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9th May 2014

Dear Sir/Madam

### **REGULATORY AND LICENSING COMMITTEE**

A meeting of the above mentioned Committee has been arranged to take place on **TUESDAY 20<sup>TH</sup> MAY 2014** at **6.00 p.m.** in the **COMMITTEE ROOM**, District Council House, Lichfield to consider the following business.

Yours faithfully



Strategic Director

**To: Members of Regulatory and Licensing Committee:**

Councillors Derrick (Chairman), Yeates (Vice Chairman), Mrs Barnett, Mrs Bacon, Mrs Constable, Constable, Drinkwater, Mrs Eagland, Powell, Salter, Smedley, Mrs Stanhope, Taylor, Walker and Warfield.



## AGENDA

1. Apologies for absence
2. Declarations of Interest
3. To approve as a correct record the Minutes of the Meetings held on 18 February 2014 (Copy attached)
4. Mobile Homes Act 2013 Fees (Copy attached)
5. Proposed Diversion of Public Bridleway No. 57 in the Parish of Colton (Copy attached)
6. Work Programme (Copy attached)

### Briefing Papers

Members have asked that we seriously address the use of agendas – both the length and the volume. One of the ways is to provide certain items in a format. The suggestion is that we will from time to time provide briefing papers for members on issues on which Members need to be informed. This is an alternative to placing items on the agenda, enabling us to focus the meetings on the business in hand.

If Members wish the paper to be discussed it can then be scheduled for a future meeting or individual briefings arranged however, Members must give specific reasons for their request.

#### List of Briefing Papers Issued Separately

None

# REGULATORY AND LICENSING COMMITTEE

18 February 2014

## PRESENT:

Councillors Yeates (Vice Chairman), Mrs Barnett, Mrs Bacon, Mrs Constable, Constable, Powell, Salter, Smedley, Mrs Stanhope MBE, Taylor and Warfield.

**(APOLOGIES FOR ABSENCE** were received from Councillors Derrick (Chairman), Drinkwater and Heath).

## 226 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 227 MINUTES

The minutes of the meeting held on 28 November 2013, as printed and previously circulated were taken as read, approved as a correct record and signed by the Vice Chairman.

## 228 BOUNDARY COMMISSION REVIEW

The Committee received a report on the results of the Working Group appointed to formulate the view on the revised warding arrangements. It was requested that the Committee determine the submission that was to be sent to the Local Government Boundary Commission for England. Members asked for some minor corrections and amendments to be made to the details of the submission and also considered revised proposals for the Burntwood Wards which were submitted at the meeting. It was agreed that those revised proposals should be submitted to Council for a decision.

**RECOMMENDED:** That Full Council consider the proposals by the Conservative Group and the Labour Group in order to determine the submission to the Local Government Boundary Commission for England in response to their consultation exercise.

## 229 PROPOSED DIVERSION OF PUBLIC FOOTPATH IR/2852 IN THE PARISH OF BURNTWOOD

Consideration was given to an application to divert Public Footpath IR/2852 on the Southern Boundary of Burntwood Leisure Centre. It was noted that the diversion was necessary to implement planning permission 11/01157/OUT. It was also noted that the diversion had been agreed after a meeting on site with CT Planning and local Councillors.

**RESOLVED:** (1) That a Public Footpath Diversion Order be made under the Town and Country Planning Act 1990 to be known as the Lichfield District Council (Footpath IR/2852 in the Parish of Burntwood) Public Footpath Diversion Order 2014.

(2) That the Strategic Director – Democratic, Development and Legal Services be authorised to take all necessary action.

## **230 CONTROL OF DOGS IN OPEN SPACES**

Members considered further the issues associated with introducing measures to control dogs which are being exercised within the Council's public parks. It was reported that the item had been considered by The Operational Services, Leisure Tourism and Communications (Overview and Scrutiny) Committee at their meeting on 9<sup>th</sup> January 2014, and the decision of that Committee was noted. Members commented on the problems highlighted and agreed that the relevant Cabinet Member should be asked to attend the meeting of the Committee to report the outcome of the consultation exercise.

