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# Analysis of responses to consultation on mobile home sites regulations



PEOPLE, COMMUNITIES AND PLACES



# **Analysis of responses to consultation on mobile home sites regulations**

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# Executive Summary

## Introduction

- This summary presents an overview of responses to the Scottish Government's consultation on their proposals for regulations supporting the new licensing system for mobile home sites with permanent residents. Part 5 of the Housing (Scotland) Act 2014 set the framework for a new system for licensing mobile home sites licensed to have permanent residents. The 2014 Act gives Scottish Ministers powers to make regulations and in 2015 the Scottish Government published a consultation paper setting out what it proposed to include in these regulations.
- The consultation ran from 17 November 2015 to 12<sup>th</sup> February 2016 and asked 11 main questions. A total of 30 responses were available for analysis. Of these 30 responses, 17 were submitted by groups and 13 by individual members of the public.

## Information

- The first two consultation questions covered the information required to be submitted with a licence application. The Scottish Government proposal was that regulations would require an applicant for a licence to provide a range of information, including the applicant's name, address and date of birth and a contact address for the day-to-day management of the site. The regulations would require the same information to be submitted for first site applications, renewals, and applications to transfer a licence. The majority of respondents agreed that the information provided should be the same.
- Reasons given for supporting this approach included that it would help ensure a consistency of approach amongst local authorities and site-owners and that it will simplify the application process. However, a local government respondent that disagreed with the same information being required suggested that applicants should be permitted to reference previously supplied documents or plans where no change has occurred. A private sector organisation or trade body raised broader concerns about how the proposed system will affect the viability of park home businesses and suggested that proposals around licence renewal are disproportionate.
- With particular reference to licence renewal, a small number of respondents suggested that it should only be necessary to provide information concerning any changes since the initial licence was granted.

## Fees

- The next three consultation questions covered the fees required to be submitted with a licence application. The Scottish Government proposed using their powers under the 2014 Act to set out the issues a local authority can take into account, but not to set the maximum fee that a local authority can charge.
- Respondents were asked whether they agreed or disagreed with ten separate matters that a local authority could take into account when setting fees. These included

receiving, logging and electronically storing information, checking planning permissions, applying the 'fit and proper person' test and deciding whether to issue or refuse a licence.

- At each of the matters, the majority of respondents who answered the question agreed that the matter should be one that a local authority can take into account when setting its fee levels. Reviewing representations made by an applicant received once a local authority has informed the applicant they are considering refusing the application was the matter with which the highest number of respondents disagreed.
- Many of the further comments were general to all the matters concerned and included that this approach would be in line with practice in other areas and that cost recovery, reflecting the actual resources used in processing an application, is a fair and reasonable approach to take. A general comment made by a private sector organisation or trade body respondent was that costs should be calculated on a similar basis to that for planning fees and should take the scale of the operation into account. Suggested additional costs a local authority should be able to take into account included the costs of compliance inspections to ensure site licence conditions are being met, and preparing for and attending any appeal if a licence is refused.
- The majority of respondents agreed with the proposal not to set maximum fees at this stage. However, the majority of private sector organisations or trade bodies and individual respondents disagreed. Respondents who had agreed pointed to advantages they considered would come with this approach, including that it will allow local authorities to set a fee which reflects their experience of assessing applications once the new regulatory framework is introduced. It was also suggested that it would allow local authorities to take account of any particular factors affecting their local area. The most frequently-raised issue amongst those who had disagreed was that this approach would be open to misuse.

## Timescales

- Questions 6 and 7 of the consultation paper covered the timescales for making decisions and giving reasons. The 2014 Act requires Ministers to set timescales within which a local authority must decide on a licence application, renewal, or transfer. If a local authority does not make a decision within these timescales then an application is automatically approved. Under the 2014 Act the Scottish Ministers can also set the timescales within which a local authority must provide reasons for its decisions under the new licensing system. The Scottish Government proposes requiring a local authority to provide its reasons on the day that it tells an applicant of its decision.
- The majority of respondents agreed with the proposed 3 month time limit for deciding on a first site licence. However, the majority of local government and private sector or trade body respondents who answered this question did not. Those who had agreed pointed most frequently to the timescales appearing sufficient, reasonable, or realistic. Those who had disagreed generally suggested the proposed 3 month time limit would be insufficient. Comments included that the 3 month time limit may be sufficient for more straightforward cases but would not be long enough to allow for responses from

consultees to be received and considered and for reports to Licensing Sub-Committees to be prepared.

- The majority also agreed with the proposed 3 month time limit for deciding on an application for a licence renewal or a licence transfer. Again, some respondents commented that these timescales appear reasonable, particularly since the majority of renewals should involve little or no change to the information provided at application. However, it was noted that the situation may be complex if there are to be new owners. A private sector organisation or trade body respondent also stated that all commercial purchases of caravan parks are subject to the transfer of the site licence and noted that time will be of the essence. They favoured a one month time limit for licence transfers.
- The majority of respondents agreed that when a local authority is required to give reasons for its decision it should do so on the same day it communicates its decision. Those who had agreed tended to point to this approach being reasonable, transparent and/or courteous. Comments made by those who had disagreed included that a small amount of further time could be required.

## Interim manager

- The 2014 Act gives a local authority which has issued a site licence the power to apply to a sheriff to appoint an interim manager for a site. It gives Scottish Ministers the power to set out in regulations matters around the appointment, powers, and duties of an interim manager and the draft regulations specify the powers which a sheriff may give to an interim manager.
- The consultation asked respondents whether they agreed with each of 15 matters relating to an interim manager set out in the draft regulations. These matters included giving the interim manager the power to take possession of the site, carry out works, appoint or dismiss agents or staff and make and receive payments. At each of the matters, the majority of respondents who answered the question agreed that the matter should be set out in the regulations covering interim managers. There was one matter with which all respondents who answered the question agreed - that a sheriff can make provisions related to an interim manager's appointment and termination of appointment. The matter at which the highest number of respondents disagreed concerned giving the interim manager the power to carry out works in connection with the management of the site.
- Many of the further comments were general to all the matters concerned and included that the various provisions offer a necessary and/or reasonable approach to allow the site to be managed in the interest of that site, its residents and its neighbours. It was also suggested that in order to carry out their duties effectively, an interim manager needs to have full control of the site.
- In terms of any additional powers an interim manager should have, the most frequently-made suggestion came from four individual respondents and was that interim managers should be given powers to prevent the site owner from entering the site. Those seeking this provision pointed to a need to protect residents from being bullied or intimidated by site owners who have had their licence revoked. The other main

suggestion concerned powers to allow the interim manager to apply to transfer a licence.

