

Housing (Scotland) Act 2014 - Reform of mobile home site licensing system

Final Business and Regulatory Impact Assessment

December 2016



Scottish Government
Riaghaltas na h-Alba
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Title of Proposal

Housing (Scotland) Act 2014 –Reform of mobile home site licensing system

Purpose and intended effect

Background

1. Mobile homes are a small but important part of the housing mix in Scotland. While legally defined as caravans many modern mobile homes resemble small bungalows rather than caravans. The larger ones are sometimes referred to as “park homes”, and can consist of two parts which are bolted together on site. An increasing number of people live permanently in mobile homes. Many of these residents are elderly, as these homes are commonly marketed as desirable and affordable retirement properties.

2. Research by Consumer Focus identified 92 mobile home sites in Scotland, with around 3,314 mobile homes¹. The majority of sites have fewer than 50 residential homes, and 22 out of 32 local authorities confirmed they have at least one mobile home site in their area. Sites are concentrated in 6 local authority areas: Perth and Kinross, Dumfries and Galloway, Fife, Angus, Argyll and Bute, and Aberdeen.² The 2011 Census reported that 6,950 people lived in a caravan or other mobile or temporary structure.

3. While many sites are well run there is evidence that there are unscrupulous site owners who exploit current weaknesses in the legislation. The provisions in the Act are part of a set of measures that are intended to significantly strengthen the protections enjoyed by permanent mobile home residents.

Objective

4. The current licensing system is weak, and lacks the tools necessary to effectively tackle poor site management and standards. The aim of the changes is to establish a robust, modern, licensing system that improves the lives of residents by having a system that means site standards are maintained, site owners pass a ‘fit and proper person’ test, and local authorities have the tools to tackle unscrupulous site owners. The changes do that by establishing a mobile home site licensing system that:

- focusses on the licence applicant (whether they are applying for their first site licence or to renew an existing one), and their fitness to have a site licence;
- gives local authorities a range of powers, and appropriate discretion in deciding how to use them, in relation to the granting, management, and revocation of licences;
- ensures licence conditions are observed, and enables action to be taken by local authorities to address significant problems with sites;
- introduces five year licence terms;

¹ As part of UK-wide government reforms, Consumer Focus was abolished in May 2013. (It was replaced with Consumer Futures, which was itself abolished in 2014.)

² Consumer Focus Scotland, *Stories To Be Told*, 2013.

- provides for site owners and site licence applicants to appeal against decisions by the local authority.

5. The changes we are making contribute to the following National Outcomes:

- “We live in well-designed, sustainable places where we are able to access the amenities and services we need.”
- “We value and enjoy our built and natural environment and protect it and enhance it for future generations.”
- “Our public services are high quality, continually improving, efficient and responsive to local people’s needs.”

6. The policy also contributes to the Government’s Purpose, which is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. The Government’s approach to delivering this is set out in Scotland’s Economic Strategy³, published in March 2015.

UK Policy

7. The problems within the mobile homes industry are not unique to Scotland. The UK Government and Welsh Government have developed similar proposals for change in their jurisdictions. In England, the Mobile Homes Act 2013 updates and strengthens the licensing regime that applies in England in ways that are similar to the 2014 Act. In Wales, the Mobile Homes (Wales) Act 2013 which came into effect on 1 October 2014, established a licensing system similar to our proposals. Scottish Government officials are in contact with colleagues in the Welsh Assembly Government to learn from their experience of implementing a new licensing system.

EU Policy

8. We anticipate no EU or wider international implications.

Rationale for Government intervention

9. The current licensing regime has the potential to be exploited by unscrupulous site owners. The 2014 Act changes give local authorities the tools necessary to tackle problems with site owners and ensure licence conditions (and therefore good site standards) are met. There have been persistent concerns about the actions of unscrupulous site owners, with a stronger licensing system needed to enable local authorities to tackle poor sites and site owners who exploit the current weak arrangements.

