that the policy statement will take effect from 31 January 2022.
- b. That the Committee delegates to the Head of Trading Standards and Licensing, in consultation with the Chair of the Strategic Licensing Committee, the authority to amend any typographical errors and/or administrative inconsistencies in the proposed Gambling Policy Statement as set out in Appendix 1 prior to the policy statement being presented to the Cabinet for final approval

20 **Licensing Fees and Charges 2021- 2022**

20.1 Members received the report of the Transactional and Licensing Team Manager which set out revised fees for the period 1 April 2022 to 31 March 2023.

20.2 The Transactional and Licensing Team Manager advised Members that the report set out proposed fees and charges for the financial year April 2022 – March 2023 and that if approved they would go forward to Cabinet and Council for approval prior to implementation and reminded the meeting that some fees were set by law and that there were some licenced activities for which no fee could be charged all of which were listed in the report.

20.3 The Transactional and Licensing Team Manager advised the meeting that the process for fees applicable to hackney carriage, private hire vehicle and operator licences was different in that a separate consultation was required and that if objections were received it may delay the implementation of the new fees, but if there were no objections fees would be implemented the day after the end of the consultation.

20.4 In response to a question regarding how the deficit in 2020/21 compared with previous years the Transactional and Licensing Team Manager advised that it was difficult to compare as different licences ran for different lengths of time, so renewals varied. She added that there would be a knock-on effect from the pandemic as some activity had ceased.

20.5 In response to a question regarding whether any work was being done to get statutory fees raised to a realistic level the Transactional and Licensing Team Manager confirmed that Government had said that they would look at this and that the Council had done the necessary modelling work to set those fees when allowed.

- 20.6 A Member asked what was done to notify businesses of the proposed increases in fees. The Transactional and Licensing Team Manager advised that all businesses were advised of fees by email. She outlined measures that had been taken to help businesses through the pandemic.
- 20.7 A Member asked whether any consideration have been given to offering a discount to those applying for a private hire or hackney carriage vehicle licence if the vehicle was electric or hybrid. The Transactional and Licensing Team Manager advised that as part of the policy all vehicles had to achieve "Euro 5" levels for emissions which was a very high level, and that there were no plans to introduce a discount but that the length of licence for an electric car was longer which did provide an element of saving.
- 20.8 A Member asked what was being done to reduce costs to limit increases in fees. The Transactional and Licensing Team Manager advised that work had been done to review all previous models and to look at all elements of the process. She advised that there was currently a procurement process being undertaken to secure a new IT system which would allow more "self-service" and online application service which would reduce officer time and cost.
- 20.9 Members thanked the Transactional and Licensing Team Manager for her clear and comprehensive report.
- 20.10 **RESOLVED:**
- a. That the Committee notes the statutory fees that Shropshire Council is required to charge in accordance with the Licensing Act 2003 as set out in Appendix A, in accordance with the Gambling Act 2005 as set out in Appendix B and in accordance with explosives and fireworks legislation as set out in Appendix C and recommends that the authority implements these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2022 and instructs the Head of Trading Standards and Licensing to arrange for the fees to be included in the 2022/23 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Head of Trading Standards and Licensing to implement, as appropriate, any other statutory fees that may be brought into force during the 2022/23 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as is practicable.
  - b. That the Committee implements, with any necessary modification and with effect from 1 April 2022, the proposed fees as set out in Appendices D, E, F, G and H that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Head of Trading Standards and Licensing to arrange for the fees to be included in the 2022/23 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Head of Trading Standards and Licensing to publish the fees on the licensing pages of the Council's website as soon as is practicable.
  - c. That the Committee proposes to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in Appendix F, with any necessary modification, and instructs the Head of Trading Standards

and Licensing, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to undertake the necessary work to consult and implement the fees.

- d. That the Committee instructs the Head of Trading Standards and Licensing to arrange for the proposed fees as set out in Appendix F, with any necessary modification, to be included in the 2022/23 annual fees and charges reports that are presented to Cabinet and Council and, where necessary, in respect of those fees a note is recorded in the said annual reports stating 'Provisional fees under consultation fees to be confirmed by the Strategic Licensing Committee'.