**RESOLVED:** (1) That the recommendations of the Operational Services, Leisure Tourism and Communications (Overview and Scrutiny) Committee be noted.

(2) That the Cabinet Member for Leisure and Parks be asked to attend the Committee to present the outcome of the consultation exercise.

## **231 CONTAMINATED LAND STRATEGY UPDATE**

Members were asked to consider the Contaminated Land Strategy's progress to date, future actions, issues and risks. It was reported that the Strategy ensured that the Council meets its statutory duty to inspect land within the District for the purpose of identifying contaminated land, to determine whether any particular site is contaminated and act as the enforcing authority for all contaminated land which is not a "Special Site".

**RESOLVED:** (1) That the progress to date in implementing the Contaminated Land Strategy, future actions, issues and risks faced be noted.

(2) That the results of work on sites already completed be circulated to Members of the Committee.

## **232 HS2 UPDATE – PHASE 1 ENVIRONMENTAL STATEMENT CONSULTATION**

A report was submitted advising Members of Environmental Health's input into the consultation process, and highlighting the key issues raised.

**RESOLVED:** (1) That the role Environmental Health had in compiling the joint Staffordshire County Council / Lichfield District Council HS2 Phase 1 Environmental Statement consultation response be noted

(2) That the ongoing role of Environmental Health to represent Lichfield District residents throughout the HS2 proposal be noted.

(3) That the thanks of the Committee to Officers involved for the work done be recorded.

## **233 MOBILE HOMES ACT 2013**

The Committee received a report on the changes in legislation governing mobile home sites following the passing of The Mobile Homes Act 2013 and which requested delegated authority for officers to be authorised under the Act to use the full range of powers.

**RECOMMENDED:** (1) That the Director of Community, Housing and Health and Environmental Health Manager be granted delegated authority to authorise officers under the Mobile Homes Act 2013 namely: The Environmental Health Manager, Principal Environmental Health Officer, Senior Environmental Protection Officer, Private Sector Housing Officer, Environmental Protection Officer, Technical Officers and trainee Technical Assistants, to be authorised for the purpose of execution and enforcing all of the District Council's powers and duties in the provisions of the Act.

(2) That the changes in the regulation of Mobile Home Sites being introduced by the Mobile Homes Act 2013 be noted.

## **234 THE ANIMAL WELFARE ACT 2006**

The Committee received a report on The Animal Welfare Act 2006 advising that it be adopted and which requested delegated authority for officers appointed under section 51 of the Act to use the full range of powers.

**RECOMMENDED:** (1) That the Animal Welfare Act 2006 be adopted:  
and

(2) That the Director of Community, Housing and Health and Environmental Health Manager are granted delegated authority to appoint officers under section 51 of the Animal Welfare Act 2006 namely: the Environmental Health Manager, Principal Environmental Health Officer, Senior Environmental Protection Officer, Environmental Protection Officer, Technical Officers and Trainee Technical Assistants, Dog Wardens to be appointed for the purpose of execution and enforcing of such of the District Council's powers and duties in the provisions of the Act as appropriate including:-

### **Animals in distress**

Section 18 Powers in relation to animals in distress

Section 19 Power of entry for section 18 purposes

Section 20 Orders in relation to animals taken under section 18(5)

Section 21 Orders under section 20: appeals

### **Enforcement powers**

Section 23 Entry and search under warrant in connection with offences

Section 25 Inspection of records required to be kept by holder of licence

Section 26 Inspection in connection with licences

Section 27 Inspection in connection with registration

Section 29 Inspection relating to Community obligations

## **Prosecutions**

Section 30 Power of local authority to prosecute offences

## **General**

Section 10 Improvement Notices

Section 53 Powers of entry, inspection and search: and supplementary powers in Schedule 2

Section 54 Power to stop and detain vehicles

Section 55 Power to detain vessels, aircraft and hovercraft

### **235 ANNUAL REVIEW OF LICENCE AND OTHER FEES AND CHARGES 2014/15 FOR ENVIRONMENTAL HEALTH SERVICE FUNCTIONS**

Members were advised of the proposed annual fees and charges for the Environmental Health Service functions for the forthcoming financial year 2014/15. It was noted that fees and charges were currently the subject of a review.

