

Licensing Committee

Agenda

Date: Monday, 4th March, 2024
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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 and Overview and Scrutiny 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.

For requests for further information

Contact: Sam Jones

Tel: 01270 686643

E-Mail: samuel.jones@cheshireeast.gov.uk with any apologies

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.

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

That the minutes of the meeting held on 8 January 2024 be approved as a correct record.

5. **Minutes of Licensing Sub-Committees** (Pages 5 - 10)

To receive the minutes of the following meetings:

Licensing Act Sub-Committee

22 December 2023
23 January 2024
12 February 2024

General Licensing Sub-Committee

No minutes to receive.

6. **Revised Street Trading Policy Report** (Pages 11 - 26)

To review the Revised Street Trading Policy Report and seek Members' comments following revisions to the Council's Street Trading function.

7. **Mobile Homes Fees and Charges 2024-2025 Report** (Pages 27 - 44)

To consider the proposed Regulatory Services and Health Mobile Homes Fees and Charges Policy 2024-2025 report.

THERE ARE NO PART 2 ITEMS

Membership: Councillors M Brooks, C Bulman, C Chapman, D Edwardes (Chair), H Faddes, A Gage, A Heler, C Hilliard, R Kain (Vice-Chair), J Place, J Pratt, L Smetham, J Smith and J Wray

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 8th January, 2024 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Edwardes (Chair)

Councillors M Brooks, C Bulman, C Chapman, A Heler, J Place, J Pratt and
L Smetham

OFFICERS IN ATTENDANCE

Kim Evans, Licensing Team Leader
Gary Coghlan, Legal Services
Sam Jones, Democratic Services Officer

63 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Kain and H
Faddes.

64 DECLARATIONS OF INTEREST

There were no declarations of interest received

65 PUBLIC SPEAKING TIME/OPEN SESSION

There were no public speakers.

66 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 6 March 2023 be approved as a
correct record.

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

To receive the minutes of the following meetings of the Licensing Act Sub-
Committee:

23 February 2023
13 April 2023
30 June 2023
9 August 2023

26 October 2023
17 November 2023

To receive the minutes of the following meeting of the General Licensing Sub-Committee:

12 October 2023

68 REVIEW OF LICENSING FEES AND CHARGES REPORT 2024 - 2025

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 April 2024.

Some fees were set by statute or regulations, while others could be set by Local Authorities in order to cover the cost of administration, compliance and some elements of enforcement; Locally Set Fees. Where the Council had the discretion to set fees, they were subject to review by the Licensing Team and confirmation by the Licensing Committee. The Council was not able to make a profit from licensing fees and could not support the General Fund from licensing fees.

RESOLVED:

That the recommendations set out in the Licensing Fees and Charges report, 2024 – 2025 be approved.

The meeting commenced at 2.01 pm and concluded at 2.25 pm

Councillor D Edwardes (Chair)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 22nd December, 2023 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor R Kain (Vice-Chair, in the Chair)

Councillors J Place and J Wray

OFFICERS IN ATTENDANCE

Martin Kilduff, Licensing Enforcement Officer
Joanna Sherratt, Enforcement Officer – Environmental Protection
Garry Coghlan, Legal Officer
Sam Jones, Democratic Services Officer

13 APPOINTMENT OF CHAIR**RESOLVED:**

That Councillor R Kain be appointed as Chair.

14 DECLARATIONS OF INTEREST

Councillor Wray declared that he lived in Smallwood and was the Ward Member for the area. Councillor Wray said that the Smallwood Parish Council met in the Village Hall and the applicant was also on the Parish Council but had not discussed the application with him.

Councillor Kain declared that he had attended functions at Smallwood Village Hall previously, but not for several years.

15 APPLICATION FOR A PREMISES LICENCE - SMALLWOOD VILLAGE HALL, SCHOOL LANE, SMALLWOOD, SANDBACH, CHESHIRE, CW11 2UR

The Committee considered a report to determine an application for a premises license for Smallwood Village Hall, School Lane, Smallwood, Sandbach, Cheshire, CW11 2UR.

The following attended the hearing and made representations with respect to the application:

- The applicants

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported, that 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.

