

Agenda

Meeting name	Licensing Committee
Date	Thursday, 9 September 2021
Start time	6.30 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leics, LE13 1GH
Other information	This meeting is open to the public

Members of the Licensing Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	J. Douglas (Chair)	P. Chandler (Vice-Chair)
	T. Bains	P. Cumbers
	S. Carter	C. Fisher
	M. Glancy	P. Posnett MBE
	D. Pritchett	J. Wilkinson

Quorum: 4 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 1 September 2021

No.	Item	Page No.
	<p>YOU TUBE - LIVE STREAMING Public Access: The meeting will be available to view at the following link</p> <p>View Licensing Committee</p>	
1.	APOLOGIES FOR ABSENCE	
2.	<p>DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.</p>	1 - 2
3.	<p>MINUTES To confirm the minutes of the meeting held on 17 June 2021.</p>	3 - 6
4.	<p>MINUTES FROM LICENSING SUB-COMMITTEES There have been no sub-committees held since the last the meeting therefore there are no minutes for consideration.</p>	
5.	<p>TAXI FEES 2021 To receive a report to consider whether taxi fees charged for processing applications should be amended given the significant effect of the Coronavirus pandemic on the taxi trade.</p>	7 - 18
6.	<p>MOBILE HOMES ACT 2013 - POLICY INCLUDING FEES To receive a report to which presents a Mobile Homes Policy including fees for approval.</p>	19 - 34
7.	<p>URGENT BUSINESS To consider any other items that the Chair considers urgent</p>	

Advice on Members' Interests

PERSONAL AND NON-PECUNIARY INTERESTS

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

You must state that you have a personal and non-pecuniary interest and the nature of your interest. You may stay, take part and vote in the meeting.

PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Audit and Standards Committee.

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.

You may not attend a meeting or stay in the room as either an Observer Councillor or *Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest*.

BIAS

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

*There are some exceptions – please refer to paragraphs 3.12(2) and 3.12(3) of the Code of Conduct

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Minutes

Meeting name	Licensing Committee
Date	Thursday, 17 June 2021
Start time	6.30 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leics, LE13 1GH

Present:

Chair Councillor J. Douglas (Chair)

Councillors P. Chandler (Vice-Chair) S. Carter
C. Fisher P. Posnett MBE
D. Pritchett J. Wilkinson
R. de Burle (Substitute)

Officers Regulatory Services Manager
Licensing & Compliance Officer (Business Advisor: Licensing) (SF)
Licensing & Compliance Officer (Business Advisor: Licensing) (SG)
Senior Solicitor (LA)
Senior Democratic Services & Scrutiny Officer
Democratic Services Officer (HA)

Minute No.	Minute
L1	<p>Apologies for Absence Apologies for absence were received from Councillors Cumbers and Glancy. Councillor de Burle was in attendance as Councillor Glancy's substitute.</p>
L2	<p>Declarations of Interest Councillor Posnett declared a standing personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p>
L3	<p>Minutes The Minutes of the meeting held on 13 June 2019 were confirmed and authorised to be signed by the Chair.</p>
L4	<p>Minutes to be noted from Licensing Sub-Committees The Committee noted the Minutes and decision notices of the Licensing Sub-Committee meetings held on 8 July 2019, 30 October 2019, 24 January 2020 and 8 October 2020.</p>
L5	<p>Taxi Fare Review The Taxi Fare Review was presented to the Committee. In introducing the report, the Regulatory Services Manager outlined to Members the addendum which was as a result of a late representation. The Committee was informed that the representation had raised concerns regarding the methodology used in calculating the fare increase and that the addendum highlights the new proposal resulting from the concern raised.</p> <p>A query was raised regarding the specifics of the tariff charges; however Members were informed that the process involves taxi drivers proposing tariff charges with the role of the Committee considering the proposed tariff charges.</p> <p>Following a question on why some tariffs had vastly different waiting times, it was confirmed that each tariff relates to a different scenario depending on the time of day, number of passengers or whether it is a bank holiday. In referencing tariff 5, the Regulatory Services Manager stated that this particular tariff is a response to a problem that had been identified by taxi drivers during consultation.</p> <p>In response to the question on whether the late proposal was proposed by someone who could have responded to the original consultation, it was confirmed that each taxi driver had an opportunity to respond to the original consultation and that the late proposal was proposed by someone who had the opportunity to respond at an earlier stage. The Committee was informed that the proposal was received a day after the Committee papers were published. In those papers, the formula that had been used to calculate the tariff fares was also published, whereas it had not been for the original consultation as there is no requirement to do so, and that the proposer stated that if they had sight of the formula beforehand then their contribution to the consultation would have been different.</p>

A query was raised regarding how and when the fuel prices were calculated, however in response the Committee was informed that Officers had used RAC calculations in order to calculate the fuel prices to be used within the formula for the calculation of tariff fares.

A Member commented that the original proposal should be considered first as it had already been through the consultation process. However, although fellow Committee Members were sympathetic to that position, it was agreed that the late proposal was as a result of information that the proposer was not aware of at the time of the original consultation. A comment was also made that the fares not only need to be at a level where taxi drivers can make a living wage, but that they need to be at a level that drivers have enough income to replace their vehicles, if required.