## 21 **The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020**

- 21.1 Members received the report of the Transactional and Licensing Team Manager that set out revised procedures for the fit and proper person register required under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020
- 21.2 The Transactional and Licensing Team Manager advised the meeting that since the Committee decision made at the last meeting the guidance from Government had changed and that the recommendations made would need amending to ensure successful applicants are included in the register for a period not exceeding five years and to remove the requirement for a Fit and Proper Person Determination Policy.
- 21.3 A Member expressed concern that a fee could not be charged for this work. The Transactional and Licensing Team Manager advised that the law governing the licencing of caravan park was quite outdated and that government was updating this slowly. She added that a piece of work was currently being planned to investigate the level of fees for those parts of caravan licencing where charging was allowed but that this work had been delayed by the pandemic.
- 21.4 **RESOLVED:**
  - a. That the delegation that was previously agreed on 9 July 2021 be extended to allow all applications made under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ('the Regulations') for a person to be included in the register of fit and proper persons to be determined in accordance with the provisions of the Regulations and all successful applicants to be placed on the register for a period not exceeding five years and that no charge is made in respect of these applications.
  - b. That a Fit and Proper Person Determination Policy ('Determination Policy') is not required and that such a Policy does not need to be prepared for consultation or implemented.

## 22 **Exercise of Delegated Powers**

- 22.1 Members received the report of the Transactional and Licensing Team Manager which set out details of the licences issued, variations that have been made and the



enforcement action undertaken between 1 June 2021 and the 31 August 2021 and a summary of applications considered by the Committee.

22.2 The Transactional and Licensing Team Manager reminded members that this was a report that was brought to every meeting and that it set out the levels and types of work that officers had carried out over the period since the last meeting.

22.3 A Member asked how the levels of work compared to previous quarters. The Transactional and Licensing Team Manager advised that the period covered in the report coincided with the end of lockdown, so the team had been busier than in previous quarters but not as busy as during the pre-pandemic period.

22.4 A Member requested that the length of time the licence was granted for was included in the appendices as this would be useful in assessing workloads. The Transactional and Licensing Team Manager agreed to do this.

22.5 **RESOLVED**

That Members note the position as set out in the report

23 **Date of Next Meeting**

23.1 Members noted that the next meeting of the Strategic Licencing Committee would be held on Wednesday 8 December 2021 at 10.00am

Signed ..... (Chairman)

Date:

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<u>Committee and Date</u>
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Strategic Licensing Committee
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8 December 2021
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<u>Item</u>
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Public
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## EXERCISE OF DELEGATED POWERS

**Responsible Officer** Mandy Beever, Transactional and Licensing – Team Manager  
Email: Mandy.Beever@shropshire.gov.uk Tel: 01743 251702

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### 1. Summary

- 1.1 Licensing officers have been given delegated powers to issue or amend licences, providing no objections have been received in the case of licences issued under the Licensing Act or regarding general and public health licences.
- 1.2 Further, procedures have been approved for officers with direct line management responsibility for Licensing to use their delegated powers to refuse, suspend or revoke driver, vehicle, and operator licences.
- 1.3 This report gives details of the licences issued and the variations that have been made between 1 September 2021 and the 31 October 2021 and a summary of applications considered by the Committee.

### 2. Recommendations

- 2.1 That members note the position as set out in the report.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 This is an information report giving Member's information on the work undertaken by the Licensing Team and Committee and therefore a risk assessment and opportunities appraisal has not been carried out.

### 4. Financial Implications

- 4.1 There are no financial implications associated with this report.

### 5. Background

- 5.1 Information regarding the issue of licences by Officers under delegated powers is reported to Committee on a quarterly basis.
- 5.2 Officers use their delegated powers in a number of situations, including where:

- a) A licence has been requested and there have been no objections raised by interested parties or Responsible Authorities.
  - b) The application has met the Council's policy criteria for accepting an application.
  - c) There are vehicle applications for new or renewal licenses and refusal, suspension, and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.
  - d) There are driver's applications for new or renewal licences and refusal, suspension, or revocation of licences where the criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.
  - e) There are Private Hire Operator applications for new or renewal licenses and refusal, suspension, and revocation of licences where the operating criteria as set by the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 is not met and the officer does not consider there to be any special reason for an exception to be made.
- 5.3 The table in Appendix A shows the complete range of licences issued by the licensing team during the period of 1 September 2021 and the 31 October 2021. During this period the total number of licences processed was 983.
- 5.4 The Table in Appendix B shows that there were no Licensing and Safety Sub-Committee Meetings held between the 1 September 2021 and the 31 October 2021.
- 5.5 The Licensing Act activities at Sub Committee have also been given in Appendix C.
- 5.6 Following the decision at the Strategic Licensing Committee on 18 March 2015, vehicles and driver applications are now being considered by Officers using delegated powers. This includes refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire driver's licence or a vehicle licence or any matter concerning a private hire operator's licence.