Consultation

Within Government

10. We have consulted with relevant colleagues in other parts of housing (such as those with experience of other licensing regimes), planning, and justice colleagues about our proposals.

Public Consultation

11. We formally consulted on our proposals for site licensing from 21 May to 13 August 2012. 129 responses were received. 53 of these were from groups or organisations, and 76 were from individual members of the public. Of the 53 group responses 13 were from local authorities, 9 from mobile home

³ Published in March 2015, with further details online at:
<http://www.gov.scot/Topics/Economy/EconomicStrategy>.

resident groups, 4 by bodies connected with or representing various aspects of the mobile home or holiday park industries, and 21 from owners and operators of mobile home and/or holiday sites. 55 of the 76 responses from individuals drew on one of three versions of a set of answers, and were collated and submitted by residents of two mobile homes.

12. The key points raised in the consultation were that:

- i) Those respondents who approached the proposals from the perspective of mobile home residents were generally supportive of the proposed changes, and often expressed clear support for an enhanced licensing and inspection regime.
- ii) Respondents who approached the proposals from the perspective of the mobile home industry disagreed with some of the suggested changes. They often suggested that the proposed regime would impose additional administrative and financial burdens on reputable site owners, but would be unlikely to tackle the problems created by a small number of less scrupulous owners.
- iii) Respondents from the industry (industry bodies, site owners, and individuals who appeared to be site owners) often focused their comments on how the proposals would affect that part of the industry with which they were most closely connected. This applied particularly to respondents who were concerned about the regime being applied to holiday sites.
- iv) Local authority respondents were supportive of the need for change and of the requirement for an enhanced licensing regime. Local authority respondents were also generally in agreement with most or all of the proposals as put forward. However some did express reservations about certain aspects of the proposals, and were looking for them to be strengthened.

13. A partial Business and Regulatory Impact Assessment was included in a previous consultation paper in 2010 that set out proposals to reform the site licensing system.

14. Since May 2012, we have undertaken continuing informal consultation and discussion with key stakeholders, including the main trade body, the British Home & Holiday Parks Association (BH&HPA). The Residential Mobile Homes Stakeholder Working Group discussed the site licensing proposals, and officials have discussed the new site licensing system and its implementation with representatives from bodies including:

- local authorities;
- COSLA;
- British Holiday and Home Parks Association;
- Independent Park Home Advisory Service;
- National Association of Park Home Residents;

15. In response to the formal consultation and discussion with the industry we decided the new licensing regime should only cover mobile home sites which are for permanent residents. This reflected views expressed in the consultation by businesses about the effect the proposals would have on holiday sites. Mobile homes on holiday parks, which are only occupied for some of the year, are therefore not covered by the proposals. This was a significant change in the policy, made in response to the views we received from the mobile home industry.

16. Our proposals to reform the site licensing system were passed by the Scottish Parliament as part of the Housing (Scotland) Act 2014. Officials developed proposals for the details of the operation of the system within the framework set out by the Act. We held a further public consultation on these proposals, which included draft Regulations showing how the proposals could be implemented. There were 30 responses to the consultation, with 5 from community and residents' groups, 8 from local authorities, and 3 from private sector organisations or trade bodies. (13 responses were from individuals).

17. The consultation responses were considered and analysed independently of government⁴. There was general support for the proposals in the draft Regulations, with some comments on how they could be improved or altered. In response to comments made by the industry we:

- removed the requirement for site owners to resubmit information when they apply to renew a licence. Those applying to renew a licence issued under the new system will only need to send a local authority information which has changed since their last renewal or original licence application;
- will highlight in statutory guidance to local authorities the importance of charging a fee that covers the cost they expect to incur in handling an application or a renewal. For example, if licence renewals do not require a site visit a local authority should ensure it is not including the cost of one in its renewal fee. We plan to publish the guidance in early 2017.
- will encourage local authorities (through the statutory guidance) to make decisions on licence transfers speedily, wherever possible. We will highlight that transfer applications will often be taking place as part of a commercial transaction to sell the park to a new owner, and it is therefore important that a decision is made quickly for all but the most complex cases.