## Effect of an appeal

- Under the 2014 Act an applicant can appeal against the decisions a local authority makes under the licensing system, including a decision not to issue a licence, not to renew a licence, and to revoke a licence. The appeals are made to the sheriff court. The 2014 Act gives Scottish Ministers the power to set out what happens until an appeal is decided or withdrawn. The proposed approach would result in the current situation continuing until an appeal is decided or withdrawn. For a site licence renewal an applicant would keep their licence until the appeal is decided or withdrawn and for a site licence transfer the current licence holder would keep their licence until the appeal is decided or withdrawn. If a local authority revokes a licence and the licence holder appeals, the licence would remain revoked unless the appeal is successful.
- The majority of respondents agreed with the proposed effect of an appeal on first site licence application, licence renewal, transfer of a licence and revocation of a site licence. On revocation of a site licence, comments included that this approach makes provision for the site to continue running and would allow residents to continue to occupy their properties.

## Caravan dimensions

- The final consultation question concerned possible changes to the maximum permitted caravan dimensions. The Caravan Sites Act 1968 sets out the maximum permitted size of a caravan in Scotland. The Scottish Government considers that, given the changes in the use of mobile homes over the past decades including people now living in them as permanent homes, the maximum permitted size of a caravan should be larger. The proposed change would increase the maximum permitted size of a caravan by around 10% and would bring the maximum caravan dimensions in Scotland in line with those that apply in England and in Wales. The majority of respondents supported the proposed increase.
- Those supporting the proposal pointed most frequently to the advantages of harmonising the approach in Scotland with that in England and Wales. The specific benefits identified were making a greater range of park homes available to purchasers, allowing manufacturers to standardise their product range, and recognising that people have increasing expectations around quality and space standards. The potential benefits of an increase in the dimension of mobile homes allowing for improved insulation was also raised. However, it was also noted that it will be important to ensure that pitch size regulations and requirements around the space between mobile homes are still respected.

# Introduction

This report presents an analysis of responses to the Scottish Government's consultation on their proposals for regulations supporting the new licensing system for mobile home sites with permanent residents.

## Background

In 2012 the Scottish Government consulted on proposals to strengthen the licensing system. After further development these proposals were taken forward in Part 5 of the Housing (Scotland) Act 2014. The 2014 Act set the framework for a new system for licensing mobile home sites licensed to have permanent residents. Some of the key measures in the Act are:

- Introducing new processes for handling first site licence applications, renewals, transferring a licence, and transmission of a licence.
- Introducing a requirement that someone holding site licence and/or managing a site is a 'fit and proper' person to do so.
- Giving a local authority a range of enforcement powers. These include the ability to serve penalty notices and enforcement notices on a site licence holder.
- Enabling a local authority to be able to revoke a site licence in certain circumstances.
- Providing for a sheriff to appoint an interim manager to run a site, in certain circumstances.
- Allowing a local authority to charge a fee for handling an application to issue a first site licence application, or renew an existing licence.

The 2014 Act gives Scottish Ministers powers to make regulations, setting out in more detail how some parts of the new licensing system will work. In 2015 the Scottish Government published a consultation paper setting out what it proposed to include in these regulations. The consultation ran from 17 November 2015 to 12<sup>th</sup> February 2016 and asked 11 main questions.

## Profile of respondents

A total of 31 consultation responses was received. Two of these responses came from the same organisation and have been combined into one response, leaving 30 responses for the analysis presented within this report.

Of these 30 responses, 17 were submitted by groups and 13 by individual members of the public. A profile of respondents by type is set out in Table 1 below. A list of the groups that submitted a response to the consultation is included as Annex 1 to this report.



Table 1: Standard responses received by type of respondent

Type of respondent	Number
Community or residents' group	5
Housing Association	1
Local Government	8
Private sector organisation or trade body	3
	<i>(Total Groups)</i>
	<i>(17)</i>
Individuals	13
<b>TOTAL</b>	<b>30</b>

The majority of responses (17 out of 30) were submitted by groups or organisations. A further 13 responses were received from individual members of the public.

## Structure of the report

The remainder of this report presents a question-by-question analysis of responses given at each of the questions set out in the consultation document.

The results from the closed questions (yes/no, agree/disagree etc.), are presented in tabular form. At Questions 3 and 8 summary results have been included within the main report with full results provided at Annex 2.

# Information

The first two consultation questions covered the information required to be submitted with a licence application.

The Scottish Government proposal was that regulations would require an applicant for a licence to provide a range of information, including the address of the land for which the application is made, the applicant's name, address and date of birth, a correspondence address, information about any Manager or Agent and a contact address for the day-to-day management of the site. The regulations would require the same information to be submitted for first site applications, renewals, and applications to transfer a licence.

**Question 1: Do you agree or disagree that the same information should be required for a licence application, licence renewal, and licence transfer?**

Question 1 asked respondents whether they agreed or disagreed that the same information should be required for a licence application, licence renewal, and licence transfer. Responses by respondent type are set out in Table 2 below.