The following course of action had been agreed:

RESOLVED:

That the application for a premises licence be **GRANTED** subject to the suggested conditions set out in the Operating Schedule accompanying the application and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003 as amended by the additional conditions set out below.

Additional conditions:

- i. The supply of alcohol may take place on the premises between the hours of 11:00 and 23:00 hours, Monday to Saturday.
- ii. The supply of alcohol may take place on the premises between the hours of 11:00 and 18:00 hours on Sundays.
- iii. Loudspeakers shall not be located on the exterior of the premises or in the car park outside the premises without the submission of a Temporary Event Notice.

The meeting commenced at 11.20 am and concluded at 11.46 am

Councillor R Kain (Vice-Chair, in the Chair)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Tuesday, 23rd January, 2024 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Edwardes (Chair)

Councillors A Heler and J Place

OFFICERS IN ATTENDANCE

Jennifer Rowney, Licensing Officer
Richard Hellon, Licensing Enforcement Officer
Garry Coghlan, Legal Officer
Sam Jones, Democratic Services Officer

16 APPOINTMENT OF CHAIR

RESOLVED:

That Councillor D Edwardes be appointed as Chair.

17 DECLARATIONS OF INTEREST

Councillor Heler declared that she had driven past the premises but had not stopped the vehicle.

18 APPLICATION FOR A PREMISES LICENSE - FAIRVIEW VINEYARD LTD, FAIRVIEW, GOLDFORD LANE, MALPAS, SY14 8LL

The Committee considered a report to determine an application for a premises license for Fairview Vineyard LTD, Fairview, Goldford Lane, Malpas, SY14 8LL.

The following attended the hearing and made representations with respect to the application:

- The applicant and their agents
- Objectors
- Supporters

The applicant and objectors both handed material to the sub-committee after the deadline for submission which was deemed inadmissible.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported, that 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.

The following course of action had been agreed:

RESOLVED:

That the application for a premises licence be **GRANTED** subject to the suggested conditions set out in the Operating Schedule accompanying the application as amended on 7 January 2024, and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003.

The meeting commenced at 10.31 am and concluded at 12.23 pm

Councillor D Edwardes (Chair)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 12th February, 2024 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Edwardes (Chair)
Councillors A Heler and R Kain

OFFICERS IN ATTENDANCE

Kim Evans, Licensing Team Leader
Tracey Billington, Licensing Enforcement Officer
Cheryl Birchenough, Environmental Health Officer
Mark Vyse, Environmental Health Officer
Phil Jennings, Principal Lawyer
Sam Jones, Democratic Services Officer

19 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor D Edwardes be appointed as Chair.

20 DECLARATIONS OF INTEREST

There were no declarations of interest.

21 APPLICATION FOR A PREMISES LICENCE - WELLES AND CROSS, 17 WELLES STREET, SANDBACH, CHESHIRE, CW11 1GT

The Committee considered a report to determine an application for a premises license for Welles and Cross, 17 Welles Street, Sandbach, Cheshire, CW11 1GT.

The following attended the hearing and made representations with respect to The application:

- The applicants
- Objectors

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported, that 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.

Environmental Health Officers left the meeting at 11:30 am.

The following course of action had been agreed:

RESOLVED:

That the application for a premises licence be **GRANTED** subject to the Operating Schedule accompanying the application, and the additional conditions set out in the Decision Notice, and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003.

The meeting commenced at 10.30 am and concluded at 12.05 pm

Councillor D Edwardes (Chair)

OPEN

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

Licensing Committee**04 March 2024****Revised Street Trading Policy****Report of: Peter Skates – Acting Executive Director Place****Ward(s) Affected: All****Purpose of Report**

- 1 This report seeks Members' comments following revisions to the Council's Street Trading function.

Executive Summary

- 2 The Council adopted a Borough wide Street Trading Policy in 2013 and it is now appropriate to revisit the content of the policy to ensure it meets current requirements.
- 3 Officers have undertaken a review of the policy (appendix 1) and various changes from the previous iteration have been made. These changes are collated in appendix 2.
- 4 A limited consultation is currently being conducted and runs between 11th January 2024 and the 7th March 2024. The consultation has been limited to those persons who hold consents and those organisations or bodies that are consulted on applications. The Licensing Committee is also being consulted as a decision-maker that would use the policy.