Business

18. We have been in regular contact with the main trade body, the BH&HPA, on the site licensing proposals and have interviewed site owners. Given the impact the changes could potentially have on local authorities we have also met with officials from local authorities involved in site licensing work.

19. In addition to the formal consultations, colleagues in the Scottish Government's Communities Analytical Services carried out an analysis of the mobile home industry in Scotland. This analysis included desk research of previous studies, and a survey sent to site owners of residential, holiday and mixed parks. The quantitative analysis from the survey was complemented with in-depth interviews with local authorities' officials. The survey was sent in July 2012 and included questions on number of units, sales of new and existing units, average pitch fees, and share of income streams over total income during 2010 and 2011, in addition to the average share over the last 10 years. A total of 23 responses were received. The survey helped to inform us further about the mobile home industry in Scotland and was useful in assessing the impact site licensing changes might have on business.

Options

20. The Scottish Government consulted on a package of measures in 2012. These were:

- introducing required statutory minimum information that site owners would have to provide with a site licence application;
- introducing a 'fit and proper person' test, to be applied to those controlling the running and management of a site
- limiting the duration of site licences, so they run for a period of years (possibly three years) before being renewed;
- changes to the process for issuing site licences, and adjusting the current statutory timescales;
- a power for a local authority to charge a fee for a licence; and
- measures for the enforcement of site licences. These included giving local authorities the power to issue Improvement Notices and Penalty Notices, to enter a site and carry out works to improve a site, and to revoke a licence. We also consulted on a substantial increase in the maximum fine for a site owner failing to meet their obligations from £2,500 to £50,000.

⁴ The consultation analysis report is available at <http://www.gov.scot/Publications/2016/10/7318/0>.

21. The proposals above form a closely linked suite of changes, working together to reinforce the system as a whole. The options we therefore considered were mainly focussed the applicability of the new regime (e.g. which sites should be covered by the existing regime).

Option 1- Do Nothing

22. Under this option the current arrangements for issuing and enforcing site licences would continue.

Sectors and Groups Affected

23. We believe that doing nothing would affect the following groups to a greater or lesser extent:

- site owners
- residents
- local authorities

Benefits

24. No additional costs incurred. Site owners would not have to pay licence fees.

Costs

25. The problems with the current arrangements would continue. Local authority powers to take enforcement action against unscrupulous site owners would remain limited.

Option 2 - change the system for new sites only, and leave already licensed sites under the current regime.

Sectors and Groups Affected

26. We believe that each of the options we have considered will affect the following groups to a greater or lesser extent:

- site owners
- residents
- local authorities

Benefits

27. No additional costs incurred for existing businesses.

Costs

28. This option would lead to an unbalanced sector, with already licensed sites subject to a less rigorous and effective regime. This would mean new entrants into the market were at a disadvantage, as they would need to meet requirements not applied to sites that were already in existence. The issues with the current licensing regime would also continue for existing sites.

Option 3 - keep the perpetual licence but strengthen the enforcement regime.

Sectors and Groups Affected

29. We believe that each of the options we have considered will affect the following groups to a greater or lesser extent:

- site owners
- residents
- local authorities

Benefits

30. Lower costs for site owners, as the requirement to regularly reapply for a licence would be removed.

Costs

31. This option would mean that there was no regular mechanism for reviewing a site's condition and licence conditions. This could mean local authorities were more likely to need to use enforcement tools such as Penalty Notices and Improvement Notices, with the associated costs for local authorities and site owners that would bring about.

Option 4 - create time limited licences and strengthened enforcement, but do not introduce the fit and proper person test.

Sectors and Groups Affected

32. We believe that each of the options we have considered will affect the following groups to a greater or lesser extent:

- site owners
- residents
- local authorities

Benefits

33. This would remove the requirement for those involved in running a site to pass the fit and proper person test. This could reduce costs for local authorities in considering licence applications and hence reduce the licence costs for site owners.