Table 2: Question 1 - responses by respondent type

Type of respondent	Yes	No	Don't know	TOTAL
Community or residents' group	5			5
Housing Association	1			1
Local Government	6	2		8
Private sector organisation or trade body		1	1	2
<i>Total Organisations</i>	<i>(12)</i>	<i>(3)</i>	<i>(1)</i>	<i>(16)</i>
Individuals	12		1	13
<b>TOTAL</b>	<b>24</b>	<b>3</b>	<b>2</b>	<b>29</b>

The majority of respondents (24 of the 29 answering the question) agreed that the information provided should be the same. Three respondents (2 local government respondents and a private sector organisation or trade body) disagreed.

Seventeen respondents made a further comment, fifteen of whom had agreed at Question 1. Reasons given for supporting this approach included:

- It would help ensure a consistency of approach amongst local authorities and site-owners. A single, consistent approach - particularly in relation to the 'fit and proper person' test - would also be less open to abuse.
- It will simplify the application process, including the checks that information remains the same as for any previous applications or licences held.

- By providing information with the application for transfer, the person or company wanting to take over is making a public declaration that they are aware of all the relevant issues relating to the site and confirms what they are taking on.
- It will be important to ensure that the information held about the licence is up to date. This approach, which has similarities to that for Houses of Multiple Occupation (HMO) licensing, should ensure that any changes are captured and known to the licensing authority.

Suggestions made by those agreeing that the same information should be required were that:

- Two site location plans should also be submitted with each type of application. This was suggested by a local government respondent.
- A clear definition of transferee should be provided. This was suggested by a local government respondent.

A local government respondent that disagreed with the same information being required also highlighted the importance of up-to-date, accurate information being provided. However, they also identified certain practical considerations, such as the potential absence of a postcode until the Royal Mail accepts that the site will be an address to which mail will be delivered. This respondent went on to suggest that applicants should be permitted to reference previously supplied documents or plans where no change has occurred.

Finally, a private sector organisation or trade body which had not answered Question 1 made a further comment. They raised broader concerns about how the proposed system will affect the long-term viability of park home businesses and suggested that proposals around licence renewal are disproportionate and could prove onerous for smaller, family-run businesses in particular. They went on to suggest that, if the proposal for a renewal system is implemented, park home operators should be alerted that their licence is coming up for renewal – possibly through a written correspondence six months before the renewal date.

**Question 2: If you do not agree, and believe that different information should be provided with different types of application (e.g. for a licence application, licence renewal, or licence transfer), please [state the information you believe should be provided and give your reason(s)].**

## **Licence application**

Six respondents made a further comment: three had disagreed at Question 1, two had agreed and one answered that they did not know. Those who had disagreed made the following suggestions:

- That the proposed list of information (as set out in the draft regulations) is appropriate for a first site licence application, but only for a first site licence application.

- A person wanting to have the licence transferred to them will be making an initial application and should provide information separately to the person seeking to transfer the licence.
- Information on the connection between the occupier and the site. For example, the occupier may be the owner, an employee of the owner, a tenant or, where an organisation is concerned, the owner and occupier could be different parts of an organisation. It was also suggested that this information should be required at licence renewal and transfer.
- Suitable planning consent should be demonstrated.
- Contact information should include telephone and e-mail contact details. It was also suggested that this information should be required at licence renewal and transfer.

Other comments included that the past history of the licence holder is of particular importance and that the time period for existing site owners to apply for registration should be shorter than the 2 years proposed. The local government respondent raising this issue suggested that 3 months would be appropriate.

### **Licence renewal**

Seven respondents made a further comment: three had disagreed at Question 1, two had agreed, one did not know and one had not answered the question.

Two private sector organisation or trade body respondents and a local government respondent suggested that it should only be necessary to provide information concerning any changes since the initial licence was granted. Other suggestions made were:

- If not provided at the initial application, the full postal address, including postcode, should be provided. It was also suggested that this information should be required at licence transfer.
- Evidence of repairs and maintenance being carried out should be required.
- Evidence that residents are satisfied with information provided on any increase in ground fees should be required.
- There should be checks that a licensee continues to be a 'fit and proper' person to hold a licence.
- Local authorities should consult residents or their association about a licence renewal.

## **Licence transfer**

Four respondents made a further comment: three had disagreed at Question 1 and one had agreed. Suggestions made were that:

- The applicant should demonstrate that suitable planning consent exists. It was noted that original planning consent could have been for a limited duration or be personalised and therefore not applicable to a new occupier.
- Information about who the licence is to be transferred to will be required or should be the only information required.

## Fees

The next three consultation questions covered the fees required to be submitted with a licence application.

Under the 2014 Act a local authority will be able to charge a fee for handling an application to issue or renew a site licence. The fee cannot exceed the amount which a local authority considers represents reasonable costs to them in deciding on an application. A local authority can charge different fees for different applications or different types of applications. The 2014 Act gives Scottish Ministers the powers to make regulations concerning these fees. The Scottish Government proposed using these powers to set out the issues a local authority can take into account, but not to set the maximum fee that a local authority can charge.

**Question 3: Do you agree with the matters set out in the draft regulations as the ones that a local authority can take into account when setting its fee levels?**

Questions 3 asked respondents whether they agreed or disagreed with ten separate matters that a local authority could take into account when setting fees. Results at this question are summarised in Table 3 below. Full results, by respondent type, are set out in Annex 2 to this report.

Table 3: Question 3 - Summary of responses

Matter	Yes	No	TOTAL
3a Receiving, logging and electronically storing information related to the application?	27	1	28
3b Compiling and reviewing necessary documents and information?	27	1	28
3c Making appointments and requesting any documents or other information from the applicant, or from any third party in connection with the licensing process?	26	2	28
3d Checking the relevant planning permission is in place	27	1	28
3e Applying the 'fit and proper person' test?	26	2	28
3f Review of documents and decision by managers and obtaining any expert advice (including from lawyers)?	26	2	28
3g Deciding whether to issue or refuse a licence, and preparing draft, renewed, and final licences?	26	1	27
3h Carrying out any risk assessment process considered necessary?	25	3	28
3i Reviewing representations made by an applicant received once a local authority has informed the applicant they are considering refusing the application?	22	6	28
3j For a first licence application the cost of one visit to the site, including transport costs?	24	3	27

At each of the matters, the majority of respondents who answered the question agreed that the matter should be one that a local authority can take into account when setting its fee levels. At four of the ten matters, only one respondent disagreed. This private sector organisation or trade body respondent disagreed at all the matters.