**RESOLVED:** That from the 1 April 2014, the proposed fees and charges for various types of services undertaken by the Environmental Health Service as detailed in the report be approved subject to a further review of local fees during the year.

### **236 WORK PROGRAMME**

Members considered and agreed the Work Programme submitted.

**RESOLVED:** That the Work Programme as submitted be agreed.

### **237 VOTE OF THANKS**

That the sincere thanks of the Committee be recorded to Councillors Derrick and Yeates for their work as Chairman and Vice-Chairman respectively during the previous year.

(The meeting closed at 7.28 pm)

CHAIRMAN

**REPORT OF PRINCIPAL ENVIRONMENTAL HEALTH OFFICER**

**Adoption of new Mobile Homes Fees Policy**

**1. Purpose of Report**

- 1.1 The purpose of this report is to seek authorisation to adopt a new policy (see appendix 1) in relation to fees charged for mobile homes licensing under the Mobile Homes Act 2013. This new policy proposes fees for the various functions that are now chargeable. The policy sets out the options and mechanisms for calculation of fees.

**2. Background Information**

- 2.1 On 26th March 2013 the Mobile Homes Bill received Royal Assent and became the Mobile Homes Act 2013. The aim of the Act is to give greater protection to occupiers of residential mobile (Park) homes. Most of the changes concerning the protection of residents came into force on 26th May 2013.
- 2.2 The Mobile Homes Act 2013 amends the Caravan Sites and Control of Development Act 1960 ("the CSCDA 1960"), the Caravan Sites Act 1968 ("the CSA 1968") and the Mobile Homes Act 1983 ("the MHA 1983"). It brings the licensing regime that applies to mobile home sites in England under the CSCDA 1960 more closely in line with other Local Authority licensing regimes and also includes a power to enable the Secretary of State to introduce by way of secondary legislation a "fit and proper" person requirement for managers of sites.
- 2.3 Section 10A (2) of the Caravan Sites and Control of Development Act 1960 (as amended by Mobile Homes Act 2013) states 'Before charging the fee, the local authority must prepare and publish a fees policy'.
- 2.4 Prior to the Mobile Homes Act 2013, there are no fees payable to the Council for the granting of a site licence, an annual fee or cost recovery for enforcement action. The introduction of the Mobile Homes Act allows local authorities to recover costs for exercising their licensing functions.
- 2.5 The Mobile Homes Act 2013 allows Local Authorities from the 1<sup>st</sup> April 2014 to charge fees for:
- Considering applications for the issue or transfer of a site licence;
  - Annual fees

- Considering applications for altering conditions of a site licence;
- Administration and monitoring of site licences;
- Enforcement action;
- Fit and proper persons register and
- Depositing, varying or deleting site rules.

2.7 On 18<sup>th</sup> February 2014 a report was delivered to Regulatory and Licensing Committee reporting the changes in legislation governing mobile home sites following the passing of the Mobile Homes Act 2013 and to seek delegated authority for officers to be authorised under the Act to use the full range of powers. It was recommended:

- That the Director of Community, Housing and Health and Environmental Health Manager is granted delegated authority to authorise officers under the Mobile Homes Act 2013 namely: The Environmental Health Manager, Principal Environmental Health Officer, Senior Environmental Protection Officer, Environmental Protection Officer, Technical Officers and trainee Technical Assistants, to be authorised for the purpose of execution and enforcing all of the District Council's powers and duties in the provisions of the Act.
- Note the changes in the regulation of Mobile Home Sites being introduced by the Mobile Homes Act 2013.

The recommendations were approved and adopted by Full Council on 24th February 2014.

2.8 Before a local authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee the local authority:

- must act in accordance with their fees policy
- may fix different fees in different cases
- may determine that no fee is required in some cases.

2.9 A local authority must not make a profit and can only pass on to the site owner, their costs incurred in carrying out the licensing function. Equally, a local authority is not expected to make a loss in carrying out its licensing functions.

