

# Licensing Committee

## Agenda

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<b>Date:</b>	<b>Monday, 6th January, 2025</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with paragraph 2.32 of the Committee Procedural Rules and Appendix 7 to the Rules a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee. Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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For requests for further information

**Contact:** Karen Shuker

**Tel:** 01270 686459

**E-Mail:** [karen.shuker@cheshireeast.gov.uk](mailto:karen.shuker@cheshireeast.gov.uk) with any apologies

4. **Minutes of Previous Meeting (Pages 3 - 4)**

To approve the minutes of the meeting held on 4 November 2024 as a correct record.

5. **Minutes of Licensing Sub-Committees (Pages 5 - 6)**

To receive the minutes of the following meetings:

**Licensing Sub-Committee**

21 October 2024.

6. **Review of the Scrap Metal Dealers Act 2013 Fees and Charges for the Period 1st April 2025 to 31st March 2028 (Pages 7 - 10)**

To consider a report on the fees and charges for Scrap Metal Dealers licenses for the period 1<sup>st</sup> April 2025 to 31<sup>st</sup> March 2028.

7. **Mobile Homes Fees & Charges Policy 2025-2026 (Pages 11 - 28)**

To consider the proposed Regulatory Services and Health Mobile Homes Fees and Charges Policy 2025-2026.

**THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors C Bulman, C Chapman, T Dean, H Faddes, A Gage, A Heler, C Hilliard, R Kain (Vice-Chair), R Moreton (Chair), J Pratt, J Priest, L Smetham, J Smith and J Wray

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Committee**  
held on Monday, 4th November, 2024 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor R Kain (Vice-Chair)

Councillors H Faddes, A Heler, C Hilliard, J Pratt, J Priest, L Smetham and J Smith

**OFFICERS IN ATTENDANCE**

Kim Evans, Licensing Team Leader  
Garry Coghlan, Legal Officer  
Karen Shuker, Democratic Services Officer

**7 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors T Dean and R Moreton.

**8 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**9 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no public speakers.

**10 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 10 June 2024 be approved as a correct record.

**11 MINUTES OF LICENSING SUB-COMMITTEES****RESOLVED:**

That the minutes of the following meetings of the Licensing Act Sub Committee and Licensing Sub-Committee be received.

**Licensing Act Sub Committee**

22 May 2024  
24 May 2024

4 June 2024

**Licensing Sub-Committee**

26 June 2024

6 August 2024

**12 REVIEW OF LICENSING FEES AND CHARGES**

The Committee considered a report which sought approval to increase the licensing fees and charges for the issuing and renewal of licenses, consents, and permits issued by the Licensing Team with effect from 1 April 2025.

Members noted that in respect of certain fees, there was a requirement to publicise any increases in a local newspaper. That would allow a period for any objections to be made. Any consultation responses would be considered, and the final fee payable may be amended, but any fees would not be greater than those set out in appendix 1 to the report.

New fees to come in next year included an amended DBS application fee and age classification for films.

It was noted that whilst some fees being increased were slightly above the inflation rate those were generally multi-year licenses so the license would be granted for 3 or 5 years.

**RESOLVED: Unanimously**

That the Licensing Committee:

1. Approved the fees set out in appendix 1 of the report.
2. Authorises the Licensing Team Leader to publish the Hackney Carriage and Private Hire Licensing fees in accordance with the relevant legislative provisions.
3. Delegates authority to the Head of Regulatory Services to consider any objections received and determine the final fees payable in consultation with the Chairman of the Licensing Committee.

The meeting commenced at 2.00 pm and concluded at 2.08 pm

Councillor R Kain

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Sub Committee**  
held on Monday, 21st October, 2024 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillors R Moreton, R Kain and A Heler

**Apologies**

There were no apologies received.

**7 APPOINTMENT OF CHAIR**

RESOLVED:

That Councillor R Moreton be appointed as Chair.

**8 DECLARATION OF INTERESTS**

There were no declarations of interest received.

**9 APPLICATION TO REVIEW A PREMISES LICENCE - THE LEOPARD,  
33 LONDON ROAD, NANTWICH, CHESHIRE, CW5 6LJ**

The Sub Committee considered a report for an application to review a premises licence for The Leopard, 33 London Road, Nantwich, CW5 6LJ.