Reviewing representations made by an applicant received once a local authority has informed the applicant they are considering refusing the application was the matter with which the highest number of respondents disagreed. Six respondents (2 community or resident's groups, 2 individuals, a private sector organisation or trade body and a local government respondent) disagreed with local authorities being able to take this matter into account.

A number of respondents (ranging between 10-14 respondents depending on the matter concerned) went on to make further comments. Many of these comments were general to all the matters concerned, with a number of respondents referencing back to an initial comment under some or all subsequent matters. General comments made by those who had agreed (at Question 3a and at most or all subsequent matters) were:

- This approach would be in line with practice in other areas, such as the licensing covered under the Civic Government (Scotland) Act 1982.
- There will be costs for local authorities in implementing and administering the licensing scheme. Cost recovery, reflecting the actual resources used in processing an application, is a fair and reasonable approach to take.
- In particular, Data Protection and Freedom of Information requirements will need to be taken into account.
- Costs should be kept to a minimum, especially since the under the terms of the residents Mobile Home agreement the applicant can recover the cost of the site licence under the pitch fee review procedure.

A general comment made by a private sector organisation or trade body respondent that had disagreed at Question 3a was that costs should be calculated on a similar basis to that for planning fees and should take the scale of the operation into account. This respondent went on to note that many residential park businesses are micro businesses and cannot be expected to bear substantial costs for site licences. They also suggested that only the cost of the 'fit and proper person' test should be chargeable for licence transfers.

In addition to general comments, a small number of comments concerned one of the matters specifically. These are set out in turn below.

### **3b. Compiling and reviewing necessary documents and information.**

- Local authorities' responsibilities under the Data Protection Act and the Public Records (Scotland) Act 2011 will mean that paper records, including plans, will all need scanned and securely stored.

### **3c. Making appointments and requesting any documents or other information from the applicant, or from any third party in connection with the licensing process.**

- The local authority will need to corroborate the submitted evidence on the Natural Person or business entity.
- Information from third parties should include that provided by residents and holiday makers.

### **3d. Checking the relevant planning permission is in place.**

- This is essential since the appropriate consent must be in place before a licence can be issued. Local authorities will need to ensure that owners are fully compliant and understand all regulations.
- Local authorities should make regular and/or unannounced checks to ensure that planning conditions are being met.
- The applicant should provide proof as part of the application process. Where proof is not available, significant work could arise in establishing historical planning consents.

### **3e. Applying the 'fit and proper person' test.**

- Reasonable enquiries will need to be made of those who are in control of the site. The time involved will depend on the numbers of people involved in a site, the information known and the complexity of the business.
- There should be a central information point which local authorities can use to obtain and share information.
- A separate fee should be charged for this as sites will have to apply for 'fit and proper person' tests when there are staff changes.

### **3f. Review of documents and decision by managers and obtaining any expert advice (including from lawyers).**

- It will be important to ensure the due process test is satisfied should matters of concern be identified.



### **3h. Carrying out any risk assessment process considered necessary.**

- It is not clear what risk assessment relates to in this context – officer safety, fire risk, flood risk etc.?
- This measure would allow flexibility of approach should the fitness check reveal matters of concern.
- The actual carrying out of a risk assessment should not be included, as local authorities have a statutory duty to carry out this process for their employees. However, if any site was considered high risk and as requiring two officers to visit, this would increase the resources needed. The regulations could include the cost of implementing the significant findings of any risk assessment rather than the carrying out of the risk assessment.

### **3i. Reviewing representations made by an applicant received once a local authority has informed the applicant they are considering refusing the application.**

- The fee seems to be for determining the application and all the required investigations should have been conducted before the local authority considers refusing the application.
- Any cost would be likely to be minimal but should still be built in.

### **3j. For a first licence application the cost of one visit to the site, including transport costs.**

- Clarification is required as to whether local authorities are expected to, or can charge for, site visits for renewals and/or transfers. If local authorities are to be given flexibility, the costs need to be differentiated and the arrangements set out clearly in any guidance.
- The Regulations should allow for all costs associated with necessary site visits to determine compliance to be included. Additional visits may be required if the site is non-compliant with licence conditions and an associated charge would encourage applicants to meet site licence conditions at the time of application.
- It should be possible to take any form of intervention (such as a letter highlighting problems or costs of re-inspection to check any issues have been addressed) into account when setting fees.

**Question 4: Are there any additional costs a local authority should be able to take into account? If so, please set them out below.**

Thirteen respondents went on to suggest additional costs a local authority should be able to take into account.

The most frequently made suggestion was that local authorities should be able to take into account the costs of compliance inspections to ensure site licence conditions are being met and/or standards are being maintained. Five individual respondents and two local government respondents raised this issue. An individual respondent highlighted a number of compliance-related issues that should be considered including by-passing of water meters and the installation of appropriate transformers for electrical services and fire hydrants.

Other site visit-related comments included that: more than one visit may be required in determining a licence; it can be necessary to conduct a site visit for a licence renewal or transfer application; a visit may be required to confirm that any problems identified have been addressed; it should be possible to charge a fee for each site visit; and that transport costs associated with site visits should be recoverable.

Other additional costs which one or more local government respondent suggested could be taken into account were those associated with:

- Maintaining IT and software systems, including creating amending and uploading relevant web-based information.
- Seeking clarification about information provided or seeking additional information.
- Issuing any intervention form or the issue of a letter highlighting problems with a licence application, renewal or transfer.
- Hearing representations from other interested parties to an application, including residents or other council services or agencies.
- Where a licence is being considered for refusal, preparation of a report for the local authority's Licensing Sub-Committee. Also, the resources required for staff to attend Committee.
- If a licence is refused, preparing for and attending any appeal.
- Investigation and administrative costs associated with any complaints made during the term of the licence.