RECOMMENDATIONS

The Licensing Committee is recommended to:

1. Consider the content of the policy and suggest such changes as Members think appropriate.
2. Refer the policy (in amended or non-amended form), at appendix 1, to the Environment and Communities Committee for adoption.

Background

- 5 On the 13th October 2011, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 was adopted in respect of the whole Borough. The first Borough wide Street Trading Policy was adopted by the Licensing Committee in 2013. That remains the policy in place today.
- 6 Given that the policy has not been amended since 2013 it is now time to revisit the consent to ensure it remains suitable and appropriate for use. Following the change to a committee system, the power to adopt the policy now lies with the Environment and Communities Committee. The Licensing Committee is therefore being consulted as part of the review.
- 7 A street for these purposes includes any road, footway, beach or other area to which the public has access without payment, including highway service areas and private land. In brief terms, street trading is defined as anyone selling or exposing or offering for sale any article (including a living thing).
- 8 The purpose of controlling street trading is to ensure appropriate controls are in place to regulate and ensure that:
 - An area is not saturated with street traders to the detriment of permanent businesses
 - The highway is not obstructed
 - The presence of the trading unit does not present a danger to pedestrians and other road users or an annoyance is caused to residents
- 9 There are approximately 20 street trading consents issued annually by the Licensing Team. The fee currently stands at £385.00 per yearly consent (there are lesser amounts payable for shorter period consents, but in practice most applicants apply for an annual consent). The fee is due to rise to £405.00 from 01/04/2024.

Consultation and Engagement

- 10 There is no statutory consultation process for adopting a new street trading policy.
- 11 It was agreed with the Director of Environment and Neighbourhoods that, given the limited application of this policy, that a limited consultation process would be conducted.
- 12 As part of the consultation, all those consulted on applications were included (i.e. Town and Parish Councils, Highways Department, Environmental Health, and Cheshire Constabulary). All those with current consents were also contacted to inform them of the consultation.

- 13 The consultation is running between 11th January 2024 and the 7th March 2024 and the responses will be provided to the Environment and Communities Committee prior to the adoption of a final draft.

Reasons for Recommendations

- 14 To seek the views and support of the Licensing Committee.

Other Options Considered

- 15 Consideration has been given to not revising the policy and remaining with the extant version. However, as can be seen from the proposed changes, there is a need to ensure that the policy remains fit for purpose.

Option	Impact	Risk
Do nothing	The Council's current policy (adopted in 2013) would remain extant.	The policy may be considered overdue for review and if changes in practices are not reflected in a revised policy then decisions may be open to challenge.

Implications and Comments

Monitoring Officer/Legal

- 16 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 grants a Local Authority the power to adopt legislation to control Street Trading within its area.
- 17 Schedule 4 of the 1982 Act sets out the powers available, including:
- The designation of streets as prohibited, consent, or licence
 - Exemptions
 - Setting of fees
 - Applying conditions
 - Any offences
- 18 The Council should have an up-to-date policy that informs the decision-making process and gives clarity to applicants, consultees, and decision-makers.

Section 151 Officer/Finance

- 19 There are no financial implications arising from the report. The Council does charge a fee for each consent issued. These fees are set by the Licensing Committee prior to each new financial year. The fees for 2024/2025 were set by the Committee in January 2024 and are included in the income budgets for the Licensing Team. Staff time for reviewing and drawing up the revised policy were funded from existing Licensing staffing budgets.

Policy

- 20 Ensuring that the Council has a robust decision-making process, supported by a revised policy, will contribute to a number of corporate aims set out below. The Policy seeks to balance ensuring that the Borough has diverse trading opportunities with the needs and expectations of the people of the Borough by ensuring traders are well regulated, that their positive impacts are promoted, and any negative impacts are negated.

<p>An open and enabling organisation</p> <p>Support a sustainable financial future for the council, through service development, improvement and transformation</p> <p>Look at opportunities to bring more income into the borough</p>	<p>A council which empowers and cares about people</p> <p>No links</p>	<p>A thriving and sustainable place</p> <p>A great place for people to live, work and visit</p> <p>Welcoming, safe and clean neighbourhoods</p> <p>Reduce impact on the environment</p>
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Equality, Diversity and Inclusion

- 21 The Policy relates to the regulation of street traders and there are therefore no implications for groups protected under equalities legislation.