The following attended the hearing and made representations in relation to the application:

Margaret Preston – Environmental Health  
Tracey Billington – Responsible Authority  
Anna Brakel – Joules Brewery  
Sam Rock – Premises Licence Holder  
Gary Evans – Premises Licence Holder  
Jill Carey – Resident  
Matthew Carey – Resident

After a full hearing of the application and in accordance with the rules of procedure, and after taking account of:

- The oral and written representations made by all parties to the hearing
- The licensing objective of the prevention of public nuisance
- The Secretary of State's Guidance under the Licensing Act 2003 (Dec 2022)
- Cheshire East Council's Statement of Licensing Policy
- s.177A of the Licensing Act 2003

The following course of action was agreed by the Sub Committee:

RESOLVED:

That considering the information presented, the premises was undermining the prevention of public nuisance objective and the licence is to be amended in the following terms:

1. The speakers situated in the area identified as Hunter's Hideout be removed with immediate effect;
2. Any doors providing access from the pub to the garden remain closed from 8pm each evening (save for access and egress); and
3. No live or recorded music is to be played in any outdoor areas at any time.

The meeting commenced at 10.00 am and concluded at 10.50 am

Councillor R Moreton (Chair)

OPEN

## **Licensing Committee**

**6<sup>th</sup> January 2025**

### **Review of the Scrap Metal Dealers Act 2013 Fees and Charges for the Period 1<sup>st</sup> April 2025 to 31<sup>st</sup> March 2028**

**Report of: Phil Cresswell – Executive Director Place**

**Ward(s) Affected: All**

**For Decision or Scrutiny: Decision**

#### **Purpose of Report**

- 1 In accordance with the Scrap Metal Dealers Act 2013, the Council must undertake a review of the fees and charges to ensure they reflect the costs of administering the licences. The purpose of this report is to set out the fees and charges for the period 1<sup>st</sup> April 2025 to 31<sup>st</sup> March 2028 for approval by the committee.

#### **Executive Summary**

- 2 In accordance with the provisions of the Scrap Metal Dealers Act 2013, the Council is permitted to charge a fee for administering the statutory licensing of scrap metal dealers. The Council must set the fees on a cost recovery only basis as set out in the guidance issued by the Secretary of State. The purpose of this report is to request that the Licensing Committee approve the proposed fees as set out.

#### **RECOMMENDATIONS**

The Licensing Committee is recommended to:

1. To approve the proposed fees and charges for Scrap Metal Dealer Licence applications.

The proposed fees for the three-year period from 1<sup>st</sup> April 2025 to 31<sup>st</sup> March 2028 are:

- Site Licence Application – £235.00
- Collectors Licence Application - £124.00
- Replacement of a Site Licence - £30.00 (per licence)
- Additional and replacement Collectors Licence - £35.00 (per licence)

## **Background**

- 3 The Scrap Metal Dealers Act 2013 created a licensing regime, which replaced the previous registration system for scrap metal dealers as set out in the Scrap Metal Dealers Act 1964. The 2013 Act maintained local authorities as the principal regulator and gave them the power to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if a dealer becomes 'unsuitable'.
- 4 The 2013 Act provides that an application for a licence must be accompanied by a fee, which is to be set locally by each local authority on a cost recovery only basis. When setting the fee local authorities must have regard to guidance issued by the Secretary of State, which sets out what should be considered when setting the fees and charges and what activities can be covered. The fee is an essential component of the licensing regime as it provides local authorities with the funding they need to administer the regime and ensure compliance.
- 5 In accordance with the legislation, all licences are valid for three years and it is anticipated within each three-year period the fees will be reviewed to ensure they accurately reflect the full costs associated with the provision of the service.

## **Consultation and Engagement**

- 6 There are no requirements in legislation for any prior consultation or engagement as part of the fee setting process.

## **Reasons for Recommendations**

- 7 In accordance with the Scrap Metal Dealers Act 2013, the Council must undertake a review of the fees to ensure they reflect the costs of administering the licences.

## **Other Options Considered**

- 8 There are no alternatives as the setting of fees is in accordance with the Scrap Metal Dealers Act 2013.