Other comments focused on the relative costs associated with application, renewal or transfer. They included that renewal licences should be considered to be a new licence, as under the HMO licensing regime, and should be subject to the same administrative arrangements as for a new licence application. Alternatively, it was suggested that the extent of any change to management arrangements or the site itself since the last application affects the amount of work required in assessing a licence. It was felt that matters which were and remain satisfactory will require little or no work additional work.

**Question 5: Do you agree with the proposal not to set a maximum fee level at this stage?**

Question 5 asked respondents whether they agreed with the proposal not to set a maximum fee level at this stage. Responses by respondent type are set out in Table 4 below.

Table 4: Question 5 - responses by respondent type

Type of respondent	Yes	No	Don't know	TOTAL
Community or residents' group	4	1		5
Housing Association	1			1
Local Government	6	1	1	8
Private sector organisation or trade body		1		1
<i>Total Organisations</i>	<i>(11)</i>	<i>(3)</i>	<i>(1)</i>	<i>(15)</i>
Individuals	4	6	3	13
<b>TOTAL</b>	<b>15</b>	<b>9</b>	<b>4</b>	<b>28</b>

The majority of respondents (15 out of the 28 who answered this question) agreed with the proposal not to set maximum fees at this stage. The majority of community or resident's groups, housing association and local government respondents were in agreement. However, the majority of private sector organisation or trade body and individual respondents disagreed.

Twenty-one respondents went on to make a further comment (eleven had agreed, nine had disagreed and one had not answered Question 5). Respondents who had agreed pointed to advantages they considered would come with this approach. These included that it will allow local authorities to set a fee which reflects their experience of assessing applications once the new regulatory framework is introduced. It was also suggested that it would allow local authorities to take account of any particular factors affecting their local area, such as geography and the profile of the sites. One local government respondent went on to suggest that, over time, it would be possible to draw up a scale of fees based on local authorities' experience of administering the licensing regime.

Further comments made by those agreeing with the proposal included that:

- Setting a maximum fee could encourage local authorities to charge up to that fee rather than making their own assessment of the costs being incurred and hence being able to explain and justify the fees being charged.
- There should be clear guidance setting out the scope of how fees can be determined.
- The level of fees should be dependent on the number of pitches on a site.

The most frequently-raised issue amongst those who had disagreed was that this approach would be open to misuse. Other concerns focused on the need for clarity – including for the residents who may ultimately bear the costs of the fees – and the need for a degree of consistency of practice across Scotland. The considerable variations in fees charged by local authorities for HMO licensing in Scotland was referenced as was the variation in fees for site licensing in England. It was suggested that an approach more akin to that for planning fees would be preferable and, as with a respondent who had agreed, an approach which links the level of fees to the size of the site and the number of pitches was advocated.

# Timescales

Questions 6 and 7 of the consultation paper covered the timescales for making decisions and giving reasons.

The 2014 Act requires Ministers to set timescales within which a local authority must decide on a licence application, renewal, or transfer. If a local authority does not make a decision within these timescales then an application is automatically approved. If a local authority is considering refusing an application or renewal, it must tell the applicant and give them the opportunity to provide any written comments in response. A local authority must then consider those comments. The time given to an applicant to submit comments, and for the local authority to consider them, is included in the timescales set in regulations. The Scottish Government proposes setting a timescale of 3 months.

Under the 2014 Act the Scottish Ministers can also set the timescales within which a local authority must provide reasons for its decisions under the new licensing system. The Scottish Government proposes requiring a local authority to provide its reasons on the day that it tells an applicant of its decision.

**Question 6a: Do you agree with the proposed 3 month time limit for a local authority to decide on an application for a first site licence application?**

The first part of Question 6 (recorded as Question 6a within this report) asked respondents whether they agreed with the proposed 3 month time limit for deciding on a first site licence. Responses by respondent type are set out in Table 5 below.

Table 5: Question 6a - responses by respondent type

Type of respondent	Yes	No	TOTAL
Community or residents' group	5		5
Housing Association	1		1
Local Government	3	5	8
Private sector organisation or trade body		1	1
<i>Total Organisations</i>	<i>(9)</i>	<i>(6)</i>	<i>(15)</i>
Individuals	11	2	13
<b>TOTAL</b>	<b>20</b>	<b>8</b>	<b>28</b>

The majority of respondents (20 out of the 28 who answered this question) agreed with the 3 month time limit. However, the majority of local government and private sector or trade body respondents who answered this question did not.

Nineteen respondents made a further comment (10 respondents who had agreed, 8 respondents who had disagreed and one respondent who had not answered Question 6a). Those who had agreed pointed most-frequently to the timescales appearing sufficient, reasonable, or realistic. This included a local government respondent who suggested the timescale was realistic based on their current experience. Another local government respondent who had agreed suggested that, similarly to the planning system, the 3 month period should only begin at receipt of all relevant information to the required standard. A community or residents' group respondent suggested that any guidance should allow for some degree of flexibility. Two local government respondents who had disagreed raised concerns that the information required by local authorities is not always provided in a timely manner. It was suggested that the proposed regulation should include a reference to Section 32B(3) of the Caravan Sites and Control of Development Act 1960, as amended, and should take into account the provision or otherwise of information requested under Section 32B(3).

Those who had disagreed generally suggested the proposed 3 month time limit would be insufficient. Five local authority respondents were amongst those taking this view. Comments included that the 3 month time limit may be sufficient for more straightforward cases but would not be long enough to allow for responses from consultees to be received and considered and for reports to Licensing Sub-Committees to be prepared. The potential challenges of fitting into Licensing Sub-Committee timetabling was also highlighted.

Alternative time frames suggested included 12 months (in line with HMO licensing and registration) or 6 months. The latter 6 month suggestion drew on experience of administering the 'fit and proper person' tests which forms part of the landlord registration process.