It was noted that if the Committee accepted the revised proposal, then the Council would have to go out to consultation for a second time. Despite this, Members expressed support for the revised proposal and recognised that it had been a number of years since the last increase and that to support taxi drivers within the town then an increase is required.

RESOLVED

1. The Committee accepted the alternative proposal as valid and approved further consultation based on the new proposed fee amounts and therefore agreed, in principle, that the fare table be varied.
2. The Committee agreed that authority be delegated to the Regulatory Services Manager, in consultation with the Chair of the Licensing Committee, to resolve any objections received before deciding to implement the new fee table.

L6

Hackney Carriage & Private Hire Licensing Policy Review 2021

The Licensing and Compliance Officer introduced the Hackney Carriage and Private Hire Licensing Policy Review 2021. The Committee was informed that the policy is reviewed every five years and was last reviewed in 2018, however in July 2020 the Department for Transport issued the new Statutory Taxi and Private Hire Vehicle standards. This therefore means that the policy had to be reviewed in order to align with the new standards. Members were then appraised of the changes that had been made.

A concern was raised regarding maximum age of a vehicle adapted to carry a wheelchair from 7 to 15 years and that there is a potential that there could be vehicles on the road with older technology. In response it was explained that there are a lack of taxis in Melton that can carry a wheelchair and that by increasing the maximum age of the vehicle would mean that they didn't have to be replaced as often. The Committee was informed that it is hoped that this

approach would encourage more vehicles that could carry a wheelchair.

Further discussion ensued regarding how to encourage more vehicles that can carry a wheelchair. The Committee was informed that the Council are encouraging more such vehicles via the increase in the maximum age and reducing the fee to zero.

In addition, it will also be a requirement for taxi companies with five or more vehicles to have a vehicle that can carry a wheelchair, whereas currently no such provision exists. Members had concerns over the requirement and that further discussion on transport for disabled people is required.

In response to a question regarding checking vehicles to ensure their safety, Members were informed that the policy states that the vehicle shall be maintained in a safe mechanical and structural condition. Also vehicles over eight years of age are required to undertake an MOT test every six months

Following a comment it was confirmed that the policy is Melton Borough Council's rules on the required standard of the vehicles and service that operate throughout the Borough whilst also incorporating statutory obligations.

The Committee welcomed the policy being reviewed, especially in light of the new Statutory Taxi and Private Hire Vehicle standards that was issued by the Department for Transport in 2020.

RESOLVED

1. The Committee approved the revised Hackney Carriage & Private Hire Vehicle Policy which will take effect from 1 August 2021.
2. The Committee delegated authority to the Regulatory Services Manager to make minor amendments and those required by changes in legislation and guidance in consultation with the Portfolio Holder.

L7

Urgent Business

There was no urgent business for discussion.

The meeting closed at: 7.34 pm

Chair



Licensing Committee

9th September 2021

Report of: Victoria Clarke
Regulatory Services Manager

Taxi Fees 2021

Corporate Priority:	3. Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	
Exempt Information:	No

1. Summary

- 1.1 To consider whether taxi fees charged for processing applications should be amended for the next financial year (2022-23) given the significant effect of the Coronavirus pandemic on the taxi trade.
- 1.2 The proposals would mean an increase to the recharge of the DBS charge to be in line with that charged to the Council, consultation on the introduction of a new 1 and 2 year licence with other charges remaining as currently set.

RECOMMENDATION(S)

That Committee:

1. Approves that consultation commences with the taxi trade to understand the significance of amending fees including consideration of introducing a one year and two year drivers licence where there are relevant circumstances.
2. Approves setting the fee charged to drivers for the DBS check (disclosure and barring service) to be in line with the charge incurred by Melton Borough Council.
3. Authority is delegated to the Director for Growth & Regeneration in consultation with the Portfolio holder for Climate, Access and Engagement to resolve any objections received and to implement the new fee table from 1st December 2021 to the 31st March 2023.

2. Reason for Recommendations

- 2.1 Taxi Licence fees are set locally, unlike alcohol licence fees which are set nationally by Government. Taxi licence fees were last reviewed by Melton Borough Council in 2017. A copy of the current fees can be seen at Appendix A.
- 2.2 The fees need to be reviewed by Melton Borough Council as they have not been updated since 2017. The review needs to determine whether the revised fees are set on a full cost recovery basis or partial recovery, particularly relevant for the taxi trade with the recent Covid 19 implications and to consider whether the fees are to be set in parity with other local Councils to ensure fairness for our local businesses.

3. Background

3.1 Significance of the Taxi Trade in Melton

3.2 The taxi trade is vital in a rural Borough like Melton, it supports the general economy, but particularly the night time economy as there are no alternative public transport options available.

3.3 It is a significant local transport network to facilitate independence for members of the public and enabling their access to essential services, particularly relevant for a sector of local population without access to their own vehicle and/or those with mobility problems.

3.4 Impact of Covid 19

3.5 The Coronavirus pandemic has seriously affected the taxi trade across the country particularly in 2020 due to issues including; severely limited school services operating, supermarket home delivery, fewer visits to the NHS, no night time economy, virtually no holiday/airport journeys and few business trips, with much business being carried out via online platforms.