Human Resources

- 22 There are no human resources implications.

Risk Management

- 23 There are no additional risk implications to those already identified within the report.

Rural Communities

24 There are no implications for rural communities.

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

25 There are no implications for children and young people.

Public Health

26 There are no public health implications.

Climate Change

27 There are no climate change implications.

Access to Information	
Contact Officer:	Kim Evans - Licensing Team Leader licensing@cheshireeast.gov.uk
Appendices:	Appendix 1 – Revised Draft Policy Appendix 2 – Changes made
Background Papers:	None

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Street Trading Policy

Contents

1	Purpose
2	Street Trading Definition
3	Exemptions
4	Application Process
5	Consultation
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7	General Conditions
8	Enforcement
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10	Decisions
11	General

1 Purpose

- 1.1 The Council's Street Trading Policy is to regulate street trading and to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of the local environment.

2 Street Trading Definition

- 2.1 Street Trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment. This may also include private land.
- 2.2 Cheshire East Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of the Borough Area. A list of the designated streets is set out at appendix A.
- 2.3 The effect of this designation is that Street Trading in a Consent Street is prohibited (subject to exemptions) without first obtaining a Street Trading Consent from the Council.
- 2.4 Street Trading in a Prohibited Street is not permitted at any time. Anyone found to be trading in a prohibited street may be liable to prosecution.
- 2.5 It is recognised that street trading and trading as part of a market are distinct activities and the regulation of markets and market traders exists elsewhere in legislation.

3 Exemptions

- 3.1 Some types of trade are exempt from the need to obtain a street trading consent. These include:
- A person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871
 - Trade carried out by a roundsman e.g. milkmen
 - Trade carried on at a petrol filling station
 - News vendors in certain circumstances
 - Trade carried out in a street adjoining a premises used as a shop; provided it is part of the business of that shop (such business must not obstruct the highway).
 - Certain activities under the Highway Act 1980
 - Selling items for charity under a Street Collection Permit
 - Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.

4 Application Process

4.1 Street Trading application can be made for:

- a 'Fixed Pitch' nominated by the applicant (if that pitch is deemed suitable). Fixed pitch consents are suitable for traders who want to trade in the same location on a regular basis without the ability to move around the Borough.
- a 'Roaming Zone' (Borough wide consent when a schedule of stops/streets is included with the application, ie ice cream vans etc).

4.2 Applicants for 'Roaming Consent' (e.g. ice cream vendors etc) must include a list of all streets where they will be stopping to trade. Roaming consent holders will be expected to remain in one place only for a limited time i.e., not more than 30 minutes.

4.3 A Street Trading Consent can be held by more than one person, providing that person(s) has a business interest and authority to manage the Street Trading site. Once granted, all Consent Holders will be held equally responsible for any breach of terms of conditions of a Street Traders Consent.

4.4 The fees payable for street trading consents are set annually by the Licensing Committee.

4.5 If you intend to trade on private land, you will still require street trading consent and you will need to provide evidence that the landowner has given you permission to trade as part of your application.

5 Consultation

5.1 On each application received the Licensing Team may consult the following:

- i. Police
- ii. Highway Authority
- iii. Environmental Health (Environmental Protection and Commercial Services)
- iv. Town and Parish Council covering the relevant area(s)

5.2 The Licensing Team will also consult any other person or body that is deemed necessary.

5.3 If any objections/representations are received in respect of an application, that application will be determined by authorised officers.

5.4 Consultation will normally be conducted for 10 working days. However, some consents that are only applied for 1 day will likely not be consulted on, especially in cases where there is insufficient time before the date requested to carry out consultation.

6 Site Assessment

6.1 In determining whether Street Trading in a particular area is appropriate the Council will have regard to:

- any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving
- any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions
- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- whether there are any Consents (Fixed or Roaming) already granted to a site in the vicinity
- Whether the trading applied for would adversely affect any existing shops or traders.

6.2 When considering the effect on existing consent holders or existing shops in an area, this will be determined on a case-by-case basis. However, applicants should expect a consent to be refused where the location applied for is within 500 meters of existing traders or shops with similar offerings.