In contrast, three respondents suggested the 3 month period would be too long. An alternative suggestion was that 2 months should be sufficient since planning consent will already have been obtained and this will have determined the suitability of the site to be used as a park.

**Question 6b: Do you agree with the proposed 3 month time limit for a local authority to decide on an application for a licence renewal?**

The second part of Question 6 (recorded as Question 6b within this report) asked respondents whether they agreed with the proposed 3 month time limit for deciding on an application for a licence renewal. Responses by respondent type are set out in Table 6 below.

Table 6: Question 6b - responses by respondent type

Type of respondent	Yes	No	TOTAL
Community or residents' group	5		5
Housing Association	1		1
Local Government	7	1	8
Private sector organisation or trade body		1	1
<i>Total Organisations</i>	<i>(13)</i>	<i>(2)</i>	<i>(15)</i>
Individuals	12	1	13
<b>TOTAL</b>	<b>25</b>	<b>3</b>	<b>28</b>

The majority of respondents (25 out of the 28 who answered this question) agreed with the 3 month time limit to decide on a licence renewal. However, a local government respondent, a private sector or trade body respondent and an individual respondent did not. Fifteen respondents made a further comment, although nine of these either referred back to or replicated their comments at Question 6a above.

Other issues raised by those agreeing with the 3 month time limit for renewal were that it was reasonable or appropriate. A local authority respondent who had disagreed with the 3 month time limit for application suggested that this time limit would be appropriate for renewal since the majority of renewals should involve little or no change to the information provided at application. Another local authority respondent noted that additional fit and proper person checks will have to be made on the persons and entities managing the premises and that the 3 month time limit would allow for this. However, one local authority did not consider the 3 month period to be sufficient and referred back to the reasons they had given for the period being insufficient at application (as set out at Question 6a above).

Two private sector organisation or trade body respondents, only one of whom had answered the yes/no question, suggested the 3 month time limit is too long. One went on to suggest that 2 months for first renewal and one month for subsequent renewals should be sufficient.

**Question 6c: Do you agree with the proposed 3 month time limit for a local authority to decide on an application for a licence transfer?**

The third part of Question 6 (recorded as Question 6c within this report) asked respondents whether they agreed with the proposed 3 month time limit for deciding on an application for a licence transfer. Responses by respondent type are set out in Table 7 below.

Table 7: Question 6c - responses by respondent type

Type of respondent	Yes	No	TOTAL
Community or residents' group	5		5
Housing Association	1		1
Local Government	4	3	7
Private sector organisation or trade body		1	1
<i>Total Organisations</i>	<i>(10)</i>	<i>(4)</i>	<i>(14)</i>
Individuals	11	2	13
<b>TOTAL</b>	<b>21</b>	<b>6</b>	<b>27</b>

The majority of respondents (21 out of the 27 who answered this question) agreed with the 3 month time limit to decide on an application for licence transfer. However, 3 local government respondents, a private sector or trade body respondent and 2 individual respondents did not. Sixteen respondents made a further comment, although eleven of these either referred back to or replicated their comments at Question 6a or b above.

Specific further comments made - all by respondents who had disagreed with the time limit - were:

- Regulation 3 should include reference to 'such other information as the local authority may reasonably require'.
- If there are to be new owners, the situation may be complex and many issues may need to be investigated. In particular, an individual respondent pointed to frequent changes of company address or bank details and rapid turnover of company directors. A local government respondent raising the issue of potential complexity favoured a 12 month time limit.
- Virtually all caravan park purchases are subject to the transfer of the site licence and time will be of the essence. The private sector organisation or trade body respondent raising this issue favoured a one month time limit.



**Question 7: Do you agree or disagree that when a local authority is required to give reasons for its decision it should do so on the same day it communicates its decision?**

Question 7 asked respondents whether they agreed that when a local authority is required to give reasons for its decision it should do so on the same day it communicates its decision. Responses by respondent type are set out in Table 8 below.

Table 8: Question 7- responses by respondent type

Type of respondent	Yes	No	Don't know	TOTAL
Community or residents' group	5			5
Housing Association	1			1
Local Government	6	1		7
Private sector organisation or trade body	2			2
<i>Total Organisations</i>	<i>(14)</i>	<i>(1)</i>	<i>(0)</i>	<i>(15)</i>
Individuals	11	2		13
<b>TOTAL</b>	<b>25</b>	<b>3</b>	<b>0</b>	<b>28</b>

The majority of respondents (25 out of the 28 who answered this question) agreed that when a local authority is required to give reasons for its decision it should do so on the same day it communicates its decision. However, a local government respondent and 2 individual respondents disagreed.

Sixteen respondents went on to make a further comment (12 who had agreed, 3 who had disagreed and one respondent who had not answered Question 7). Those who had agreed tended to point to this approach being reasonable, transparent and/or courteous. Other comments included that this approach would reflect the arrangements in other areas, such as planning consent and building warrants, and that the applicant will want to know the reasons for the decision in order to decide whether to lodge an appeal. It was also suggested that the provision of this information is in line with the Scottish Regulators' Strategic Code of Practice.

Comments made by those who had disagreed included that a small amount of further time could be required, with one individual respondent suggesting a week might be appropriate.

## Interim manager

The next section of the consultation paper covers interim management arrangements. The 2014 Act gives a local authority which has issued a site licence the power to apply to a sheriff to appoint an interim manager for a site. The Scottish Government expects that it will be very rare for an interim manager to be appointed but the consultation paper notes that this measure provides a procedure for putting in place someone to manage a site and keep it in good repair, in a situation where the site owner was unable to run the site. The 2014 Act gives Scottish Ministers the power to set out in regulations matters around the appointment, powers, and duties of an interim manager and the draft regulations specify the powers which a sheriff may give to an interim manager. The draft regulations also reflect a number of other measures relating to an interim manager.