## **Implications and Comments**

*Monitoring Officer/Legal*



- 9 Schedule 1(6) of the Scrap Metal Dealers Act 2013 provides that an application for a licence must be accompanied by a fee set by the local authority. In setting the fee the authority must have regard to any guidance issued by the Secretary of State. Guidance issued by the Secretary of State recommends that all fees are set on a cost recovery only basis and this may be different for the different types of licences.
- 10 Currently the Council has 36 licenced scrap metal dealers, which comprises of 18 collector's licences and 18 site licences.

*Section 151 Officer/Finance*

- 11 Fees must be set locally by Cheshire East Council on a cost recovery only basis, in line with the guidance issued by the Secretary of State. The guidance outlines what should be considered by the Council when setting the fee and what activities the fee can cover.
- 12 In accordance with the legislation, all licences are valid for three years and it is anticipated within each three-year period the fees will be reviewed to ensure that they accurately reflect the full costs associated with the provision of the service.
- 13 The proposed fees are:
- Site Licence Application – £235.00
  - Collectors Licence Application - £124.00
  - Replacement of a Site Licence - £30.00 (per licence)
  - Additional and replacement Collectors Licence - £35.00 (per licence)

*Policy*

- 14 The fees proposed are compatible with the legislation and guidance.

*Equality, Diversity and Inclusion*

- 15 There are no direct equality implications arising from this report.

*Human Resources*

- 16 There are no direct resource implications arising from this report.

*Risk Management*

- 17 There are no direct risk management implications arising from this report

*Rural Communities*

18 There are no direct implications for rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

19 There are no direct implications for children and young people.

*Public Health*

20 There are no direct implications for public health.

*Climate Change*

21 This report does not have any direct impact on the Council's carbon footprint as it relates to businesses within the area. However, it will help residents of the borough to recycle their waste metal items and help with sustainability overall across the borough.

<b>Access to Information</b>	
Contact Officer:	Nick Kelly – Environmental Protection Team Leader <a href="mailto:nick.kelly@cheshireeast.gov.uk">nick.kelly@cheshireeast.gov.uk</a>
Appendices:	None
Background Papers:	The Scrap Metal Dealers Act 2013 is available here <a href="http://www.legislation.gov.uk/ukpga/2013/10/enacted/data.htm">http://www.legislation.gov.uk/ukpga/2013/10/enacted/data.htm</a>  The Scrap Metal Dealers Act 2013: Licence Fee Charges Guidance is available here <a href="https://www.gov.uk/government/publications/scrap-metal-dealer-act-2013-licence-fee-charges">https://www.gov.uk/government/publications/scrap-metal-dealer-act-2013-licence-fee-charges</a>

**OPEN**

## **Licensing Committee**

**6<sup>th</sup> January 2025**

### **Annual review of the Mobile Homes - Fees and Charges Policy 2025-2026**

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**Report of: Phil Cresswell – Executive Director Place**

**Ward(s) Affected: All Wards**

**For Decision or Scrutiny: Decision**

#### **Purpose of Report**

- 1 In accordance with The Caravan Sites and Control of Development Act 1960 (amended by the Mobile Homes Act 2013), the Council is permitted to charge a fee for administering the statutory licensing function for protected residential caravan sites (Mobile Homes). As part of fee setting the Council is required to have a Fees and Charges Policy in place for mobile home sites, which must be reviewed annually to reflect the cost of administering the licensing function. This report provides the background to the development of an updated charging policy for 2025-2026.

#### **Executive Summary**

- 2 In accordance with The Caravan Sites and Control of Development Act 1960 the Council is permitted to charge a fee for administering the statutory licensing function for residential caravan sites. Appendix 1 provides the proposed Fee & Charging Policy for 2025-2026.