7 General Conditions

7.1 In addition to the above, the following criteria will need to be met before a Street Trading Consent will be issued:

Prevention of obstruction or danger to road users

- To be sited in accordance with highways legislation as appropriate, such that no obstruction is caused to highway users or to adjacent properties
- The position of any vehicle must be such that it does not encourage children to cross any Class I, Class II or Class III Primary Distributor Road
- No advertising boards to be used other than adjacent to the vehicle, which shall not cause any obstruction to users of the street
- Operator to cease trading, if asked to by the Highways Authority or the emergency services.

Prevention of nuisance or annoyance

- No music or other broadcasts to be made from the Consent site other than with the permission of this Authority
- Litter bins and recycling bins to be provided and litter collected as appropriate where litter is likely to be generated
- A refuse contract must be entered into where refuse is likely to be generated
- The Council encourages Operators to recycle litter or waste where facilities are available

Suitability of the applicant

- An application may be refused if the applicant is unsuitable to hold the consent.
- Consent cannot be issued to a person under the age of 18 years

- 7.2 The Council can issue a consent with any conditions that are deemed reasonably necessary.

8 Enforcement

- 8.1 Standard conditions may be attached to every Street Trading Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. Specific conditions deemed appropriate can also applied to specific consents. This might be done to alleviate the concerns of anyone providing a consultation response.
- 8.2 Failure to comply with conditions may lead to revocation or non renewal of Consent.
- 8.3 Street Trading Consent can be revoked at any time. Additionally, the Conditions attached to a consent may be varied at any time.
- 8.3 It is an offence to carry out street trading without the consent of the Council and any person convicted of such an offence shall be liable to a fine not exceeding £1,000. This will include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the certificate.

9 Renewals

- 9.1 Street Trading Consents are issued for a period of up to one year.
- 9.2 Applicants should then re-submit their application if they wish to continue to trade at least one month before the expiry of their current Consent.
- 9.3 Renewal applications will be subject to a streamlined process, which will not include further consultation. However, if complaints are received concerning existing traders, investigation of whom has not warranted revocation, a consultation process will be undertaken in line with grant applications.

10 Decisions

- 10.1 Following the determination of an application the Council will notify the applicant of the decision in writing as soon as possible.
- 10.2 There is no statutory right of appeal against refusal to issue a Street Trading Consent.

11 General

- 11.1 This policy will complement and inform other Council initiatives including those on street markets and life in the public realm.
- 11.2 This policy will inform the detailed conditions attached to every Street Trading Consent.

Appendix 1 – Revised Draft Policy

11.3 This policy will be applied in a manner that is consistent with the Council's equalities policies.

11.4 At all times, each application will be determined on its own merit.

Table of delegations of licensing functions

Functions relating to street trading will be dealt with as follows:

Matter under consideration	Full Committee	Sub-Committee	Officers
Policy Adoption	Environment and Communities Committee (*)		
Fee Setting	Licensing Committee (*)		
Designation of Streets	Licensing Committee (*)		
Applications for the grant or renewal of licences			All cases
Including additional conditions, amending conditions or disapplying standard conditions			All cases
Revocation of consents		When referred by officers (*)	All cases (when not referred to Sub-Committee)
Requests for officer decisions on applications or conditions to be reviewed		All cases (*)	
Application to review an officer revocation of consent		All cases (*)	

* Subject to any changes to the Council's Constitution

Logged changes to the Street Trading Policy

Paragraph	Type	Change
All	Format	Format changed to meet CEC brand identity guidelines
Contents	Change	Change in numbering following removal of sections (see below for details)
2.5	Additional paragraph	It is recognised that street trading and trading as part of a market are distinct activities and the regulations of markets and market traders exists elsewhere in legislation
3.1	Additional wording	Additional exemptions added: <ul style="list-style-type: none"> • Certain activities under the Highway Act 1980 • Selling items for charity under a Street Collection Permit
4.1	Additional wording	Fixed pitch consents are suitable for traders who want to trade in the same location on a regular basis without the ability to move around the Borough.
4.2	Additional wording	Roaming consent holders will only be expected to remain in one place for a limited time ie not more than 30 minutes.
4.4	Additional paragraph	The fees payable for street trading consents are set annually by the Licensing Committee.
4.5	Additional paragraph	If you intend to trade on private land, you will still require street trading consent and you will need to provide evidence that the landowner has given you permission to trade as part of your application.
5.1	Change	Those consulted on applications changed to: <ul style="list-style-type: none"> • Police • EH • Commercial • Highways • Town and Parish Council