### Question 8: Do you agree with the matters that we propose setting out in regulations relating to an interim manager?

Question 8 asked respondents whether they agreed with each of 15 matters relating to an interim manager set out in the draft regulations. Results at this question are summarised in Table 9 below. Full results, by respondent type, are set out in Annex 2 to this report.

Table 9: Question 8 - Summary of responses

Matter	Yes	No	TOTAL
8a Giving the interim manager the power to take possession of the site?	25	3	28
8b Giving the interim manager the power to carry on the licence holder's business in so far as relating to the management of the site?	26	2	28
8c Giving the interim manager the power to carry out works in connection with the management of the site?	24	4	28
8d Giving the interim manager the power to execute documents on behalf of the site licence holder?	26	2	28
8e Giving the interim manager the power to make any arrangements or compromise on behalf of the licence holder?	24	3	27
8f Giving the interim manager the power to appoint and dismiss agents and staff?	25	1	26
8g Giving the interim manager the power to appoint a solicitor, accountant or other professional to assist the interim manager?	25	2	27
8h Giving the interim manager the power to make and receive payments?	25	2	27
8i Giving the interim manager the power to take out insurance?	26	2	28

Table 9 (continued): Question 8 - Summary of responses

	<b>Matter</b>	<b>Yes</b>	<b>No</b>	<b>TOTAL</b>
8j	Giving the interim manager the power to raise and defend legal proceedings?	24	2	26
8k	Giving the interim manager the power to refer a dispute to arbitration?	25	1	26
8l	A sheriff can only appoint someone as an interim manager if the sheriff is satisfied that the proposed interim manager has the relevant skills and experience?	25	2	27
8m	A sheriff can make provisions related to an interim manager's appointment and termination of appointment?	26	0	26
8n	A sheriff must determine how an interim manager will be paid?	25	1	26
8o	Making it an offence to obstruct the interim manager in the performance of their functions?	24	3	27

At each of the matters, the majority of respondents who answered the question agreed that the matter should be set out in the regulations covering interim managers. Two individual respondents tended to disagree across a number of the matters. There was one matter with which all respondents agreed - that a sheriff can make provisions related to an interim manager's appointment and termination of appointment. The matter at which the highest number of respondents disagreed (4 out of the 28 respondents who answered this question) concerned giving the interim manager the power to carry out works in connection with the management of the site.

Between 11 and 15 further comments were made on each matter. As at Question 3, many of the further comments were general to all the matters concerned, with a number of respondents referencing an earlier comment under some or all subsequent matters or tending to make the same comment at most or all matters. General comments made by those who had agreed (at Question 8a and at most or all subsequent matters) were:

- The various provisions offer a necessary and/or reasonable approach to allow the site to be managed in the interest of that site, its residents and its neighbours. This includes meeting the various rights and responsibilities set out under legislation.
- In order to carry out their duties effectively, an interim manager needs to have full control of the site. Specifically, an interim manager needs to have control of all aspects which could affect business or licence compliance.
- Residents must be kept fully informed of any changes.

A general comment made by a local government respondent who had disagreed (at Question 8a and at some subsequent matters) was that these are issues for the Sheriff to decide.

In addition to general comments, a small number of comments concerned one of the matters specifically. These are set out in turn below.

**8a. Giving the interim manager the power to take possession of the site.**

- Right of access and possession are essential. This includes the requirement to provide security for mobile home owners.
- Certain legal issues raised by the new licensing regime need to be clarified, including how any powers to take possession would work for sites with a mixture of residential and holiday static and/or touring pitches.

**8b. Giving the interim manager the power to carry on the licence holder's business in so far as relating to the management of the site.**

- The interim manager will require access to all records and information to allow them to carry out their duties.

**8c. Giving the interim manager the power to carry out works in connection with the management of the site.**

- 'Works' may need to be defined more closely, possibly to include being restricted to maintenance of the site or limited to work required to meet site licence conditions.
- There could be significant dangers if the interim manager was not aware of structural ground works issues the site may have.

**8d. Giving the interim manager the power to execute documents on behalf of the site licence holder.**

- Time can be critical if a resident is in the process of selling their home and an interim manager would need the necessary powers to ensure home sales can be completed in a timely manner.

**8e. Giving the interim manager the power to make any arrangements or compromise on behalf of the licence holder.**

- All interested parties must be kept informed. If the wrong approach is taken by the interim manager, this could cause unrest on the site.

**8f. Giving the interim manager the power to appoint and dismiss agents and staff.**

- If staff or agents are problematic to the running of a site, the interim manager must be able to dismiss them. However, if the staff or agent works within other parts of a business dismissal must be limited to activities at the site(s) for which the interim manager has been appointed.

**8g. Giving the interim manager the power to appoint a solicitor, accountant or other professional to assist the interim manager.**

- It is essential that an interim manager should also be able to appoint people to contribute to, or assist with, the running of the site. However, they should be able to demonstrate the need for any additional support to be provided by these professionals.
- The costs associated with any such appointments should not be borne by residents.

**8h. Giving the interim manager the power to make and receive payments.**

- For the business of the site to run smoothly, they must be able to receive payments such as pitch fees and charges for utilities.

**8i. Giving the interim manager the power to take out insurance.**

- Park owners require liability insurance and it follows that an interim manager must also carry such insurance.
- Public liability insurance should be required to ensure the licensing authority does not find itself exposed to civil claims by default.

**8j. Giving the interim manager the power to raise and defend legal proceedings.**

- There could be occasions when the interim manager would be required to start or defend legal proceedings at the Sheriff Court. This might depend on how long they are expected to be in post.
- Not having these powers would make it very difficult to find someone willing to take on the interim manager role.
- Clarification is sought as to whether the interim manager would be accountable for the proper discharge of their responsibilities to the court which appointed them.
- Such powers would presumably not conflict with action by a licensing authority which again needed to appoint another interim manager for the same site.

**8k. Giving the interim manager the power to refer a dispute to arbitration.**

- It will always be desirable to facilitate disputes being resolved without resorting to legal measures.