The number of licences and actions determined by this process is as follows:-

<b>Driver</b>	<b>Granted</b>	<b>Granted and/or Warning Letter, Suspension</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New		3	3	1		
Renew	3	2	2	1		
Conduct		1	2		5	
<b>Vehicle</b>	<b>Granted</b>	<b>Granted and/or Warning Letter</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New						
Renewal	2	1	1	3		
Condition			2			
<b>Operator</b>	<b>Granted</b>	<b>Granted and/or Warning Letter</b>	<b>Letter Council is 'Minded to refuse' or 'Revoke'</b>	<b>Refuse to Grant</b>	<b>Revoke</b>	<b>To refer to Committee</b>
New						
Renewal						
Conduct						

## 6. Conclusion

- 6.1 During the period captured in this report the workload for the Licensing team has continued to be high. The Coronavirus Pandemic has resulted in some changes to our processes and additional queries. The team have worked together to answer all the queries and maintain the flow of applications.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

**Cabinet Member (Portfolio Holder)**

Councillor Ed Potter, Deputy Leader, Economic Growth, Regeneration and Planning

**Local Member**

Cover all areas of Shropshire

**Appendices:**

A – Licences processed between 1 September 2021 and the 31 October 2021.

B – Number of Hackney Carriage / Private Hire Vehicle applications considered at the Licensing and Safety Sub-Committees from 1 September 2021 to the 31 October 2021.

C – Hearings held for licensed premises at the Licensing Act Sub-Committees from 1 September 2021 to the 31 October 2021.

## Licences processed – from the 1 September 2021 to the 31 October 2021

General Licensing	Renewal Period	Total
Acupuncture Personal	For life	
Acupuncture Premises	For life	
Activities Involving Animals Licence	Up to 3 years	15
Caravan Sites	For life	1
Mobile Homes Fit and Proper Person Register	Up to 5 Years	7
Cosmetic Piercing Personal	For life	6
Cosmetic Piercing Premises	For life	3
House to House Collection	For the period applied for, no longer than 12 months	7
House to House Exemption Order	Exemption certificate is issued by the Home Office	2
Scrap Metal Site (new/renewal)	3 Years	1
Scrap Metal Collector (new/renewal)	3 Years	2
Sex Establishment Licence	1 Year	
Sex Shop Licence	1 Year	
Street Collection	Covers the dates applied for	19
Street Trading Licence (new/renewal)	1 Year (daily licence also available which covers maximum of 7 days in a 12-month period)	2
Tattooing Personal	For life	
Tattooing Premises	For life	
Electrolysis Personal	For life	
Electrolysis Premises	For life	
Dangerous Wild Animals	2 Years	
Zoo	New licences last 4 years, upon renewal they can be granted for 6 years	
Distribution of Free Printed Matter	7 consecutive days, 28 consecutive days, 1 year – dependent on what is applied for	2
Storage of Explosives	1 Year	11
Year-round Fireworks Sales	1 Year	
Pavement Licence	1 Year	20
Pavement Permit	1 Year	17
<b>Total Applications General</b>		<b>115</b>

<b>Taxi Licensing</b>		<b>Renewal Period</b>	<b>Total</b>
Hackney Carriage	N	1 Year	2
Hackney Carriage	R	1 Year	12
Joint HC/PH Driver	N	Up to 3 Years	15
Joint HC/PH Driver	R	Up to 3 Years	58
Private Hire Operator	N	Up to 5 Years	3
Private Hire Operator	R	Up to 5 Years	1
Private Hire Vehicle	N	1 Year	20
Private Hire Vehicle	R	1 Year	115
		For period left on existing licence	2
Hackney Vehicle Transfer			
		For period left on existing licence	12
Private Hire Vehicle Transfer			
		For period left on existing licence	
Private Hire Licensee Transfer			
Trailer Licence		1 Year	
<b>Total Taxi Applications</b>			<b>240</b>

<b>Taxi Licensing (Surrendered)</b>	<b>Total</b>
Private Hire Vehicles	11
Hackney Carriages	1
<b>Total Surrendered Vehicles</b>	<b>12</b>