4. Main Considerations

4.1 The impact of Covid 19 in Melton is that the number of vehicles and drivers is already down by approximately 1/3rd to date.

TABLE 1 – Decease in number of Taxi Licences in Melton since 2018

	No of Vehicles	Number of Drivers	Number of Private Hire Operators
2018	83	91	10
2021	57	55	9

4.2 To put this into context for Leicestershire below is a table of current numbers of licensed drivers in other local authorities.

4.3 Table 2 – Comparison of Number of Driver Licenses across Leicestershire

Authority	Number of Licensed Drivers – Feb 2021	% of the Leicestershire total
Blaby	106	3
Charnwood	288	7.8
Harborough	155	4.2
Hinckley & Bosworth	174	4.7

Leicester City	2114	57.3
Melton	55	1.5
North West Leicestershire	249	6.7
Oadby & Wigston	438	11.8
Rutland	110	3
TOTAL	3,689	100%

4.4 Melton Borough Council needs to do what it can to support recovery the taxi trade in the Borough. During the initial lockdown due to Covid 19 in spring 2020 when businesses were closed for three months (April, May & June), Melton Borough Council reviewed locally set licence fees and a decision was made to extend licences by the 3 month period that businesses were effectively unable to trade.

4.5 **Benchmarking**

4.6 A benchmarking analysis of Leicestershire Authorities and our adjoining neighbouring Authorities has been carried out. It can be seen that in general Melton fees are in line with our neighbouring authorities, except for annual vehicle fees (see tables in Appendix B).

4.7 The average cost in Leicestershire for an initial application for a vehicle is £220 compared to the Melton fee of £104. The average fee in neighbouring Authorities is £184.

4.8 The average cost for a vehicle renewal in Leicestershire is £183 compared to the Melton fee of £94. The average fee in neighbouring Authorities is £232 (please note this is based on fewer comparisons).

4.9 **Additional Information:**

9th March 2021: **Tunbridge Wells Council** reject Taxi Fee increase due to the impact of Coronavirus following consultation:

"It's very hard times for all of us. I was expecting some kind of support not your asking for more money!"

"The industry is already on its knees."

"Trade is so poor, I spent four hours waiting at the train station and made only £4".

"My trade is down so far that I am on the brink of packing it all in. This is a kick in the teeth."

July 2021 **Ashfield District Council** in Nottinghamshire is currently out to consultation with reduced fees.

4.10 **Developing Relationships with Taxi Trade**

4.11 Melton Borough Council needs to look at ways of supporting this trade going forward for continuation of this vital trade. As a means of trying to support the taxi trade Melton Borough Council took the decision to provide discretionary grant funding to the taxi trade via the Additional Restriction Grant in 2020/21. In many instances this was up to £2500 to individual drivers and more for taxi companies to help them through the period between November and July. This was agreed in order to support the trade at such a difficult time.

4.12 There has been a request from the trade for Melton Borough Council to establish a 1 year driver's licence to assist new drivers entering the trade. A new driver would need to find less money to set up and they can establish, in that year, whether it will be financially viable to continue in the trade for the longer term. Discussions with Job Centre Plus (JCP)

have also established that they may be able to assist some drivers with a basic support package for getting back into employment, however JCP would not be able to support the cost of a 3 year licence. Hence further justification for introducing a 1 year licence. This would be a means of trying to regenerate the taxi trade in the Borough of Melton.

4.13 The legislation states we can grant a licence for a lesser period “if deemed appropriate in the circumstances”. The above circumstances may be deemed such.

4.14 **Recovery of Costs**

4.15 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) allow the Council to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The legislation specifies the elements that can be included in the cost of the licence fee.

4.16 The cost of issue and administration can be recovered in drivers’ licence fees. In respect of vehicle and operator licences, the reasonable cost of inspecting vehicles, providing hackney carriage stands and any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.

4.17 The Council cannot make a profit from licence fees and there must be a carry forward of any surplus. There can also be recovery of any deficit.

5. **Options Considered**

5.1 **A number of options have been considered when reviewing the fees charges for Taxi licencing. Following this review the following options are recommended to be taken forward:**

5.2 **To Increase Licence Types**

5.3 Taking into account all of the items raised above the revised option is to recommend that new fees are introduced following consultation with the taxi trade for a 1 and 2 year licence, where deemed appropriate.

5.4 **Recovery of DBS Check Fees**

5.5 It is proposed that the fee for the DBS check is increased in line with their charge to us to recover our direct costs going forward. This currently stands at £51.50.

5.6 **To Freeze Fees**

5.7 It is proposed to maintain the other licence fees at the current charges and the Private Hire operator fees in order to support the trade which has clearly struggled with the pandemic.

5.8 During the pandemic a 3 month extension was provided for existing licenses and therefore, it is not proposed to reduce any fees at present. In addition it is considered that such a measure would not be sufficient to stimulate the trade as the fee is only a small element of the costs incurred in setting up and maintaining a taxi business. The service is looking at working with the Economic Development team to identify other ways the industry can be supported.

6. **Consultation**

6.1 If Committee agree, consultation will commence with the trade with regard to extending licence types and restricting other fee increases. The proposed consultation document is attached at Appendix C.