Costs

34. Applying a fit and proper person test will enable authorities to identify, and decide not to licence, those who are not appropriate people to be site owners. Such people are more unlikely to comply with licence conditions. Not having a fit and proper person test would therefore be likely to lead to increased costs for enforcement action, as local authorities would be likely to have to use such measures.

Option 5 - introduce the whole package of reforms.

Sectors and Groups Affected

35. We believe that each of the options we have considered will affect the following groups to a greater or lesser extent:

- site owners
- residents
- local authorities

Benefits

36. This option would introduce a level playing field for all site owners, whether existing or new entrants to the market. A charge for site licences and enhanced enforcement powers will provide local authorities with the funding and scope to take proportionate action to tackle problems with sites.

Costs

37. This option would introduce a licence fee for site owners to pay, covering the cost of issuing them a site licence. It would also allow local authorities to recover the costs of additional enforcement action from the site owners involved, following a 'polluter pays' principle.

Scottish Firms Impact Test

38. To understand more clearly the impact that the proposed changes might have on businesses, the following work was carried out:

- on-going engagement with industry bodies on the Residential Mobile Home Stakeholder Working Group;
- a survey sent to site-owners of residential, holidays, and mixed parks;
- direct interviews with site-owners;
- interviews with local authority officials responsible for mobile home parks.

39. Discussions with businesses, their representatives, and the analysis of the survey sent to site owners in Scotland provided important input into our consideration of the impact of the proposed changes on business. The BH&HPA were part of the Residential Mobile Homes Stakeholder Working Group, and were involved in discussions about the impact of the proposals and their possible effect on businesses. The proposals were discussed by the Working Group as they developed, and BH&HPA were part of the consideration and discussion in those meetings. In addition to this on-going engagement four people were interviewed about the impact of the changes: two local authority officials involved in site licensing, and two site owners of permanent mobile home sites. 23 businesses also responded to a survey by the Scottish Government's Analytical Services, which provided important data about the proposals and their impact on businesses (see below for further detail).

Number and Type of Businesses affected

40. Research into the mobile home industry in Scotland was carried out by the Scottish Government's Communities Analytical Services. The analytical work consisted of desk research, a survey sent to site-owners, and in-depth interviews with local authorities' officials. While the number of respondents to the survey (at 23) was relatively small the survey still provided an important insight into the industry. It found that:

- 100% of residential sites who answered the survey were family businesses.
- sales of new units were down by 40% from 2010 to 2011.
- sales of resale units (where site owners can take up to 10% commission on a resident selling their mobile home) were up by 17% from 2010 to 2011.
- 73% of site-owner's income came from pitch fees.
- the average annual pitch fee for residential sites was £1,338.

41. For residential parks around 75% of respondents' total turnover was coming from pitch fees. This is higher than the percentage found in research published by The Office of the Deputy Prime Minister, which found only 42% of site owners' income came from pitch fees⁵. However that research was

⁵ *Economics of the Park Homes Industry*, The Office of the Deputy Prime Minister, published October 2002.

carried out in 2002 (before the economic downturn), and did not include sites in Scotland. Given the changed economic situation since 2002 it is therefore likely that pitch fees have become a more significant part of the income stream for site owners.

42. In relation to the different sizes of mobile home sites, the research found that:

| Number of units | Percentage of sites |
|------------------------|----------------------------|
| Up to 10 | 8% |
| 11 to 50 | 70% |
| 51 to 75 | 8% |
| 76 to 100 | 11% |
| 100+ | 3% |

43. 78% of residential mobile home parks in Scotland are therefore small to medium sized (1 to 50 units). Consumer Futures research⁶ also found that the majority of sites have fewer than 50 units.