<b>Licensing Act 2003</b>	<b>Renewal Period</b>	<b>Total</b>
Club Premises Certificate	For Life	
Personal Alcohol (variation/new)	For Life	47
Premises Licence	For Life	5
Temp Event Notice no Alcohol	For the dates applied for	
Temp Event Notice with Alcohol	For the dates applied for	160
Minor Variation Application	For Life	2
Designated Premises Supervisor (DPS) Change/Variation	For Life	30
Disapply DPS	For Life	1
Premises Licence Transfer Application	For Life	7
Annual Fee	Due each year on anniversary	318

	of granting of original licence	
Notification of Interest	For Life	
Premises Licence with Alcohol - Full Variation	For Life	5
Premises Licence without Alcohol - Full Variation	For Life	
<b>Total Licensing Act Applications</b>		<b>575</b>

<b>Gambling Act 2005</b>	<b>Renewal Period</b>	<b>Total</b>
Bingo Premise Licence	For Life	
Betting Premise Licence (other than track)	For Life	
Betting Premises Licence (track)	For Life	
Licensed Premise Gaming Machine Permit	For Life	1
Notification of Intent to have gaming machines	For Life	
Prize Gaming Permit	10 Years	
Club Machine Permits	10 Years	
Club Gaming Permit	10 Years	
Occasional Use Notice	For the dates applied for	
Temporary Use Notice	For the dates applied for	
Adult Gaming Centre	For Life	
Small Society Lotteries	For Life	5
Change of Promoter	As necessary	
Annual Fee	Due each year on anniversary of granting of original licence	47
Family Entertainment gaming machine permit	10 Years	
<b>Total Gambling Act 2005 Applications</b>		<b>53</b>

<b>Total Applications</b>	<b>983</b>
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<b>Total Surrendered Vehicles</b>	<b>12</b>
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**Licensing and Safety Sub-Committee Meetings from 1 September 2021 to the 31 October 2021**

<b>Date of Meeting</b>	<b>Scheduled/ Additional</b>	<b>Item</b>	<b>Meeting Venue</b>	<b>Decisions</b>
None				

**Licensing Act Sub-Committees.**

**Hearings held for licensed premises from 1 September 2021 to the 31 October 2021**

<b>Date</b>	<b>Premises</b>	<b>Type of Application</b>	<b>Councillors</b>	<b>Decision</b>	<b>Review Requested by</b>
None					



Strategic Licensing  
Committee

8 December 2021

Item

Public

## Relevant Protected Site Fees 2022 to 2023

**Responsible Officer** Mandy Beever, Transactional and Licensing Team Manager

e-mail: mandy.beever@shropshire.gov.uk

Tel: 01743 251702

### 1. Synopsis

- 1.1 This report proposes fees for the period 1 April 2022 to 31 March 2023 for licences associated with Relevant Protected Sites where the authority has discretion to determine the fees.
- 1.2 The report outlines the fees policy used in the calculation of the fees which will be published and reviewed on an annual basis as required by the Caravan sites and control of development act 1960 as amended by the Mobile Homes Act 2013 (the Act).

### 2. Executive Summary

- 2.1 The Caravan sites and control of development act 1960 as amended by the Mobile Homes Act 2013 allows for the Council to fix fees for a new application for a Relevant Protected Site, fix a fee for the alteration of the site licence (whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods), fix a fee the transfer of a site licence, fix annual fees and prepare and publish a fees policy.
- 2.2 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 allows for the Council to fix a fee for an application for inclusion in the register of fit and proper persons and prepare and publish a fees policy.
- 2.3 The Mobile homes (site rules) (England) Regulations 2014 allows the Council to determine a fee for the owner of a Relevant Protected Site to deposit site rules or a deletion notice with the local authority.
- 2.4 A Relevant Protected Site under the Act is a residential caravan site; it does not include any site licence which is granted for holiday use only or a site which is subject to conditions that include periods of time when no caravan may be stationed on land for human habitation.

### **3. Recommendations**

- 3.1 That the Committee implements, with any necessary modification and with effect from 1 April 2022, the proposed fees as set out in **Appendix A** that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Head of Trading Standards and Licensing to arrange for the fees to be included in the 2022/23 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Head of Trading Standards and Licensing to publish the fees on the licensing pages of the Council's website as soon as is practicable.
- 3.2 That the Relevant Protected Site fees policy as set out at **Appendix B** is published on the licensing pages of the Council's website as soon as is practicable.