7. Next Steps – Implementation and Communication

7.1 If agreed, to commence consultation with the trade.

8. Financial Implications

8.1 The 2021-22 licensing budget shows that the service is expecting to be in deficit by £13,980 (expenses of £86,310 and income of £72,330) before including any corporate overhead costs. The deficit is in part due to the fall in licence fees across all areas since the Covid19 pandemic. In particular, the number of taxi licences issued is around 33% less than a normal year. If taxi licences were to recover to 2018/19 levels, then the service would generate an estimated additional £6,000 income. As such the council is currently subsidising the cost of taxi licensing.

8.2 The law states that recovery of taxi licence can be on a cost recovery basis in the Local Government (Miscellaneous Provisions) Act 1976, but it does not have to be full cost recovery. The fee structure can be based on what the Council considers reasonable.

8.3 To achieve cost recovery with only 55 licenced drivers in the Borough (compared to 91 in 2018) would place an economic burden on the trade when we need to support growth of the industry in the Borough of Melton.

Following consultation should it be determined to introduce a 1 year licence the proposed fee for a new application would be £120 and for a renewal would be £105, and should it be determined to introduce a 2 year licence the proposed fee for a new application would be £220 and for a renewal would be £200.

8.4 Financial assumptions regarding increases to licence fees which are set locally by each Council (rather than dictated by Government) were included as part of the MTFS. Agreeing to this proposal will have an impact on the MTFS with the additional income of £11k assumed not being achieved. However this trade has been severely affected in Melton by the pandemic and it may be prudent for MBC to restrict increases in such areas rather than contributing further disintegration of the trade.

Financial Implications reviewed by: Director for Corporate Services

9. Legal and Governance Implications

The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators. The fees must be set at a level which ensures that the Council does not make a profit.

9.1 Section 53(2) of the Act states in relation to drivers' licences for hackney carriage and private hire vehicles

“Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so”

9.2 Section 70 of the Act states, in relation to vehicle and operators' licences

“1)Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators’ licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a)the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

(b)the reasonable cost of providing hackney carriage stands; and

(c)any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles”

9.3 Fees set must be published by means of a notice in a local newspaper setting out the fees and allowing a period of at least 28 days for objections to be made. A copy of the notice must be available for inspection at the Council offices for the same period. If no objection is made or all objections made are withdrawn, the fees come into effect at the end of the period allowed for objection or the date of withdrawal of the last objection if later. Any objections made during the period allowed for must be considered and a further date set, being not later than two months after the first date, for the fees to come into force with or without modification.

Legal Implications reviewed by: Louise Arnold

10. Equality and Safeguarding Implications

10.1 All taxi drivers have to undertake mandatory safeguarding training following child sexual exploitation incidents in the north-west of England when taxis were used in some instances to transport victims.

11. Community Safety Implications

11.1 A strong taxi trade can improve community safety, particularly within the night time economy.

12. Environmental and Climate Change Implications

12.1 Melton Borough Council offers reduced fees for electric and hybrid vehicles.

13. Other Implications (where significant)

13.1 There are no other implications associated with this report.

14. Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Likely to lose more drivers by increasing fees when the taxi trade is diminishing	Significant	Critical	M

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Score/ definition	1	2	3	4	

6 Very High				
5 High				
4 Significant			1	
3 Low				
2 Very Low				
1 Almost impossible				

Risk No	Mitigation
1	Do not increase fees at this critical time

15. Appendices

- 15.1 A – Hackney Carriage and Private Hire Licensing Table of Fees
- 15.2 B – Benchmarking of taxi fees across Leicestershire and neighbouring authorities
- 15.3 C – Proposed Consultation Paper

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Chief Officer Responsible:	Pranali Parikh , Director for Growth & Regeneration
Chief Officer Contact Details:	01664 504321 pparikh@melton.gov.uk



1 April 2017
Hackney Carriage and Private Hire
Licensing Table of Fees (Full)

New Applications	Cost
Hackney Carriage/Private Hire Drivers Licence (3 years)	£318.00
Hackney Carriage/Private Hire Vehicle Licence (1 year)	£104.00
Private Hire Operators Licence (5 years)	£845.00
Renewal applications	Cost
Hackney Carriage/Private Hire Drivers Licence (3 years)	£286.00
Hackney Carriage/Private Hire Vehicle Licence (1 year)	£94.00
Private Hire Operators Licence (5 years)	£760.00
Miscellaneous	Cost
Replacement Private Hire Door Signs	£17.00
Private Hire Door Signs (Magnetic)	£22.00
Extra Plates (trailers etc.)	£17.00
Replacement Badge	£15.50
Replacement Paper Licence	£7.00
Replacement internal plate/sticker	£15.00
Replacement external plate	£22.00
Other	Cost
Disclosure and Barring Service Check	£44.00
DVLA Check	£5.00

Benchmarking Table

The figures in green indicate where the fees at other Authorities are higher than the Melton fee.