<p style="text-align: center;"><b>RECOMMENDATIONS</b></p> <p>The Licensing committee is recommended to:</p> <ol style="list-style-type: none"><li>1. Approve the proposed Regulatory Services and Health Mobile Homes Fees and Charges Policy 2025-2026 as set out in Appendix 1.</li></ol>
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## Background

- 3 In accordance with the 1960 Act, the Council may charge a fee for issuing and administering licences for mobile home sites, as well as for the determination of a 'fit and proper person'. In addition to the licensing of sites the Council may also set a fee for other functions such as maintaining a register of site rules and transferring or amending licences.
  - 4 The Council must set fees on a "cost recovery" only basis. Therefore, the fees have been set using a time monitoring approach together with officer knowledge of the times involved for carrying out the various functions. This ensures the fees set are as accurately as possible.
- (a) The following is a summary of the proposed annual fees and charges as set out in the Mobile Homes Fees and Charges Policy 2025-2026. The fees have been calculated for caravan sites as both an initial application fee and an annual fee, 2024-2025 fees are provided for reference purposes.

Number of Pitches	2025-2026 Fee	2024-2025 Fee
< =10	£231.00	£225.00
11 < =20	£290.00	£280.00
21 < =30	£354.00	£340.00
31 < =40	£432.00	£416.00
41 < =50	£490.00	£471.00
> 50	£543.00	£521.00

- (b) Additional fees that can be levied on sites are proposed below, 2024-2025 fees are again provided for reference purposes.

	2025-2026 Fee	2024-2025 Fee
Site Licence Transfer Fee	£137.00	£124.00
Licence amendment (simple)	£137.00	£124.00
Application by the licensee for amendment of conditions	£409.00	£372.00
The deposit of site rules	£54.00	£44.00

- (c) The following are the proposed fees and charges relating to 'Fit and Proper Person', 2024-2025 fees are provided for reference:

	2025-2026 Fee	2024-2025 Fee
Initial Application Fee	£394.00	£385.00
Annual Fee	£125.00	£122.00
Five Year Reapplication Fee	£292.00	£197.00

### Consultation and Engagement

- 5 There are no requirements in legislation for any prior consultation or engagement.

### Reasons for Recommendations

- 6 In accordance with the 1960 Act, the Council must produce a Fees and Charges Policy for the licensing of mobile home sites where it intends to recover the costs of the service that it provides. These fees and charges shall be reviewed annually to reflect the costs of administering the licences.

### Other Options Considered

- 7 Cheshire East Council has implemented a charging scheme for mobile home licensing functions for several years and in accordance with the 1960 Act. In taking this approach it has committed to the production of a charging policy each year which provides a 'cost recovery' charging structure in accordance with guidance from the Secretary of State.
- 8 The Council could decide not to charge for this function and consequently would not need to produce and publish a charging strategy. This would however be contrary to the Council's Charging and Trading Strategy.

Option	Impact	Risk
<b>Do nothing</b> – Carry out the Mobile Homes licensing function without a published fees policy.	The Council would not receive eligible income for the work required to administer the Mobile Homes licensing function.	Medium Risk – impacts to service budgets through reduced income.

## Implications and Comments

### *Monitoring Officer/Legal*

- 9 Sections 3(2A) and 5A of the Caravan Sites and Control of Development Act 1960 provide local authorities with the power to charge a fee for administering licences for “relevant protected sites.” These include mobile home sites.
- 10 In addition, section 1(3) sets out that where ‘a local authority sets a fee it must inform the licence holder of the matters to which they have had regard in fixing the fee for the year in question...’. Guidance from the Secretary of State recommends that this should be undertaken by adopting a Mobile Homes Fees and Charges Policy.
- 11 It therefore lawful for the Council set, charge and collect fees for licensing relevant protected sites under the 1960 Act. However, before charging the fee, the local authority must prepare and publish a fees policy.

### *Section 151 Officer/Finance*

- 12 With respect to residential caravan sites, local authorities are able to set a range of fees and charges on a “cost recovery” only basis, as set out in guidance issued by the Secretary of State to local authorities. The proposed new fees (see tables in paragraph 4) are based on a cost accounting process that reflects site size, officer input and other associated costs.
- 13 In addition to the licensing function, the guidance also proposes additional fees and charges which can be set by local authorities, such as the depositing of site rules and the issuing, transferring, or amending of site licences, which are the more administrative functions of the regime. The proposed new fees are based upon officer time and associated costs.