Appendix 2 - Changes made

5.3	Additional wording	If any objections/representations are received in respect of an application, that application will be determined by authorised officers
5.4	Additional paragraph	Consultation will normally be conducted for 10 working days. However, some consents that are only applied for 1 day will likely not be consulted on, especially in cases where there is insufficient time before the date requested to carry out consultation
6.2	Additional paragraph	When considering the effect on existing consent holders or exiting shops in an area, this will be determined in a case-by-case basis. However, applicants should expect a consent to be refused where the location applied for is within 500 meters of existing traders or shops with similar offerings.
8.1	Additional wording	Specific conditions deemed appropriate can also applied to specific consents. This might be done to alleviate the concerns of anyone providing a consultation response.
9	Removed	Section 9 (Fees) to be removed. Fees to be published on our website
9.3 (new numbering)	Additional wording	Wording to clarify the process for renewal applications
10	Removed	Section 10 (Delegation) to be removed and replaced with a table in the appendices
14	Removed	Section 14 (Review) to be removed as no longer necessary
15	Removed	Section 15 (Contacts) to be removed as details are available in better formats such as online
Appendix A	Removed	It is no longer necessary or desirable to have the street trading designations within the policy as these can be updated or changed independently to any policy changes. The form is available on our website.
Appendix B	Removed	It is no longer necessary or desirable to have the application form within the policy. The form is available on our website and copies can be provided on request. We are also exploring online application options.
New Appendix A	New	Sets out where decisions will be taken (ie Committee, Sub-committee, or Officers)

OPEN

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

Licensing Committee**4th March 2024****Annual review of the Mobile Homes -
Fees and Charges Policy 2024-2025**

Report of: Peter Skates – Acting Executive Director of Place
Ward(s) Affected: All Wards**Purpose of Report**

- 1 In accordance with the Mobile Homes Act 2013 (MHA13), which amended 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. 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 2024-2025.
- 2 This report seeks to support two Corporate Plan strategic aims and objectives.
 - **Open**
Ensure there is transparency in all aspects of council decision making.
Look at opportunities to bring more income into the Borough.
 - **Fair**
Protect and support our communities and safeguard children, adults at risk and families from abuse, neglect and exploitation.

Executive Summary

- 3 In accordance with the Mobile Homes Act 2013 (MHA13) 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 2024-2025.

RECOMMENDATIONS

The Licensing committee is recommended to:

1. Approve the proposed Regulatory Services and Health Mobile Homes Fees and Charges Policy 2024-2025 as set out in Appendix 1.

Background

- 4 In accordance with the MHA13, the Council may charge a fee for issuing and administering licences for residential caravan 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.
 - 5 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 2024-2025. The fees have been calculated for caravan sites as both an initial application fee and an annual fee, 2023-2024 fees are provided for reference purposes.

Number of Pitches	2024-2025 Fee	2023-2024 Fee
< =10	£225.00	£211.00
< =20	£280.00	£262.00
< =30	£340.00	£328.00
< =40	£416.00	£394.00
< =50	£471.00	£440.00
> 50	£521.00	£499.00

- (b) Additional fees that can be levied on sites are proposed below, 2023-2024 fees are again provided for reference purposes.

	2024-2025 Fee	2023-2024 Fee
Site Licence Transfer Fee	£124	£116
Licence amendment (simple)	£124	£116
Application by the licensee for amendment of conditions	£372	£348
The deposit of site rules	£44	£38

- (c) The following are the proposed fees and charges relating to 'Fit and Proper Person', 2023-2024 fees are provided for reference:

	2024-2025 Fee	2023-2024 Fee
Initial Application Fee	£385.00	£358.00
Annual Fee	£122.00	£113.00
Five Year Reapplication Fee	£197.00	£183.00

Consultation and Engagement

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

Reasons for Recommendations

- 7 In accordance with the Mobile Homes Act 2013, the Council must produce a Fees and Charges Policy for the licensing of residential caravan 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

- 8 Cheshire East Council has implemented a charging scheme for mobile home licensing functions for several years and in accordance with the Mobile Homes Act 2013. 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.
- 9 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
Do nothing – 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

- 10 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.” 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 A review of fees and charges has been undertaken and this has been used to produce a proposed charging policy for 2024-2025 (Appendix 1).