		Current						
	Fee Type	Melton	Harborough	Blaby	NWL	Charnwood	H & B	O&W
1	Taxi Driver New	£318 (3yrs)	£375 (3yrs)	£228 (3yrs)	£100(1yr) £249(3yrs)	£190 (3yrs)	£160 (3yrs) DBS £40	£213 (3yrs)
2	Taxi Driver Renewal	£286 (3yrs)	£320 (3yrs)	-	£235 (3yrs)	£180 (3yrs)	£160 (3yrs) DBS £40	
3	Taxi Vehicle New	£104 (1yr)	£225 +£15 (1yr)	£205 (1yr)	£256 (1yr)	£189 (1yr) Inc plates	£160 (1yr)	£246 PH £262 HC
4	Taxi Vehicle Renewal	£94	£220 (1yr)	-	-	£170 (1yr)	£160 (1yr)	
5	Taxi Operator's New	£845 (5yrs)	£580 (5yrs)	£621 (5yrs)	£250-£925 (5yrs)	£795- £1065 (5yrs)	£222 (5yrs)	£284- £1010
6	Taxi Operator's Renewal	£760	£535 (5yrs)					
7	Miscellaneous	DBS £44 Knowle dge Test £10	Transfer vehicle £35	Knowledge Check £25	Knowledge Test £43.50	Knowledge Test £54 Replacement Badge £13	Knowledge test included	Knowledge Check £42.90

	Fee Type	Current	SKDC	Newark	Rushcliffe £25 registration fee)	Rutland
		Melton				
1	Taxi Driver New	£318. (3yrs)	£259 (3Yrs) £102 (1 Yr)	£135 (£200)	£276 (3 yrs) £156 (1 yr)	£94 £136.00 (3yrs)
2	Taxi Driver Renewal	£286 (3yrs)			£250 (3 yrs) £130 (1 yr)	
3	Taxi Vehicle New	£104 (1yr)		PH £175 HC £225	£183	£154 (1yr)
4	Taxi Vehicle Renewal	£94 (1yr)	PH £222 HC £243			
5	Taxi Operator's New	£845 (5yrs)	£157.70 (3Yr)	£325 +£30 per vehicle (5 yrs)	£867(plus £118-£8,330)	£327 (5yrs)
6	Taxi Operator's Renewal	£760				
7	Miscellaneous		Knowledge Test £57-94	Knowledge Test £40	Knowledge Test £26.60 (3 max)	Suitability Test £27 Plate Deposit £20



Taxi Licence Fee Consultation September 2021

The existing fees charges to the taxi trade can be found below. They were set in 2017 and need to be reviewed.

However, it is recognised by Melton Borough Council that the impact of the Covid 19 pandemic has been significant on our taxi trade. Since 2018 the number of vehicles licensed by Melton Borough Council is down by over 30% and the number of drivers is down by 40%.

This consultation is to seek views on proposed amendments to licence fees to remain until 31st March 2023.

Proposed changes

- Melton Borough Council freeze most licence fees (save for those highlighted) at the current rates until 31st March 2023
- Melton Borough Council increases the Disclosure and Barring Service (DBS) check to £51.50 – reflecting the actual current costs to the Council and going forward to be in line with the charge incurred by Melton Borough Council.
- In order to try and generate additional drivers to the trade in Melton, Melton Borough Council will introduce a **new one year** driver's licence* at £120
- In order to try and assist the taxi trade in Melton, Melton Borough Council will introduce a **one year renewal** driver's licence* at £105
- In order to try and generate additional drivers to the trade in Melton, Melton Borough Council will introduce a **new two year** driver's licence* at £220
- In order to try and assist the taxi trade in Melton, Melton Borough Council will introduce a **two year renewal** driver's licence* at £200?

* Drivers will need to declare there is an exceptional reason for granting such a licence

DRAFT 2021-2023 Hackney Carriage and Private Hire Licensing Table of Fees (Full)

those parts highlighted reflect where changes are proposed

New Applications	Cost
Hackney Carriage/Private Hire Drivers Licence (3 years)	£318.00

Hackney Carriage/Private Hire Drivers Licence (2years)	£220.00
Hackney Carriage/Private Hire Vehicle Licence (1 year)	£120.00
Private Hire Operators Licence (5 years)	£845.00
Renewal applications	Cost
Hackney Carriage/Private Hire Drivers Licence (3 years)	£286.00
Hackney Carriage/Private Hire Drivers Licence (2years)	£200.00
Hackney Carriage/Private Hire Vehicle Licence (1 year)	£105.00
Private Hire Operators Licence (5 years)	£760.00
Miscellaneous	Cost
Replacement Private Hire Door Signs	£17.00
Private Hire Door Signs (Magnetic)	£22.00
Extra Plates (trailers etc.)	£17.00
Replacement Ba	£15.50
Replacement Paper Licence	£7.00
Replacement internal plate/sticker	£15.00
Replacement external plate	£22.00
Other	Cost
Disclosure and Barring Service Check	£51.50
DVLA Check	£5.00

Any objections to the proposed variation can be made in writing to the person/address shown below. Objections must be received no later than **5pm on Friday 19th November 2021**. If no objections are received or are received and subsequently withdrawn, the new table of fees will apply from **Wednesday 1st December 2021**.

If objections are received, they will be considered by the Council before a decision is taken in relation to varying the fees.