### **3. The Mobile Homes Fees Policy**

3.1 The proposed Mobile Homes Fee Policy has been created in line with the requirements of section 10A of the Caravan Sites and Control of Development Act 1960. Section 10A prescribes:

- what shall be included in the fees policy
- what fees can be charged
- what costs can be considered when determining the cost of the fees

3.2 The fees policy has been set up to be transparent and reasonable.



- 3.3 The Guidance for a Local Authority includes three separate and independent fee calculations, for setting annual licensing fees for existing sites, carried out by three different authority working groups to give an indication of the differing initial approaches that have been taken. These include:
- OPTION 1- A price per unit fee based on the total cost to the local authority carrying out its annual licensing function for all sites. This means that the site owner is charges an annual fee based on the number of units on there site.
  - OPTION 2- A fee set on size banding. This method recognises that larger sites are more complex and take up more time in terms of site inspections, than smaller sites.
  - OPTION 3- A fee based on or including a risk rating that takes into account the size of a site, the level of compliance on a site and confidence in management.
- 3.4 As outlined in our Mobile Homes Fees Policy we are proposing option 2. We considered this option to be the most appropriate because:
- The fees are representative of actual time spent and therefore actual cost.
  - It recognises that larger sites are more complex and take up more time in relation to inspection and administration than smaller sites.
  - The bands can be formed to suit the range of sites in a particular local authority so that the 'actual' sites fall neatly within a band.
  - It is clear what fees will be payable by licensee.

#### **4. Current Situation**

- 4.1 Within the district, there are 11 licensed sites containing a total of 277 mobile homes.

#### **5. Financial Implications**

- 5.1 With the introduction of the Mobile Homes Act local authorities will be able to recover costs for exercising their licensing functions. Before 1<sup>st</sup> April 2014, there were no fees payable to the Council for the granting of a site licence or cost recovery for enforcement action.

#### **6. Recommendations**

- 6.1 That the fees and the Mobile Homes Fees Policy be adopted as set out in appendix 1.

#### **Appendices:**

##### **Appendix 1- Lichfield District Councils Fees Policy**

#### **Background Documents:**

##### **Mobile Homes Act 2013**

##### **Caravan Sites and Control of Development 960 (as amended)**

##### **The Mobile Homes Act 2013- A Guide for Local Authorities on setting site licensing fees**

# LICHFIELD DISTRICT COUNCIL

## MOBILE HOMES FEES POLICY



March 2014

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## 1. Executive Summary

The Mobile Homes Act 2013 (MHA 2013) has made sweeping changes to the law on park homes and marks the Government's commitment to giving better rights and protection to park home owners, whilst ensuring that honest and professional site owners can flourish.

From the 1<sup>st</sup> April 2014 a licensing scheme came into force that will enable local authorities to monitor site licence compliance more effectively. The MHA 2013 will give Lichfield District Council the tools to take enforcement action where owners are not managing and maintaining their sites and its services. This will ensure residents' health and safety are better protected and the value of their homes safeguarded.

The MHA 2013 allows Local Authorities to charge site owners a fee for applying for a site licence, for amendments or transfers of existing licences, and for annual fees.

Lichfield District Council will be able to charge for fees for:

- considering applications for the issue or transfer of a site licence;
- considering applications for altering conditions in a site licence;
- administration and monitoring of site licences;
- enforcement action;
- fit and proper persons register and
- depositing, varying or deleting site rules.

Where a local authority decides to charge fees these must be published in its Fees Policy document and must be transparent and reasonable.

Lichfield District Council's Mobile Homes Fees Policy is written taking into account the Department for Communities and Local Government 'The Mobile Homes Act 2013- A guide for Local Authorities on setting site licensing fees'.

The fees we will be charging are outlined in table 1.

Table 1. Mobile Home Site Fees for 2014-2015

<b>Annual and Grant Licence Fees</b>		
<b>Banding (number of pitches)</b>	<b>Grant Fee</b>	<b>Annual Fee</b>
1	£245.00	Actual Cost
2-5	£475.00	£383.33
6-24	£615.00	£523.33
25-99	£1027.50	£935.83
100-199	£1341.67	£1250.00
200+	£1739.17	£1647.50
<b>Other chargeable fees</b>		
<b>Description of other fee</b>	<b>Fee</b>	
Transfer of Licence	Actual Cost	
Alteration of conditions on existing licence	Actual Cost	
Amendment of existing licence	Actual Cost	
Enforcement Action	Actual Cost	
Depositing, varying or deleting site rules	£60	

The MHA 2013 has given Local Authorities the powers to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1<sup>st</sup> April 2014. Local Authorities can charge fees to recover their costs for taking this action.

