



Strategic Licensing  
Committee

8 December 2021

Item

Public

## Relevant Protected Site Fees 2022 to 2023

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### 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)

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

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)

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)

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