A copy of this consultation document will be available by appointment for public inspection without payment at the council offices weekdays between 09:00hrs and 16:00hrs until **Friday 19th November 2021**.

Pranali Parikh
Director for Growth and Regeneration
Melton Borough Council, Parkside, Station Approach, Burton Street, Melton Mowbray, LE13 1GH.



Licensing Committee

9th September 2021

Report of: Victoria Clarke
Regulatory Services Manager

Mobile Homes Act 2013 - Policy including Fees

Corporate Priority:	High
Relevant Ward Member(s):	All Wards
Date of consultation with Ward Member(s):	17 June 2021
Exempt Information:	No

1 Summary

- 1.1 The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) was amended by the Mobile Homes Act 2013 (MHA 2013) in order to provide greater protection to occupiers of residential park homes and caravans. This legislation places an expectation on local authorities to inspect caravan sites / mobile home parks and take the appropriate action to ensure that the site owners comply with the conditions of the site licence. These conditions relate to the safety and amenity provisions that must be adhered to.
- 1.2 The Mobile Homes Act 2013 allows Local Authorities to charge some of the costs associated with licensing to site owners if they are contained with a fees policy.
- 1.3 Recent new legislation The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 place a requirement for local authorities to determine whether a Site owner or Site manager is 'Fit & Proper' to manage a site. Fees can be charged to cover this function but only if a 'Fees Policy' is in place.

2 Recommendation

That Committee:

- 1. Approves the Mobile Homes Act 2013 Fees Policy and the fees contained therein.**

3 Reason for Recommendation

- 3.1 The proposed policy will allow Melton Borough Council to recover its costs from the applicants for a 'Relevant Protected Site' licence

- 3.2 The proposed policy will exempt sites from all fees and programmed inspections but not the requirement to apply for a licence where the site consists of only 1 pitch. This is because such sites are generally deemed to be low risk and do not contain the hazards associated with larger sites such as fire separation. It would not be deemed necessary or cost effective to monitor such sites.
- 3.3 The proposed policy also exempts sites from annual fees and programmed inspections but not the requirement to apply for a licence where the site is for the sole use of the owner and their families (not run for financial gain). It is an unjustified intrusion on the private lives of the family run sites to force inspections and charge where there are no complaints of poor standards. It is a poor use of Council resources and the cost of trying to obtain payment and conduct inspections where they are not wanted is likely to outweigh any benefit to the residents. Exemptions of the type proposed in the revised policy are suggested in the Government guidance on setting licence fees.
- 3.4 The licensing fee calculations are based on the Government guidance on setting licence fees.

4 Background

- 4.1 The Caravan Sites and Control of Development Act 1960 introduced a licensing system to regulate the establishment and operation of caravan sites. The Mobile Homes Act 2013 (MHA 2013) was introduced to provide greater protection to occupiers of residential park homes as the existing legislation had not been updated for more than 50 years. This Act brought in important changes to the buying, selling or gifting of a park home and the pitch fee review process.
- 4.2 There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with the site licence conditions.
- 4.3 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 place a requirement for local authorities to determine whether a site owner or site manager is 'Fit & Proper Person' (F&PP) to manage a site.
- 4.4 The Council can also now charge a fee for licensing functions – fees can only be charged where an authority publishes a fees policy. The legislation allows the Council to serve enforcement notices and requires the council to publish any site rules relating to a site.

5 Main Considerations

- 5.1 Following a Government review of the Mobile Homes Act, 2013, the Government introduced a new regime under the Caravan Sites and Control of Development Act 1960 called the Fit and Proper Person test. The new regime was introduced by regulations in 2020 to be implemented by local authorities on 01 July 2021. The regime sits within The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations, 2020.
- 5.2 All protected residential sites which are operated on a commercial basis must have demonstrated that they are operated/managed by a fit and proper person. From 1 July and by 1 October 2021 all site owners must submit an application for a relevant person to be assessed as fit and proper.
- 5.3 After 1st October 2021 all new applications will be covered by this fees policy.

6 Options Considered

- 6.1 Adopt the policy including fees to enable recovery of costs for this statutory function.

6.2 Do not adopt the policy including fees for this statutory function and not recover any costs.

7 Consultation

7.1 Consultation is not required under this legislation.

8 Next Steps – Implementation and Communication

8.1 If adopted this policy will come into operation from 1st October 2021 when current operators of ‘Protected residential sites’ will have been invited to apply to register the Owner or Manager as Fit & Proper.

8.2 Letters will be sent out and the new regime will be explained and the fees policy will provide clarity on what is being charged.

8.3 After that any new applicants for a ‘protected residential site’ can apply to be registered.

9 Financial Implications

9.1 Adopting the policy including fees will enable Melton Borough Council to recover the costs associated with delivering this process. The costs will be met from within existing resources and it is estimated based on the current sites an income of approximately £1,000 will be generated. If the policy including fees is not adopted, the Council will not be able to recover the costs associated with this new statutory function.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

10.1 Fees cannot be charged without a fees Policy being published.

10.2 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 Act 2013 Fees and Charges Policy.