## 2. Introduction

The Caravan Sites and Control of Development Act 1960 (the 1960 Act) was amended by the Mobile Homes Act 2013 (MHA2013). These include powers for local authorities to charge fees for their licensing functions in respect to “relevant protected sites”. Lichfield District Council’s Mobile Homes Fees Policy is written in accordance with section 10A of the 1960 Act (as amended). When fixing a fee Lichfield District Council:

- must act in accordance with our fees policy
- may fix different fees in different cases or description of cases
- may determine that no fee is required to be paid in certain cases or descriptions of cases.

When setting fees we will not take into account:

- our functions under any sections 9A to 9I, 23 or 24 of the 1960 Act (as amended).
- Any function under any provision of the 1960 Act (as amended) in relation to a caravan site which is not a relevant protected site.

A relevant protected site is defined in the Act as any land to be used as a caravan site 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 are typically known as residential parks, mobile home parks, Gypsy Roma and Traveller sites and so on.

Sites that do not fall within the definition of “relevant protected sites” are still subject to the licensing requirements contained within the 1960 Act (as amended), but the provisions in relation to payment of fees do not apply.

Lichfield District Council’s Mobile Homes Fees Policy is written taking into account the Department for Communities and Local Government ‘The Mobile Homes Act 2013- A guide for Local Authorities on setting site licensing fees’ (DCLG guidance).

This policy details the level of fees Lichfield District Council will charge in relation to the different functions introduced by the MHA 2013.

Lichfield District Council will revise its fees policy regularly and, where we do we will publish the policy as revised.

### 3. Application for new (GRANT) licence

All sites (subject to exemptions contained within 1960 Act (as amended)) require a site licence to operate; failure to apply for a licence is an offence under Section 1(2) of the 1960 Act. Section 3 (2A) of the 1960 Act (as amended) allows the local authority to require a fee to accompany applications for licenses, and this fee must accompany any new application. The DCLG guidance sets out the activities the council can include when calculating its grant fee, these are outlined in appendix 1.

Fees payable during the application for new (grant) licence are outlined in Table 2.

Table 2 New (Grant) Licence Fees

Banding (number of pitches)	Grant Fee
1	£245.00
2-5	£475.00
6-24	£615.00
25-99	£1027.50
100-199	£1341.67
200+	£1739.17

### 4. Transfer of an existing licence

Where a licence holder wishes to transfer the licence an application must be made to the council, for which a fee is payable (section 10(1A) of the 1960 Act (as amended) allows the local authority to set a fee). The DCLG guidance sets out the activities the council can include when calculating its transfer fee, these are outlined in appendix 1.

**Fee to transfer an existing licence = Actual Cost (calculated based on officer time etc on a case by case basis)**

### 5. Alteration of Conditions on an existing licence

Where a site owner requests a variation to site licence conditions Section 8(1B) of the 1960 Act (as amended) allows for the council to charge for this function.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

When setting this fee we took into account the following matters on which costs are incurred:

- Sending out and processing the application (including dealing with initial inquiry
- Site inspections
- Third party consultation
- Consultation with the site owner
- Preparing draft licences (with altered conditions)
- Review by manager or lawyers; review any consultation responses from third parties;
- Notification of decision (including where appropriate the updated final licence and
- Where appropriate up-date of register.

**Fee to alter conditions on an existing licence= £193.33**

## 6. Annual fees

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy).

The DCLG guidance sets out the activities the council can include when calculating its annual fee, these are outlined in appendix 1.

The annual fee covers the costs incurred by the council as outlined in appendix 1, including an annual site inspection to ensure compliance with the site licence conditions and a follow up compliance visit.