44. In terms of impact on the competitiveness of Scottish companies within the UK our proposed changes are broadly similar to those that have been introduced in England and in Wales. The Mobile Homes Act 2013 established a new system for mobile home licensing in England, with many elements similar to our proposals. The Welsh Assembly also passed an Act in 2013 that created a stronger site licensing system in Wales. We believe the changes in Scotland will benefit the many well-run businesses in the sector, as it will prevent them from being undercut by unscrupulous site owners who exploit the weaknesses in the current legislation.

Costs and Benefits to Business

45. Under our proposals, the cost of providing a site licence will reflect the activities a local authority carries out to issue or renew a licence. This cost will vary, depending on factors such as the size and geography of a local authority (e.g. local authorities of a bigger size and with mobile home parks dispersed across their territory would incur in higher transportation cost when visiting the parks), as well as the manner in which individual local authorities decide to undertake the tasks involved. For this reason the 2014 Act gives Ministers the power to set out the factors local authorities need to take into account when deciding on the licence fees, allowing a reasonable degree of flexibility. The Act also gives Ministers the power to set a maximum licence fee. Based on the research and the interviews undertaken, it is estimated that the fee associated with granting the licence to the residential mobile home parks would be approximately £600. The cost of renewing a licence will be calculated on the same basis (that is the costs incurred by a local authority in determining a renewal application). These costs may well be less than the cost of issuing a first licence if, for example, a local authority does not believe a site visit is required for renewal decisions.

⁶ Consumer Focus Scotland, *Stories To Be Told*, 2013.

| Tasks | Indicative Time (days Full Time Equivalent) | Indicative Salary (including National Insurance and other contributions) | Cost per day | Cost | Total Cost |
|--|---|--|--------------|---------|----------------|
| <i>Statutory minimum application criteria</i> | | | | | |
| Receiving, logging, and electronically storing information relating to the application | 0.5 | £35,000 | £95.89 | £47.95 | £109.59 |
| Checking and authorising | 0.5 | £45,000 | £123.29 | £61.64 | |
| | | | | | |
| <i>Fit and Proper Person Test</i> | | | | | |
| Compiling information, reviewing records | 1 | £45,000 | £123.29 | £123.29 | £123.29 |
| | | | | | |
| <i>Visiting site</i> | | | | | |
| Transport costs (distance) | N/A | | | £80.00 | £381.37 |
| Visit x 2 officials | 2 | £35,000 | £95.89 | £191.78 | |
| Reporting | 0.5 | £35,000 | £95.89 | £47.95 | |
| Informing site owner | 0.5 | £45,000 | £123.29 | £61.64 | |
| | | | | | |
| TOTAL COST | £614.25 | | | | |
| Statutory minimum application criteria | £109.59 | | | | |
| Fit and Proper Person Test | £123.29 | | | | |
| Visiting site | £381.37 | | | | |
| | | | | | |

46. The main income streams for site owners consists of income received from pitch fees, sale of new mobile homes, and commission from the re-sales of existing mobile homes on a site. Information taken from the survey sent to site owners in Scotland helps us to calculate the approximate turnover of the industry. As mentioned in paragraph 41, pitch fees represent a significant part of the total income earned by the site-owners. There is a therefore direct link between the size of the a site (measured as the number of units) and the capacity of a site owner to absorb the cost of the licence fee. We have modelled the impact of a licence fee of £614 on the turnover of residential mobile home parks of varying size, with the findings set out below:

| Size (units) | 5 | 10 | 20 | 40 | 50 | 70 | 80 |
|-------------------------|---------|---------|----------|----------|----------|----------|----------|
| 5 years' revenue | £45,821 | £91,643 | £183,288 | £366,575 | £458,220 | £641,506 | £733,150 |
| Fee impact | 1.3% | 0.6% | 0.3% | <0.2 | <0.2% | <0.1% | <0.1% |

47. In the context of the overall revenue for a site £611 over 5 years is a very small figure. It is 1.3% of the turnover of a site with 5 units, and for the large majority of sites (with 20-50 units) it is 0.3% or less of a site's turnover. It is also important to note that a site owner will be able to pass the cost of the

licence fee onto to site residents, minimising further the costs to the site owner.