## **REPORT**

### **4 Risk Assessment and Opportunities Appraisal**

- 4.1 The Act requires the Council to annually review and fix fees for Relevant Protected Sites. The review must include information about what has been included in calculating the fees along with any surplus or deficits.
- 4.2 The Council is required to publish a policy outlining what has been used in the calculation of fees for Relevant Protected Sites. It is proposed that this information is made available on the Licensing pages of the Council's website along with any future amendments. This will ensure that the setting of fees for Relevant Protected Sites is transparent and will help to mitigate the risk of the Council being challenged.
- 4.3 The proposed fees contained in this report do not include any surplus or deficit adjustments as they are new fees. Any surplus or deficits identified going forward will be detailed in the annual review of fees.
- 4.4 The Council makes every effort to recover regulatory and enforcement costs from those who are licensed. However, it is acknowledged that the Council's licensing fees and charges may be challenged through a number of routes, including service complaints to the Local Government Ombudsman and judicial review; hence, the importance of undertaking robust processes to set discretionary fees and charges.
- 4.5 The Council is permitted to include costs for clerical and administrative aspects when determining licence fees, but these must be reasonable and proportionate to the actual costs of the procedures.

### **5 Financial Implications**

- 5.1 The proposed fees are based on undertaking the administrative procedures and formalities associated with the relevant licensing procedures, including the costs of investigating the background and suitability of applicants for

licences together with the cost of monitoring the compliance of those who are licensed against the conditions of their licences

- 5.2 Costs can be recovered over a period of time allowing surpluses to be returned to licensees and deficits to be recouped by the Council. This does not mean that fees have to be adjusted every year to reflect immediately previous deficits or surpluses. In any case, it must be demonstrable over a period of time that only legitimately incurred costs are recovered.
- 5.3 The fees include the costs that are directly attributable to licensing procedures and a proportion of indirect costs. The Council must be in a position to demonstrate that the costs included in any fee calculations are reasonable and proportionate to the cost of the licensing procedures.
- 5.4 Where legislation allows the Council to recover licensing costs, it is important that this is undertaken effectively. Losses that are not funded by other means, including being subsidised by council tax payers, may result in a reduction in the Council's ability to effectively deliver the overall licensing regime in the Shropshire Council area. However, it is recognised that not all licensing costs are recoverable.
- 5.5 Fees cannot exceed the cost of the licensing procedures and cannot be used to finance the delivery of other Council services.

## **6 Climate Change Appraisal**

- 6.1 There are no anticipated climate change or environmental impacts associated with the recommendations in this report.

## **7 Background**

- 7.1 The Council has not previously fixed fees for the licensing of Relevant Protected Sites.
- 7.2 This report will bring the fees for Relevant Protected Sites in line with other licence fees so that they form part of the wider work undertaken on an annual basis to calculate fees for all other licences, permits and registrations.

## **8 Conclusions**

- 8.1 The process that has been undertaken to determine the Relevant Protected Site fees for 2022/23 is an extension of the wider process that commenced in 2013 for the calculation of licences, permits and registrations. The fees for Relevant Protected Sites will be included in the report for all other licences, permits and registrations this process will continue annually with amendments being made to take account of changes in the law and Council procedures and costs.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Caravan sites and control of development act 1960 [Caravan Sites and Control of Development Act 1960 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1960/1034/contents/made)

Mobile Homes Act 2013 [Mobile Homes Act 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2013/1034/contents/made)

Mobile homes (site licensing) (England) regulations 2014 [The Mobile Homes \(Site Licensing\) \(England\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2014/1034/contents/made)

Mobile homes (site rules) (England) regulations 2014 [The Mobile Homes \(Site Rules\) \(England\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2014/1034/contents/made)

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

<https://www.legislation.gov.uk/uksi/2020/1034/contents/made>

Mobile homes: a guide for local authorities on the fit and proper person test  
<https://www.gov.uk/government/publications/mobile-homes-fit-and-proper-person-test-guidance-for-local-authorities/mobile-homes-a-guide-for-local-authorities-on-the-fit-and-proper-person-test>

**Cabinet Member (Portfolio Holder)**

Cllr Ed Potter, Deputy Leader and Portfolio Holder for Economic Growth, Regeneration and Planning