DCLG guidance offers a variety of suggested options for local authorities in calculating the annual fee and this approach has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners. We considered this option to be the most appropriate because:

- The fees are representative of actual time spent and therefore actual cost.
- It recognises that larger sites are more complex and take up more time in relation to inspection and administration than smaller sites.
- The bands can be formed to suit the range of sites in a particular local authority so that the 'actual' sites fall neatly within a band.
- It is clear what fee will be payable by licensee.

Annual fees payable are outlined in Table 3.



Table 3. Annual Licence Fees

Banding (number of pitches)	Annual Fee
1	Actual Cost
2-5	£383.33
6-24	£523.33
25-99	£935.83
100-199	£1250.00
200+	£1647.50

## 7. Annual fee charging arrangements

The 1960 Act (as amended) section 10A(5) says we must include in this fees policy information regarding when the annual fee is payable and what period the annual fee will cover.

The period covered by the annual fee will be from the 1<sup>st</sup> April to the 31<sup>st</sup> March each financial year. The 2014 annual fee will be due to be paid by current licence holders of relevant protected sites in July 2014 and at the start of every financial following that, starting in April 2015.

Where a new site licence is granted, the annual fee will be due at the start of the next financial year.

Where an amended licence is issued part way through the year a fee will payable to the Lichfield District Council.

### **Fee to amend an existing licence= Actual Cost**

In the event an 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 pay the amount due.

## 8. Enforcement Action

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. Section 9C of the 1960 Act (as amended) details the elements which the local authority may include when imposing a charge for enforcement action. We can recover expenses incurred by us:

- In deciding whether to serve notice
- In preparing and serving the notice or a demand under 9C(3)
- Expert advice, including legal advice.

A demand which sets out costs will be served along with the compliance notice.

**Fee charged for enforcement action= Actual Cost (calculated based on officer time etc on a case by case basis)**

## **9. Fees for depositing, varying or deleting site rules**

Site rules are different to site licence conditions and are put in place by the owner of a site to ensure that acceptable standards are maintained. 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 and publish the register on-line.

The Mobile Homes Act 1983 (as amended) allows the council to charge a fee for depositing, varying or deleting site rules subject to regulations.

Any site rules deposited or application to vary or delete rules must be accompanied by the appropriate fee. The fee is the same for the deposit, variation, or deletion of site rules. This is because the process will be similar for all three types of deposit.

**Fee to deposit, vary or delete site rules = £60**

## **10. Revising the fee policy**

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically with consideration of the changes of the MHA 2013 has introduced. Some of the processes are new (for example depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, at the time of producing this policy some elements of the licensing regime are still awaiting further regulation by government which may impact in the processes and time involved and may therefore result in a revision to the proposed charges.

The fees will be reviewed annually and the fees policy will be reviewed bi annually. The next review of the policy is due in May 2016.

## APPENDIX 1

### Considerations when setting licence grant fees

When determining our fee policy Lichfield District Council has taken into account the following matters on which costs are incurred (or likely to be incurred) (by whichever department) when determining the fee policy for consideration of applications for the grant or transfer of a site licence:

- Initial enquiries;
- Letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from third party in connection with the licensing process.
- Sending out forms
- Updating hard files/ computer systems;
- Updating the EU Directive website if appropriate;
- Processing the licensing fee;
- Land registry searches;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing reports on contraventions;
- Preparing draft and final licences;
- Review by manager and lawyers; review any consultation responses from third parties;
- Updating public register;
- Carrying out any risk assessment process considered necessary;
- Reviews of decisions or in defending appeals.

In addition Lichfield District will need to make such inquiries as necessary in connection with the application, such as those relating to:

- Management and financial standing;
- Outstanding licensing issues and debts; and
- Undertakings.

All time taken in establishing the information required to make an informed decision will be allowed to be included in the licence fee, whether or not the transfer or new licence is allowed.

Lichfield District Council have built into its fee structure for such applications the costs (or likely costs) it incurs as a result of such pre-application advice, including where no formal application is subsequently submitted.