### *Policy*

- 14 The Council’s Corporate Plan 2021-2025 sets out our vision for a more open, fairer, greener Cheshire East. This policy will therefore ensure that there is transparency in our approach to the Mobile Homes requirements and our fee setting processes.

<b>An open and enabling organisation</b>	<b>A council which empowers and cares about people</b>	<b>A thriving and sustainable place</b>
Ensure there is transparency in all aspects of council decision making.	Protect and support our communities and safeguard children,	Look at opportunities to bring more income into the Borough.

	adults at risk and families from abuse, neglect and exploitation.	
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### *Equality, Diversity and Inclusion*

15 There are no direct equality implications arising from this report.

### *Human Resources*

16 There are no direct resource implications arising from this report.

### *Risk Management*

17 The 1960 Act specifically allows local authorities to set a local scheme of fees and charges on a cost recovery only basis.

18 Where a local authority does choose to implement a charging regime this must be supported by a charging policy. This report addresses that need by providing a policy and seeking relevant approval for its implementation.

19 As with all locally set fees and charges, there is a risk of challenge by those to whom the fee relates. However, it is hoped that the transparent approach to fee setting and the consideration of national guidance on this matter will minimise this risk.

### *Rural Communities*

20 There are no direct implications for rural communities.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

21 There are no direct implications to children and young people, and cared for children.

### *Public Health*

22 There are no direct implications for public health.

### *Climate Change*

23 There are no implications for climate change.

Access to Information	
Contact Officer:	<p>Sarah Sutton - Commercial Services Team Leader</p> <p><a href="mailto:sarah.sutton@cheshireeast.gov.uk">sarah.sutton@cheshireeast.gov.uk</a></p>
Appendices:	Mobile Homes Fees and Charges Policy 2025-2026
Background Papers:	<p>The Caravan Sites and Control of Development Act 1960 is available here:</p> <p><a href="https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62">https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62</a></p> <p>The Mobile Homes Act 2013 is available here:</p> <p><a href="http://www.legislation.gov.uk/ukpga/2013/14/contents/enacted">http://www.legislation.gov.uk/ukpga/2013/14/contents/enacted</a></p> <p>The Mobile Homes (Site Rules) (England) Regulation 2014 is available here:</p> <p><a href="http://www.legislation.gov.uk/cy/uksi/2014/5/made">http://www.legislation.gov.uk/cy/uksi/2014/5/made</a></p> <p>Mobile Homes Act 2013: a guide for local authorities on setting licence fees:</p> <p><a href="https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees#section-a-costs-that-can-be-included-in-licensing-fees">https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees#section-a-costs-that-can-be-included-in-licensing-fees</a></p> <p>Mobile homes: a guide for local authorities on the fit and proper person test:</p> <p><a href="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">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</a></p> <p>Mobile homes: a guide for local authorities on setting fees for the fit and proper person test:</p> <p><a href="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-setting-fees-for-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-setting-fees-for-the-fit-and-proper-person-test</a></p>





# Regulatory Services and Health

## Mobile Homes Fees and Charges Policy

2025-2026

Appendix 1

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## **1. Executive Summary**

The Mobile Homes Act 2013 (“MHA 2013”) introduced new requirements for residential caravan sites, which are referred to as Relevant Protected Sites in the legislation. The legislation also amended the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) and the Mobile Homes Act 1983. Reference to the Mobile Homes Act 2013 within this Policy therefore recognises the extant requirements of the 1960 and 1983 Acts.

The MHA 2013 also contained the requirement for sites to be managed by a ‘Fit and Proper Person’. This was subsequently enacted through the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the 2020 Regulations”).

The changes included the ability to be able to charge for a range of licensing functions on a cost recovery basis following the development and publication of a Fees and Charges Policy. Cheshire East has taken this approach for several years, and includes the following as chargeable functions:

- Licence applications;
- Annual licence fees;
- Licence amendments, when requested by the site owner;
- Transfer of a licence;
- Deposit of site rules; and,
- Determination of a Fit and Proper Person

In order to be able to implement any fees and charges, Cheshire East Council must publish a fees and charges policy setting out all the relevant charges and how they have been calculated. This policy document is designed to fulfil the requirements of the legislation and enable Cheshire East Council to levy a charge for undertaking the licensing of residential caravan sites. In accordance with guidance, the Policy will be reviewed annually to ensure all the fees and charges are updated to cover costs of administering the licensing regime to the relevant sites. The Policy will be published and available on request.