**Local Member**

County wide application

**Appendices**

**Appendix A** – Relevant Protected Site Fees

**Appendix B** – Relevant Protected Site Fees Policy Information



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## Appendix A – Relevant Protected Site Fees

Type		2022/23
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) 2014	New Application	£153.25
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) 2014	Annual Fee up to 5 conditions	£110.77
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) 2014	Annual Fee 6 – 10 conditions	£173.71
The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) 2014	Annual Fee >10 conditions	£248.10
Relevant Protected Site <sup>1</sup>	New Application 1 – 20 units	£582.03
Relevant Protected Site	New Application 21 – 50 units	£652.07
Relevant Protected Site	New Application 51 – 100 units	£696.47
Relevant Protected Site	New Application >100 units	£742.24
Relevant Protected Site	Alteration of conditions <sup>2</sup>	£656.42
Relevant Protected Site	Transfer	£564.87
Relevant Protected Site	Deposit of site rules or deletion notice	£29.02

<sup>1</sup> As defined in The Caravan sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013

<sup>2</sup> whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods

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## **Appendix B – Relevant Protected Site Fees Policy Information**

The information below will be published on the Councils website and updated annually when the fees are reviewed.

### **The law**

The Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013 (the Act) allows for the Council to fix fees for a new application for a Relevant Protected Site, fix a fee for the alteration of the site licence (whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods), fix a fee the transfer of a site licence, fix annual fees and prepare and publish a fees policy.

### **What is a Relevant Protected Site?**

A Relevant Protected Site under the Act is a residential caravan site.<sup>1</sup>

### **Costs included when calculating fees**

The salary cost of officer time incurred in the administration of licence fees, general administration costs for maintaining files, updating records and reconciliation of payments.

Site inspection costs including pre-inspection preparation, carrying out any risk assessment process considered necessary, the site inspection (including officer time, travelling time and mileage allowances), post inspection administration e.g., notifying the site owner of the details of compliance or non-compliance established during the inspection.

Re-inspection costs due to any non-compliance.

Licensing Officers training and research.

The maintenance, development, and licencing costs of IT systems.

Corporate oncosts e.g. Finance, Legal, Human Resources and building maintenance costs.

### **When are the fees payable?**

Application fees, the alteration of the site licence and transfer fees are payable upon submission of the application or notification to the Council.

Annual fees are payable each year upon the anniversary of the date the original licence was issued.

### **The law**

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 allows for the Council to fix a fee for an application for

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<sup>1</sup> it does not include any site licence which is granted for holiday use only or a site which is subject to conditions that include periods of time when no caravan may be stationed on land for human habitation.

inclusion in the register of fit and proper persons and prepare and publish a fees policy.

### **Costs included when calculating fees**

The salary cost of officer time incurred in the administration of any initial enquiries, telephone calls/letters requesting additional information from the site owner/applicant or third party in connection with the application.

Land Registry searches.

Officer time for reviewing the application including all documents and certificates, general administration costs for maintaining files, updating records, reconciliation of payments, the preparation of preliminary and final decision notices and updating the register.

Manager and Solicitors time for reviewing any representations made by applicants or responses from third parties and any reviews of decisions for defending appeals.

### **When are the fees payable?**

Application fees are payable upon submission of an application.

## **The law**

The Mobile homes (site rules) (England) Regulations 2014 allows the Council to determine a fee for the owner of a Relevant Protected Site to deposit site rules or a deletion notice with the local authority.

### **Costs included when calculating fees**

The Council is required to maintain a register of site rules and publish a register of sites which have deposited their site rules, site rules are a set of rules created by the site owner with which residents must comply. The Council is required to be satisfied that new site rules being deposited by site owners have been made in accordance with the statutory procedure. In doing so the Council may levy a fee for the depositing of site rules or depositing of a deletion notice of site rules.

The salary cost of officer time incurred in the administration of licence fees, general administration costs for maintaining files, updating records and reconciliation of payments.

Licensing Officers training and research.

The maintenance, development, and licencing costs of IT systems.

Corporate oncosts e.g. Finance, Legal, Human Resources and building maintenance costs.

### **When are the fees payable?**

Depositing of site rules or a deletion notice fees are payable upon submission to the Council.

**When will the fees be reviewed?**

All fees will be reviewed annually, taking into account the regulatory activity undertaken in the previous 12 months and any surplus/deficits.

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