48. Our intention is that the new enforcement regime should be cost neutral for local authorities. Local authorities will be able to reclaim the costs of enforcement action from those site owners they take such action against. As site owners should already be complying with the licence conditions set by local authorities, legitimate and well-run sites should incur no extra costs. The cost of enforcement action is therefore fully avoidable by site owners if they ensure they comply with licence conditions, and take any action required in a timely way.

49. The broad purpose of the changes is to create a mobile home site licensing system that enables poor site standards and behaviour by site owners to be tackled, bringing benefits to residents (who are often elderly). However as discussed above we believe the changes will also assist legitimate businesses, by reducing the opportunities for them to be undercut by site owners who do not provide an appropriate level of service and facilities. We originally intended to introduce licences that a 3 year term. However, in light of the representations by the industry (and others) during the passage of the 2014 Act we tabled an amendment, passed by the Parliament, so that site licences have a 5 year term. This amendment helped to further reduce the costs of the new licensing system to well-run businesses.

Competition Assessment

50. While these proposals will affect site owners, we anticipate they will have no impact on competition within the residential mobile homes market. The changes will apply equally to all sites. Local authorities will set fees for their areas, reflecting the local conditions in their areas and may set lower fees for smaller businesses. Ministers will have scope to set out matters to be taken into account in setting licence fees and this will ensure a consistent approach to the setting of licence fees across Scotland. The improved standards of safety, facilities, and management that are an intended result from the proposals would help to ensure that site owners who are already providing a good service are not undercut by those who may not be doing so, thus help to promote fairer competition in the sector.

Test run of business forms

51. No new statutory business forms will be brought in with the implementation of the proposed legislation.

Legal Aid Impact Test

52. We anticipate any rise in the demands placed on the legal system as a result of these proposal would be slight. The sector concerned is a small one, and the main parties concerned in any legal action (site owners and local authorities) are generally sufficiently well-resourced not to be dependent on legal aid. We therefore think that any impact on legal aid expenditure will be very minimal.

Enforcement, sanctions and monitoring

53. An effective enforcement regime is a key part of our proposals. We consulted on giving local authorities a range of tools they can use to enforce licence conditions and tackle problems with site owners or site quality. These were:

- Improvement Notices
- Penalty Notices
- power to enter site and carry out work
- revocation of site licences
- a significantly increased fine

Option 1- Do Nothing.

Under this option the current enforcement mechanisms would remain in place.

Option 2 - Change the system for new sites only, and leave already licensed sites under the current regime.

This option would require creating the enforcement mechanisms set out in our proposals, to implement the new regime for new sites. Enforcement would be carried out by local authorities, with costs being recovered from those site owners against whom action had to be taken.

Option 3 - Keep the perpetual licence but strengthen the enforcement regimes.

This option would require creating the enforcement mechanisms set out in our proposals. Enforcement would be carried out by local authorities, with costs being recovered from those site owners against whom action had to be taken.

Option 4 - Create time limited licences and strengthened enforcement, but do not introduce the fit and proper person test.

This option would require creating the enforcement mechanisms set out in our proposals, to implement the new regime for new sites. While with no fit and proper person test enforcement action might be used less often, when it was necessary it would be carried out by local authorities, with costs being recovered from those site owners against whom action had to be taken.

Option 5 - Introduce the whole package of reforms.

This option would require creating the enforcement mechanisms set out in our proposals. Enforcement would be carried out by local authorities, with costs being recovered from those site owners against whom action had to be taken.