The fees will not apply to sites which are classed as non-residential, such as those used for recreational or holiday use or those which do not require a site licence.

## **2. Introduction**

The MHA 2013 received royal assent on the 26<sup>th</sup> March 2013, and introduced important amendments to the 1960 Act and the Mobile Homes Act 1983. In particular, the MHA 2013 amends how local authorities license residential caravan sites, now termed “relevant protected sites” 1960 Act.

The MHA 2013 introduced the ability for local authorities to charge fees for a range of activities associated with regulating relevant protected sites. Local authorities were able to implement the new fees and charges from the 1<sup>st</sup> April 2014 (Fit and Proper person from 1<sup>st</sup> July 2021). The range of site licensing functions, which attract a charge include;

- Determining and issuing new site licences;
- Annual fee for licensing existing residential sites;
- Amendments to site licences;
- Transferring existing licences to new site owners;
- Deposit of site rules with the Council;
- Costs associated with issuing Enforcement Notices on site owners; and
- Determination of a Fit and Proper Person

The 2020 Regulations require all park home (permanent residential) sites which operate on a commercial basis to be managed by a 'fit and proper person', and for the Council to keep a public register of those persons managing FPP sites in their area. Sites which are in mixed use i.e., partly holiday with some permanent 1960 Act protected residential pitches, fall within the definition of a relevant protected site, and are covered by Fit and Proper Person requirements.

Such sites cannot operate unless the Council is satisfied that the site owner or their appointed manager qualifies as a fit and proper person. They must therefore apply to the Council to be assessed as to whether they meet the relevant conditions to be deemed as 'fit and proper' and for their details to be added to a published register.

The Council can charge fees in respect of applications to be included in a register of fit and proper persons and can require additional payments by annual fee if an application is granted subject to a condition.

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 the equivalent cost of the annual licensing fee to site residents.

### **3. Setting of Fees and Charges**

In setting the fees and charges relating to the MHA 2013 functions, the Council has taken into account both national guidance and local policies. The aim being to ensure that the setting of the various fees is proportionate and transparent. In line with this, the MHA 2013 only allows Councils to set fees and charges to recover the actual costs incurred.

In 2015, it was decided to set the fees based on the number of units per site, which are banded into the following categories:

Less than or equal to 10 caravans  
11 to 20 caravans  
21 to 30 caravans  
31 to 40 caravans  
41 to 50 caravans  
Greater than 50 caravans

This approach is based on using the number of units set out in the planning permission granted for the site or as historically numbered in the site licence where there is no specific number in planning terms.

#### **4. Establishing the units (caravans) per Site**

All sites have varying numbers and types of units (qualifying caravans); the most equitable method for setting fees would be to make it relative to the number of units on site. This is supported by officer experience; more time is spent licensing and inspecting those sites with a greater number of units compared to those with only a few, however size alone is not the only factor to consider. 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 normally made up of one or two parts joined together on site. The precise definition of a caravan can be found in Section 29(1) of the 1960 Act (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, deemed permission for those sites in existence with the enactment of the 1960 Act or a Certificate of Lawful Use, which sets out the maximum number of permissible units. 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 within the planning permission granted for the site and in these instances, calculations will be based on the number of units set out in the existing site licence.

#### **5. Licensing Fees**

##### **5.1 Considerations**

The following fees per band have been set using officer experience and previous time records as to the typical time taken for various activities, officer grades and on-costs, which include;

- Administration of licence fees;
- Pre and post inspection preparation and administration;
- Site inspection and where required re-inspection (including travelling time and mileage allowances at current rates);
- General administration and Licensing activities outside of the inspection related role (site liaison/advice, complaints and enquiries regarding caravan sites, 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 pay grades – these range from a grade 5 officer to grade 11 and reflects the amount of time required for each grade.