Legal Implications reviewed by: Louise Arnold

11 Equality and Safeguarding Implications

11.1 In this process no adverse impacts on protected characteristics has been identified.

12 Community Safety Implications

12.1 The F&PP test will give better support to caravan site residents, a number of whom are elderly and some of whom may be in vulnerable groups.

12.2 The F&PP requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying caravans.

13 Environmental and Climate Change Implications

13.1 In this process no adverse impacts on the environment or climate have been identified.

14 Other Implications (where significant)

14.1 No other implications have been identified.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Lack of income if no fees collected	Very High	Marginal	
2	Impact on authority if inspections not carried out due to funding	Low	Marginal	
3	Impact on residents if statutory function not carried out	High	Marginal	

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High		1		
	5 High		3		
	4 Significant				
	3 Low		2		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Policy will allow collection of fees
2	Fees will fund inspections and liaison with sites
3	New regime of checks will ensure better living conditions

16 Background Papers

- 16.1 The Local Authority Caravan Site Licensing Officers' Forum which has over 200 local authority members, barrister advice has been obtained in the preparation of the fees policy.
- 16.2 Legislation and Guidance documents were used in the writing and setting up of this policy (See below).
- 16.3 The Mobile Homes Act 2013
- 16.4 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

- 16.5 Mobile homes a guide for local authorities on the fit and proper person test June 2021
- 16.6 Mobile homes a guide for local authorities on setting fees for the fit and proper person test June 2021
- 16.7 A Best Practice Guide for Local authorities on Enforcement of the New Site Licensing Regime March 2015
- 16.8 Melton Borough Council Schedule of Charges

17 Appendix 1

- 17.1 Melton Borough Council Mobile Homes Policy including Fees 2021

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Melton Borough Council
Mobile Homes Policy
including Fees
October 2021



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11. Fees for depositing Site rules
12. Publishing and reviewing the fees policy

Appendix 1 – Elements which can be included in fee setting

Appendix 2 – Table of Fees

Related documents

The following documents have been consulted when drafting this policy:

- The Caravan Sites and Control of Development Act 1960 as amended (CSCDA 1960)
- Mobile Homes Act 2013 (MHA 2013)
- Regulators Compliance Code 2014
- DCLG Guidance on Enforcement 2015
- The Mobile Homes (Requirement for Manager of Site to be a Fit and Proper Person) (England) Regulations 2020
- MHCLG Guidance on Site Licensing Fee Setting June 2021
- MHCLG Guidance on the Fit and proper person test June 2021

1. BACKGROUND

The Caravan Sites and Control of Development Act 1960 (as amended) (CSCDA) introduced a licensing system to be operated by local authorities to regulate the establishment and operation of caravan sites. Licenses can only be issued to sites that have planning permission. The CSCDA 1960 was amended by the Mobile Homes Act 2013 (MHA 2013). The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years.

The MHA 2013 enabled local authorities to charge fees to cover costs of site inspections and the other additional powers (such as enforcement notices) to ensure compliance with site licence conditions.

2. FEES CHARGED FOR LICENCES

The changes introduced by the MHA 2013 for Site Licensing include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A relevant protected site is defined in MHA 2013 as any land to be used as a caravan site with planning consent, other than one where a licence is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks or similar.

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the CSCDA 1960, but the provisions relating to the payment of fees do not apply.

Under the MHA 2013 Act a fee can be charged for:

- Applications to grant a new licence
- Applications to transfer or amend an existing licence
- Licensing fees for administering and monitoring existing site licences.
- Depositing and publishing site rules
- Serving of enforcement notices and recovery of costs incurred
- Conducting ‘fit & proper person test’ on site owner / manager

3. FEE STRUCTURE

The MHA 2013 (s10A) states that ‘before charging a fee, the local authority must prepare and publish a fees policy.’

This policy details the fees to be charged for all of these licensing functions. The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved.

Appendix 1 Details what the Council can consider in calculating the fee levels.

The fee rates set out in this policy cover the period commencing 1st October 2021 to be reviewed annually.

Appendix 2 Shows the table of fees.

A Local Authority cannot make a profit from the proceeds raised, in respect of the Relevant Protected Site licensing fees. Therefore, at the start of each financial year the Local Authority will need to assess the revenue raised in the previous financial year against the costs accrued, in respect of administering the regime in relation to Relevant Protected Sites. If a surplus is being made then the fees will need to be adjusted accordingly. If a deficit is being made then the Council reserves the right to increase the fees in order to recover costs. In order to ensure that any surplus or deficit can be responded to quickly, Officers, in conjunction with the Service Manager, are authorised to amend the calculation of fees if the need were to arise.

Exemptions from Annual Fees

Melton Borough Council will make sites that have only 1 pitch exempt from all fees. These sites are generally deemed as being of low risk, often consisting of single family units and do not contain the hazards associated with larger sites, e.g. fire separation. Formal annual programmed monitoring would therefore not be deemed necessary or cost effective. The costs associated with monitoring sites that have only 1 pitch would be met through existing budgets.

Sites for the sole use of the owner and their families (does not include sites that are run for financial gain) are also exempt from the annual licensing fee and programmed inspection regime.

4. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the CSCDA 1960); even though they are exempt from fees.

Failure to apply for a licence is an offence under Section 1(2) of CSCDA 1960. The Council may only issue a licence for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application being made.