Implementation and delivery plan

54. The mobile home site licensing system changes were considered and passed by the Scottish Parliament as part of the Housing (Scotland) Act 2014. Following the passing of the Act Scottish Government officials developed proposals for the detailed working of the licensing system, which would be reflected in Regulations made under the Act. The Scottish Government consulted on proposals for the draft Regulations from November 2015 to February 2016. The final version of the Regulations will be considered by Parliament in winter 2016. Alongside the Regulations the Scottish Government will publish statutory guidance on the new licensing system for local authorities, and information on the Scottish Government website for site owners and residents. It is planned that the new licensing system will come into force on 1 May 2017.

Post-implementation review

55. Scottish Government officials will consult with stakeholders (including local authorities and site owners) to review the operation of the new arrangements. We will formally review the relevant legislation within 10 years of it coming into force, to ensure it is still fit for purpose.

Summary and recommendation

56. We have consulted on a package of measures for establishing a site licensing proposals. That consultation found that a key concern of the industry was that a new site licensing system should not apply to mobile homes that are not used as permanent homes, such as those only used for holidays.

We listened to that concern, and our proposals will only apply to mobile homes that have permanent residents. However there are clearly weaknesses and flaws in the current legislation, which are open to exploitation by unscrupulous site owners, and we believe our proposals will create a robust, proportionate, and modern site licensing system in line with those used in relation to other forms of accommodation.

Summary of Broad Costs and Benefits

| Option | Benefits | Costs |
|--|---|--|
| Do Nothing. | No additional costs. | Problems and issues with the current arrangements would continue. |
| Change the system for new sites only, and leave already licensed sites under the current regime. | No additional costs incurred for existing businesses. | Create an inequitable situation in the sector, with already licensed sites subject to a less rigorous and effective regime. New entrants into the market would potentially be at disadvantage, as requirements could be made of them that were not made of already existing sites. Problems with the current licensing regime would also continue for existing sites. |
| Keep the perpetual licence but strengthen the enforcement regimes. | Lower costs for site owners, as the requirement to regularly reapply for a licence would be removed. | Local authorities would not have regular licence renewals that provided an opportunity to regularly review sites. This could lead to authorities have greater need to use tools such as Penalty Notices and Improvement Notices, with the associated costs for site owners and local authorities. |
| Create time limited licences and strengthened enforcement, but do not introduce the fit and proper person test. | Non introduction of the fit and proper person test would reduce costs for site owners and local authorities of the new regime. | Applying a fit and proper person test enables authorities to refuse to licence people who are not, or would not be, appropriate as site owners. Such people are more unlikely to comply with licence conditions. Not having a fit and proper person test could therefore lead to increased costs for enforcement action, as authorities would be more likely to have to use such measures. |
| Introduce the whole package of reforms. | This option introduces a level playing field for all site owners, whether existing or new entrants to the market. It also fully addresses the faults with the current licensing system. | <p>This would introduce a fee for site owners to pay, covering the cost of issuing them a site licence. It would also allow local authorities to recover the costs of enforcement action from the site owners involved, following a 'polluter pays' principle.</p> <p>Costs for the Scottish Government (no additional costs).</p> <p>Costs for the Scottish Court and Tribunals Service (The new licensing system provides for site licence applicants and others to appeal against the decisions of a local authority. This will create minimal costs for the SCTS, with cases being heard by a sheriff under the summary application procedure, with the usual court fees applying.)</p> <p>Costs for local authorities</p> |

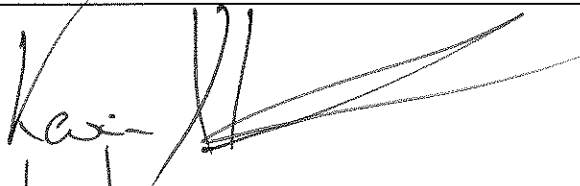
(costs of providing licences to be covered by licence fee, and costs of enforcement action to be recovered from site owners concerned, so overall **cost neutral** to local authorities).

Costs for site owners
(Approximately **£600 per licence** over 5 years.
Enforcement costs avoidable by complying with licence conditions).

Declaration and publication

I have read the impact assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:



Date:

1/12/2014

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