##### **5.2 Annual Fees**

The annual fees are;

<b>Number of pitches</b>	<b>Cost</b>
<=10	£231
11 <=20	£290
21 <=30	£354
31 <=40	£432
41 <=50	£490
>50	£543

### **5.3 New Application Licence Fee**

It is estimated that processing a new licence would not be considerably different to the work proposed for the annual licence and as such it will duplicate the annual licence fee. Therefore, the fees for processing all new licence applications will be the same as the annual fees in 5.2.

### **5.4 Transfer Fee**

A fee of £137 will be charged to cover this function, which is estimated to take 3 hours of officer time plus associated administration cost.

### **5.5 Licence Amendments Fee (application)**

There is a statutory requirement to consult appropriate parties with regards to changes to any site licence conditions; this in turn has an impact on officer costs. Therefore, in setting the fees below, the same considerations will be used in section 5.1.

1. Licence amendment (simple) £137.  
Simple amendments are those requested by the site to change non condition related details e.g. site name change or changes to registered offices or mail addresses.
2. Licence (condition etc.) amendments application fee £409.  
Changes to the condition(s) will require consultation with both residents and the respective resident association, which will greatly increase the work required for undertaking of this function.
3. Changes imposed by Local Authority – no charges payable.

### **5.6 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.

In cases where both simple and 'condition' amendments are requested the fees will be whichever is the greatest.

## **5.7 Fees and Charges Payment Timeframe**

Annual Fees and Charges will be levied from the 1<sup>st</sup> of April each year and all other fees are per application or required function. The payment of fees will be in line with the Council's current terms, which are 28 days from the date of the invoice. Where a fee becomes overdue the council will issue a reminder to the site licence holder, seeking payment. Where fees remain outstanding the service will liaise with the legal team on options available to recover debt. The ultimate sanction for non-payment can be that the Council may apply to the Housing Tribunal for an order to revoke the site licence.

## **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 and whilst they may reflect the site licence conditions, they will also cover matters unrelated to licensing. The MHA 2013 amended the Mobile Homes Act 1983 requiring that existing site rules be updated and deposited with the local authority within a specified timescale.

Local authorities 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 deposit, variation or deletion of site rules.

The administrative system for holding and publishing site rules estimates two hours of officer time per site. It is therefore appropriate to set a fee of £54 (based on the appropriate hourly rate and associated administration) for the checking and depositing of site rules by site owners.

## **7 Fit & Proper Person Determination**

### **7.1 Establishing Fit and Proper Status**

All applicants must demonstrate that they have suitable financial and management arrangements in place for the site and are required to provide information relating to their general conduct. This includes details relating 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, 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

The site owner/site manager may only apply to be added to the register if they hold or have applied for a site licence.

This provision also applies where the site owner or site manager is a registered company.

The Regulations permit the Council to determine a fee for processing an application to be added to the register.

## **7.2 Fit & Proper Person Fees & Charges**

In setting the fees and charges relating to the MHA13 functions, the Council has considered both national guidance and local policies. The aim being to ensure that the setting of the various fees is proportionate and transparent. In line with this, the MHA 2013 only allows Councils to set fees and charges to recover the actual costs incurred.

Fees have been calculated for the following aspects of the fit and proper person process.

- Initial Application Fee
- Annual Fee
- Five Year Reapplication Fee

Prior to charging for this service, the department had already accepted and determined Fit and Proper Person applications and used this experience to determine the level of fee to be set with respect to any future applications.

It is acknowledged that the work involved in dealing with different applications will not be equal. Therefore, in all cases fees are based on what would be considered an average application rather than a best case or worst case. As experience of the process develops, for all parties involved, then this will have the potential to be reflected in subsequent fee calculations.

## **7.3 Initial Application Fee**

To calculate the costs incurred in processing an initial application the Council has taken the following matters into account when determining its fee policy:

- Initial enquiries
- Sending out forms to applicants
- Letter writing/telephone calls etc to make appointments, request documentation or any other information from the site owner or from any third party in connection with the fit and proper process
- Updating files, computer systems and websites
- Land registry searches



- Processing the application fee
- Time spent reviewing necessary documents and certificates
- Preparing preliminary and final decision notices
- Review of representations made by applicants or responses from third parties
- Consultation with service manager and/or Legal services
- Carrying out risk assessments where this is considered necessary
- Reviews of decisions (and defence of appeals)
- Updating the public register

The Council must also carry out relevant background checks regarding the applicant's background in management and their financial standing which will enable it to decide on whether to accept the application. The time taken for these checks is also accounted for in the calculation of the fee.