The fee for a new site licence is based on the size of the site to reflect the variation in the cost of processing the application.

5. Transfer/amendment of existing site licence

Where a licence holder wishes to transfer the licence to a new licence holder (typically on sale of the site) an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence.

If a licence is transferred, it is done so in its entirety with no amendments and therefore the fee is the same for all sites as no inspection is required.

Where a site owner requests an amendment to site licence conditions the Council can charge a fee for this function. The fee must accompany the application to transfer the licence. The fee for amendment of site licence conditions where no inspection is required is the same for all sites.

Where an inspection is required the fees will vary depending on the size of the site. The decision of whether an inspection is required is made by the receiving officer before the application is accepted and is based on what amendments are requested.

If the proposed licence holder wishes to amend the licence on or after transferring the licence they must apply for a new licence or a transfer application followed by an amendment application.

If the Council deem it necessary to amend the licence conditions there will be no fee payable.

The fees for transfer / amendment of site licence conditions are shown in **Appendix 2** below:

6. Licensing fees for checking Fit & Proper person

Local authorities have a statutory duty to check that the site owner to apply to register either the site owner or manager as a fit and proper person to run the site.

To enable this information will have to be provided and checked by the local authority and the costs in doing so can be reclaimed by way of fee

7. Licensing fees for Existing Site Licences

All relevant protected sites must pay annual licensing fees to the Council (subject to any exemptions stated in this policy).

The annual fees are based on the size and standard of the site to reflect the variation in the estimated cost to the Council of carrying out its licensing function for each site.

8. Charging Arrangements

Fees for new licences, transfer or variation of licences or depositing of site rules must be paid at the time of application.

9. Periodic Charging of Annual Fees

Section 10A(5) of the MHA 2013 states that the Fees Policy must include provision about the time at which the annual fee is payable.

The fee will be charged to the site owner/licence holder following the site inspection and invoices will be sent with payment due within 30 days.

Invoices will be sent on the 1st April each year and payment will be due within 30 days.

Where a site licence is issued part way through the year, an invoice will be sent after the licence has been granted and the fee will be pro-rata.

This fee covers the cost of administration, annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any work required. If there is still a breach in site licence conditions after the revisit, further charges may be payable to cover the cost of enforcement action (see section 9 Enforcement Costs).

In the event the annual fee is not paid within the terms of the invoice the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

The licensing fees as determined by the size of the site are listed in **Appendix 2** below:

10. Enforcement and Enforcement Costs

Where there has been a breach in a site licence condition which comes to the attention of the Council we may serve a compliance notice. The CSCDA 1960 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice.

A detailed breakdown of the relevant expenses would be provided with the compliance notice in the form of a demand. Charges would be based on an hourly rate in addition to any other costs incurred, for example legal costs.

If any works in the compliance notice are not carried out the local authority may consider taking legal proceedings.

On conviction the Council may carry out any works in default by serving a further notice, although this decision would be made on a case by case basis and dependent on a number of factors such as risk, impact etc.

The Council can take urgent necessary action against a site by serving a notice if there is an imminent risk of serious harm to health or safety. The Council can seek to recover the costs of such action by serving a demand,

11. Fees for Depositing Site Rules

Site rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The MHA 2013 changes the way site rules must be agreed between both parties. The Council must keep an up to date register of site rules on relevant protected sites, where they exist, and publish the register on-line.

Before publishing the site rules the Council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the Council for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

The fee reflects the fixed costs for this function.

12. Publishing and reviewing the policy

This Mobile Home Policy including fees will come into effect on 1st October 2021 and will be published on the Melton Borough Council website at www.melton.gov.uk. The fees detailed in this policy have been determined based on recent changes the MHA 2013 has introduced and will be reviewed annually.

Appendix 1: Elements included in fee setting

The Department of Communities and Local Government (DCLG) guidance sets out the activities that the council can include when calculating its annual fee, these include:

- Initial enquiries:
- letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- review by manager or lawyers:
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- a pre- programmed full site inspection;
- a follow – up inspection to check compliance following programmed inspection:
- updating the public register:
- reviews of decisions or in defending appeals:

The fees generated by the MHA 2013 are not designed to include investigation of harassment or matters not related to the Site Licence – these are dealt with through Residents Associations or other appropriate channels.

Fees will be reviewed on an annual basis and increased at least in line with inflation.

Charges for enforcement costs cannot be passed onto the residents' pitch fee by the site operator.

Appendix 2: Table of Fees

The table of fees for 2021 – 2023 are below

Size of site			
Size banding	Band 1 (2 – 10 Pitches)	Band 2 (11 – 40 Pitches)	Band 3 (41+ Pitches)
New licence application fee	£425	£450	£480
Transfer fee	£145	£145	£145
Fit & proper person checks fee	£220	£220	£220
Variation of licence fee (no inspection)	£230	£230	£230
Variation of licence fee (with inspection)	£290	£295	£320
Depositing site rules fee	£120	£120	£120

Annual Fees

Size of site	Band 1 (2 – 10 Pitches)	Band 2 (11 – 40 Pitches)	Band 3 (41+ Pitches)
Annual fee	£185	£210	£235

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