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 5) 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.

An open and enabling organisation Ensure there is transparency in all aspects of council decision making.	A council which empowers and cares about people Protect and support our communities and safeguard children, adults at risk and families from abuse, neglect and exploitation.	A thriving and sustainable place Look at opportunities to bring more income into the Borough.
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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 MHA13 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>Name: Sarah Sutton</p> <p>Job Title: Commercial Services Team Leader</p> <p>Email: sarah.sutton@cheshireeast.gov.uk</p>
Appendices:	Mobile Homes Fees and Charges Policy 2024-2025
Background Papers:	<p>The Mobile Homes Act 2013 is available here: http://www.legislation.gov.uk/ukpga/2013/14/contents/enacted</p> <p>The Mobile Homes (Site Rules) (England) Regulation 2014 is available here: http://www.legislation.gov.uk/cy/uksi/2014/5/made</p> <p>Mobile Homes Act 2013: a guide for local authorities on setting licence 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</p> <p>Mobile homes: a guide for local authorities on the fit and proper person test: Mobile homes: a guide for local authorities on the fit and proper person test - GOV.UK (www.gov.uk)</p> <p>Mobile homes: a guide for local authorities on setting fees for the fit and proper person test: Mobile homes: a guide for local authorities on setting fees for the fit and proper person test - GOV.UK (www.gov.uk)</p>



Regulatory Services and Health

Mobile Homes Fees and Charges Policy

2024-2025

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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 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 Mobile Homes Act 2013 also contained the requirement for sites to be managed by a 'Fit and Proper Person'. This was subsequently enacted through the Mobile Homes Regulations 2020.

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 from members of the public.

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 MHA13 received royal assent on the 26th March 2013, and introduced important amendments to the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983. The legislation amends how local authorities license residential caravan sites, which are termed as "relevant protected sites" under the MHA13.

The MHA13 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 1st April 2014 (Fit and Proper person from 1st July 2021). The range of site licensing functions, which attract a charge include;

Appendix 1 - Mobile Homes Fees and Charges Policy 2024-2025

- 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 Mobile Homes Regulations 2020 requires 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 sites in their area. Sites which are in mixed use i.e., partly holiday with some permanent Mobile Homes 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 MHA13 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 MHA13 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
Less than or equal to 20 caravans
Less than or equal to 30 caravans
Less than or equal to 40 caravans
Less than or equal 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 Caravan Sites and Control of Development act 1960 (as amended).

It is important for the setting of fees and charges to be able to determine the precise number of units on each site. All sites must have planning permission, deemed permission for those sites in existence with the enactment of the Caravan Sites and Control of Development Act 1960 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;

Number of pitches	Cost
<=10	£225
<=20	£280
<=30	£340
<=40	£416
<=50	£471
>50	£521

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 £124 will be charged to cover this function, which is estimated to take 4 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) £124.
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 £372.
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

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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 1st 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 is 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 MHA13 amends the Mobile Homes Act 1983 and requires existing site rules to 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 £44 (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

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- 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 MHA13 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.

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 £385.00.

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

Appendix 1 - Mobile Homes Fees and Charges Policy 2024-2025

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.

A detailed breakdown of activities, time scales and officer costs has identified that this work amounts to a total cost of £122.00.

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 £197.00.

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 sites for reasons of risk and/or cost, scale etc.

- Any site that does not require a licence.
- Any site used exclusively for recreational type use.
- Any site exempted by legislation such as the Caravan Sites and Control of development Act 1960; Schedule 1.
- A recreational site where planning permission/Certificate of Lawful Use has been issued and the number of residential units on the site is 5% or less of the overall capacity.
- In accordance with the legislation Gypsy and Traveller sites owned by the Local Authority that do not require a site licence.
- 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 1st April 2014, Section 9A of the MHA13 allows 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 the amendments imposed by the MHA13, 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 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 MHA13 has introduced.

This policy will be revised no later than 31st March 2025 in line with the Council's fee setting process.

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