## APPENDIX 2

### Considerations when setting annual licence fees

When determining our fee policy Lichfield District Council has taken into account the following matters on which costs are incurred (or likely to be incurred) (by whichever department) when determining the fee policy for consideration of applications for the annual licence fee:

- Letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party on 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 risk assessment process considered necessary.

The following officer time will also be considered:

- A pre-programmed full site inspection;
- A follow-up inspection to check compliance following programmed inspection.

**REPORT FOR DECISION**

**SUBMISSION TO REGULATORY AND LICENSING COMMITTEE**

**Date: 20 May 2014**

**Agenda Item: Item No. 5**

**Contact Officer and Telephone No. Carol Pepper: 308072**

**SUBMISSION BY STRATEGIC DIRECTOR - DEMOCRATIC DEVELOPMENT AND  
LEGAL SERVICES**

**PROPOSED DIVERSION OF PUBLIC BRIDLEWAY NO 57 IN THE PARISH OF COLTON**

**1. Purpose**

- 1.1 To consider an application received from Bagshaws LLP for the proposed diversion of Public Bridleway No. 57 in the Parish of Colton.

**2. Summary**

- 2.1 The proposed diversion of Public Bridleway No. 57 in the Parish of Colton is being sought by Bagshaws LLP on behalf of W B Daw and Son. The diversion is necessary to allow for the construction of an irrigation reservoir on land at Bellamour Farm, Bellamour Lane, Colton.

**3. Detail of Report**

- 3.1 An application for planning permission to construct an irrigation reservoir was granted on 11<sup>th</sup> July 2013 and this has resulted in the proposed diversion of Public Bridleway No. 57 in the Parish of Colton being requested.
- 3.2 Attached at **APPENDIX A** is a plan showing the existing Public Bridleway with a bold black line (A to B). The proposed route of the bridleway is shown by bold broken dashes (A to C to D to B) on the attached plan.
- 3.3 The existing bridleway (point A to B) cuts across the field in a direction the proposed diversion will take the route closer to the field boundary.
- 3.4 This application for a diversion of Bridleway No. 57 seeks to divert the public bridleway to run from A to C to D to B as shown with a bold broken line on the attached map. This diversion will take the route of the Bridleway away from the irrigation reservoir and closer to the field boundary.
- 3.5 The completion of this bridleway is subject to inspection and meeting an approved standard.

#### **4. Financial Implications**

- 4.1 Administrative and advertisement costs will be incurred in the making of the Public Footpath Order, however, these will be covered by the application fee for diversion of the public footpath.

#### **5. Environmental Issues**

- 5.1 None

#### **6. Strategic Plan Implications**

- 6.1 None

#### **7. Recommendation**

- 7.1 That following the granting of Planning Permission on 11 July 2013, a Public Footpath Diversion Order be made under the Town and Country Planning Act 1990 to be known as The Lichfield District Council (Bridleway No. 57 in the Parish of Colton) Public Bridleway Diversion Order 2014.
- 7.2 That the Strategic Director – Democratic, Development and Legal Services be authorised to take all necessary action.

Document Name:  
PROW

Key:

