

POLICY NOTE

THE LICENSING OF RELEVANT PERMANENT SITES (SCOTLAND) REGULATIONS 2016

SSI 2016/433

The above instrument was made in exercise of the powers conferred by sections 32C(4), 32F(3), 32N(1) and 32Y(5) of the Caravan Sites and Control of Development Act (1960). The instrument is subject to negative procedure.

Policy Objectives

The Scottish Government is reforming the licensing system for mobile home sites that are licensed to have permanent residents, or that require such a licence. These changes will give local authorities the powers and tools they need to more effectively issue, manage, and revoke licences, including enforcing site licence conditions. The existing licence system was established in the 1960s, and is not appropriate for licensing modern sites which have permanent, year round, residents.

Part 5 of the Housing (Scotland) Act 2014 amended the Caravan Sites and Control of Development Act (1960) to establish the broad framework for the new licensing system. These Regulations set out the more detailed aspects within the framework, including:

- the information which must be supplied with an application for a first site licence and for a licence transfer;
- setting a 3 month time limit for a local authority to determine an application for a first site licence, a licence renewal, and a licence transfer;
- the matters a local authority can take into account when setting a fee for determining a first site licence application or licence renewal;
- the effect of a successful appeal against a local authority's decision on an application;
- the powers of an interim manager.

Consultation

We consulted on our proposals for draft regulations from November 2015 to February 2016. There were 30 responses to the consultation, with 3 responses from private sector organisations or trade bodies; 8 from local government; and 5 from residents or community groups. 13 responses were from individuals. There was general support for most of the proposals in the Regulations, with differing views on some proposals from the industry and local government. The main issues raised were around:

- the information to be submitted with an application to obtain, renew, or transfer a site licence application;
- the fees a local authority could charge for considering an application
- the time limits within which a local authority must make its decision on an application.

After considering the points raised, often with differing views from consultees on what should happen, we have set out for key stakeholders our policy response. This includes:

- rather than requiring all information to be resubmitted with a renewal application (as we consulted on), the applicant will instead only be required to provide information about the changes that have occurred since the licence was last issued or renewed.
- continuing the approach of specifying the matters a local authority can take into account when deciding on its fees. We will not set a maximum fee at this stage.
- continuing with the 3 month timescale for a local authority to issue, renew, or transfer a site licence. However in the statutory guidance on the new licensing system (that we will publish in early 2017) we will encourage local authorities to make decisions in a shorter timescale wherever possible, particularly for licence transfers.

The responses to the consultation were independently analysed, and the full consultation report is available on the Scottish Government website.

Impact Assessments

An Equality Impact Assessment was carried out as proposals for site licensing were developed, and were published prior to the 2014 Act being considered in Parliament. We have updated the EQIA as the regulations were developed, and it is available on the Scottish Government website. We have also considered the privacy impact of our proposals, and carried out a screening for issues related to the impact on children and young people. In light of those assessments we will be including a specific section on data handling, storage and sharing in the statutory guidance for local authorities, which we plan to publish in early 2017. The pre-screening assessment for the Children and Young People Impact Assessment did not identify any particular impacts the policy will have on children and young people.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) was carried out as our proposals for site licensing were developed, and was published prior to the Housing (Scotland) Act 2014 being considered by Parliament. We updated the BRIA as the regulations were developed, and it is available on the Scottish Government website. The BRIA process concluded that there are clearly weaknesses and flaws in the current legislation, which are open to exploitation by unscrupulous site owners, and the new licensing system will create a robust, proportionate, and modern site licensing system in line with those used in relation to other forms of accommodation. Enforcement of the new licensing system will be carried out by local authorities, with costs being recovered from those site owners against whom action had to be taken.

Scottish Government
Housing and Social Justice Directorate