Having assessed the work involved the Council believes that the fit and proper person assessment and associated checks required to be included on the register will take approximately 9 hours per application. This time also includes updating and publishing the register itself and is split between several officers including management oversight.

A detailed breakdown of activities, timescales and officer costs has identified that this work amounts to a total cost of £394.00.

#### **7.4 Annual Fee**

Where the Council agrees to the inclusion of a person on the fit and proper person register subject to condition, those conditions may include the requirement for additional payment by way of an annual fee.

To calculate the costs incurred in establishing an annual fee, the Council has taken the following matters into account:

- Letter writing / telephone calls etc to make appointments, request documentation or any other information from the site owner or from any third party in connection with the fit and proper process
- Handling enquiries and complaints
- Updating files, computer systems and websites if appropriate
- Time spent reviewing necessary documents and certificates
- Review any representations from an applicant or third parties, including reviews carried out by managers and/or legal services
- Carrying out risk assessments where this is considered necessary
- Time spent on consulting the site owner and third parties
- Time spent on meetings/discussions and in giving informal advice and assistance to site owners
- Monitoring and enforcement of fit and proper person requirements.
- Travel costs

The annual fee will be set as a condition of entry of being added to the register. The condition will state the amount and date by which the annual payment is due. Failure to make such a payment will be breach of the condition and may lead to legal proceedings being issued.

Where there are changes to circumstances and there is a need to impose a condition on an existing entry into the Fit and Proper Person Register then it will be determined whether an annual fee will need to be levied in respect of that condition(s).

A detailed breakdown of activities, time scales and officer costs has identified that this work amounts to a total cost of £125.00.

### **7.5 Five Yearly Reapplication**

Site owners or their appointed manager must renew their entry on to the register of Fit and Proper Person every five years and where there has been no change to the named individual within that period.

This process will mirror that of the original application, however it is accepted that processing time will be shortened due to previous experience and so officer costs will be reduced.

A detailed breakdown of activities, time scales and officer costs has identified that this work amounts to a total cost of £292.00.

### **7.6 Payment of Fees**

The Council is not required to consider an application for entry on to the Fit and Proper Person register unless the application is accompanied by the correct fee. If the correct fee is not included, the application will not be valid.

### **7.7 Refunds**

If the Council decides not to approve an application the applicant is not entitled to a refund of the fees paid.

## **8 Exemptions**

Local Authorities can elect to exempt the following 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/a 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 legislation, Gypsy and Traveller sites owned by the Local Authority that do not require a site licence.
- Sites limited to 1 unit only, as they are low risk, tend to be family run sites and therefore do not operate as a business.
- For Fit and Proper Person, a site is exempted from a fee if it is occupied only by members of the same family and is not being run as a commercial residential site. There is specific guidance available to the Council to determine the applicability of this exemption which will be considered as part of the formal decision-making process.

## **9 Charges for Enforcement Notices**

From the 1<sup>st</sup> April 2014, Section 9A of the 1960 Act allow local authorities to serve statutory notices on site owners for non-compliance with licence conditions and to make a charge for that notice. These notices set out what the site owner must do to comply with the relevant licence condition(s) and the timescales. In accordance with the legislation, the site owner is not allowed to pass this charge on to residents of the site.

In accordance with Section 9C of the 1960 Act, 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 Council intends to charge. The demand for recovery is served with the notice and must provide a clear breakdown of the costs incurred. 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. Where compliance with a notice is achieved through works in default then these costs would be passed on to the site owner.

Please note that this charge is only for the service of enforcement notices. Any associated costs with taking any action for non-compliance, such as action in the Magistrates Court, are recoverable through the court costs.

## **10 Review**

This fees and charges policy will be published on the Cheshire East Council website. The fees detailed in this policy have been determined based on experience of dealing with mobile home site licensing and with consideration of the changes the MHA 2013 has introduced.

This policy will be revised no later than 31<sup>st</sup> March 2026 in line with the Council's fee setting process.

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