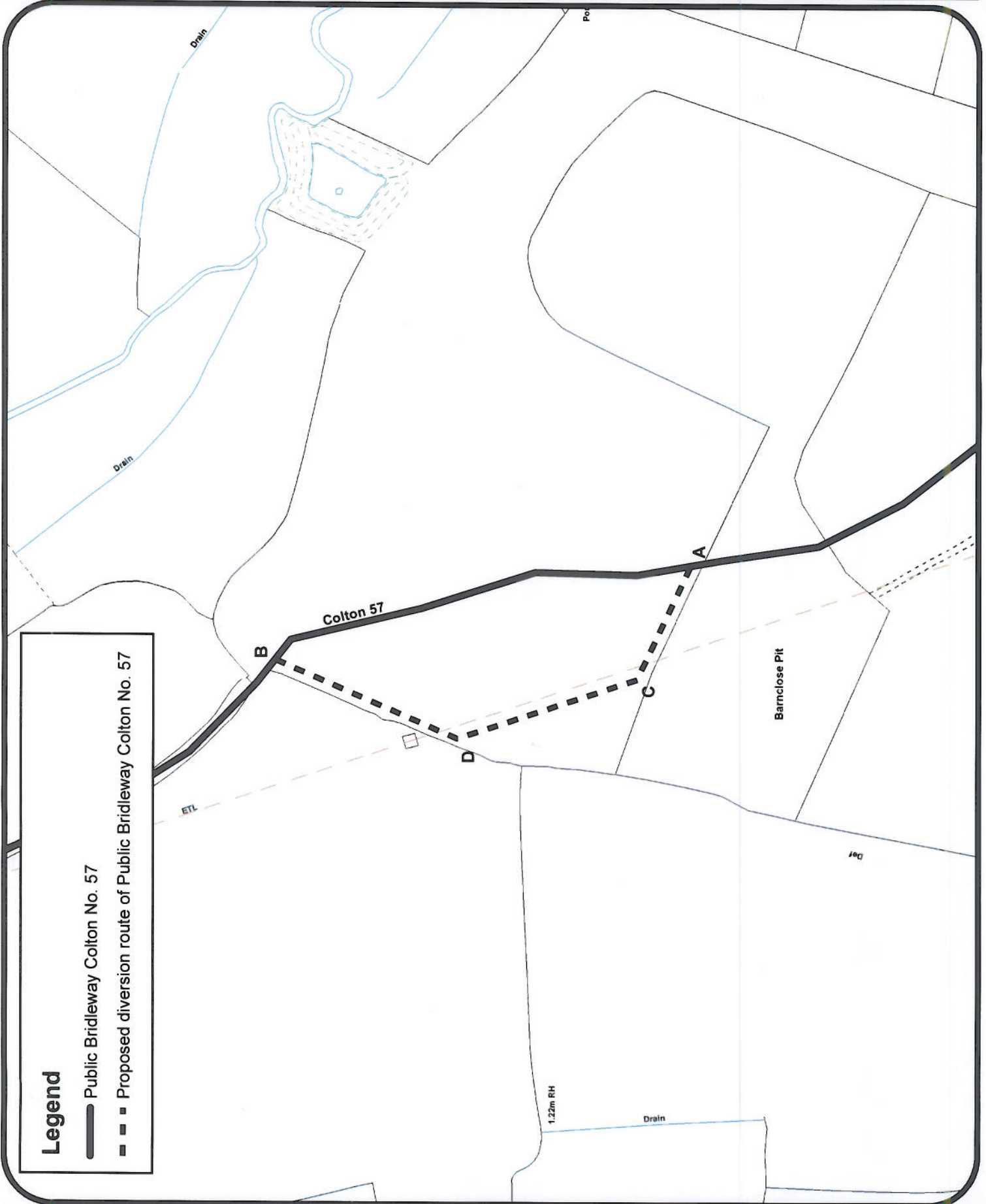
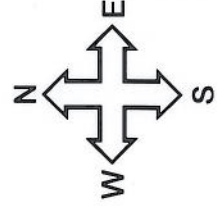
- A = 403893, 321225
- B = 403893, 321434
- C = 403834, 321252
- D = 403804, 321341

**Drawing Details:**

Scale 1:2,500  
Date: 30/04/2014  
Drawing No:

Drawing Prepared by:  
Gareth Thomas - GIS Manager

Coordinate System: British National Grid  
Projection: Transverse Mercator  
Datum: OSGB 1936  
False Easting: 400,000.0000  
False Northing: 100,000.0000  
Scale Factor: 0.9996  
Latitude Of Origin: 48.0000  
Units: Meter



**Legend**

- Public Bridleway Colton No. 57
- - - Proposed diversion route of Public Bridleway Colton No. 57

**REGULATORY AND LICENSING COMMITTEE  
WORK PROGRAMME FOR 2013-14 (v3)**

<b>Item</b>	<b>20 MAY 2014</b>	<b>20 NOV 2014</b>	<b>4 FEB 2015</b>	<b>Notes</b>	<b>Lead</b>
Mobile Homes Act 2013	✓				GD
Environmental Health 2014/15 Fees & Charges		✓			GD
Air Quality Update		✓			NW
Review of Cattery Conditions		✓			NW