**8l. A sheriff can only appoint someone as an interim manager if the sheriff is satisfied that the proposed interim manager has the relevant skills and experience.**

- An interim manager must be competent - in terms of skills, knowledge and experience - to undertake all the duties associated with managing the site.

- Guidance would be needed as to the qualifications; skills and experience required and from where or from what background an interim manager might be appointed.

**8m. A sheriff can make provisions related to an interim manager's appointment and termination of appointment.**

- A sheriff should be able to terminate an appointment if the interim manager is not able to carry out their duties to the necessary standard.
- The arrangements governing both appointment and termination should be set out in guidance and there may be a case for creating a list of approved interim managers.

**8n. A sheriff must determine how an interim manager will be paid.**

- This approach would protect the interim manager, including from coming under pressure from the site owner.
- The costs associated with putting an interim manager in place should not be borne by residents.
- The arrangements governing the payment of interim managers should be set out in guidance.

**8o. Making it an offence to obstruct the interim manager in the performance of their functions.**

- It is important that there is security for mobile home owners who need to know that the site will continue to be managed and maintained properly. This will include ensuring that third parties do not seek to interfere with the interim manager carrying out their role.

**Question 9: Are there any additional powers an interim manager should have? If so, please set them out below together with the reason you think it appropriate for the interim manager to have this power.**

Eleven respondents commented at Question 9. The most frequently made suggestion came from four individual respondents and was that interim managers should be given powers to prevent the site owner from entering the site. Those seeking this provision pointed to a need to protect residents from being bullied or intimidated by site owners who have had their licence revoked.

The other main suggestion (raised by two local government respondents) concerned powers to allow the interim manager to apply to transfer a licence. There was a concern that in the absence of this power, the only means of transferring the licence would be for a full application from a prospective licence holder. The proposed alternative was that the interim manager should have the power to apply to a court for removal of the existing licence holder, related associates or family where antisocial behaviour or criminal activity is taking place or being threatened.

Other comments focused on requiring the interim manager to consult with residents and/or any qualifying Residents' Association and the importance of avoiding the potential for lengthy civil legal disputes by being clear on key legal issues and ensuring that there are no loopholes to be exploited. The specific legal issues highlighted included those already raised at Question 8a (above). Again, there were calls for guidance to cover these key areas.

Finally, a private sector organisation or trade body reiterated their view that the appointment of an interim manager should be seen as a last resort and that licensing authorities should work with park operators in a fair, consistent and transparent way.

## Effect of an appeal

Question 10 of the consultation covered appeals. Under the 2014 Act an applicant can appeal against the decisions a local authority makes under the licensing system, including a decision not to issue a licence, not to renew a licence, and to revoke a licence. The appeals are made to the sheriff court. The 2014 Act gives Scottish Ministers the power to set out what happens until an appeal is decided or withdrawn.

The proposed approach would result in the current situation continuing until an appeal is decided or withdrawn. For example, if an appeal is lodged for a first site licence application an applicant is not given a licence until the appeal is decided or withdrawn. For a site licence renewal an applicant would keep their licence until the appeal is decided or withdrawn and for a site licence transfer the current licence holder would keep their licence until the appeal is decided or withdrawn. If a local authority revokes a licence and the licence holder appeals, the licence would remain revoked unless the appeal is successful. However, the site licence holder will not be committing an offence if they continue to run the site until any appeal is decided or withdrawn, or during the period someone has to make an appeal.

### Question 10a: Do you agree or disagree with the proposed effect of an appeal on first site licence application?

The first part of Question 10 (recorded as Question 10a within this report) asked respondents whether they agreed or disagreed with the proposed effect of an appeal on first site licence application. Responses by respondent type are set out in Table 10 below.

Table 10: Question 10a - responses by respondent type

Type of respondent	Yes	No	TOTAL
Community or residents' group	5		5
Housing Association	1		1
Local Government	8		8
Private sector organisation or trade body	1		1
<i>Total Organisations</i>	<i>(15)</i>	<i>(0)</i>	<i>(15)</i>
Individuals	11	1	12
<b>TOTAL</b>	<b>26</b>	<b>1</b>	<b>27</b>

The large majority of respondents (26 out of the 27 who answered this question) agreed with the proposed effect of an appeal on first site licence application. One individual respondent disagreed.



Eight respondents went on to make brief further comments, which included that the proposal appeared practical, sensible, reasonable and fair. Other comments included that it will be important for the correct procedures to be followed and that it is in the applicant's interest that matters are not prolonged.

**Question 10b: Do you agree or disagree with the proposed effect of an appeal on site licence renewal?**

The second part of Question 10 (recorded as Question 10b within this report) asked respondents whether they agreed or disagreed with the proposed effect of an appeal on site licence renewal. Responses by respondent type are set out in Table 11 below.

Table 11: Question 10b - responses by respondent type

Type of respondent	Yes	No	TOTAL
Community or residents' group	5		5
Housing Association	1		1
Local Government	7	1	8
Private sector organisation or trade body	1		1
<i>Total Organisations</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>
Individuals	11	1	12
<b>TOTAL</b>	<b>25</b>	<b>2</b>	<b>27</b>

The large majority of respondents (25 out of the 27 who answered this question) agreed with the proposed effect of an appeal on site licence renewal. One local government respondent and one individual respondent disagreed.

Eight respondents went on to make brief further comments, two of which referenced back to their comments at Question 10a above. Other comments again included that the proposal appeared fair or reasonable, that this approach is in line with similar legislative licensing regimes and that it is in keeping with better regulation principles.

The local government respondent who had disagreed was concerned that it would be in the applicant's interest to prolong the situation and that this is undesirable since there will be significant reasons for a licence renewal having been refused.

**Question 10c: Do you agree or disagree with the proposed effect of an appeal on transfer of a site licence?**

The third part of Question 10 (recorded as Question 10c within this report) asked respondents whether they agreed or disagreed with the proposed effect of an appeal on transfer of a site licence. Responses by respondent type are set out in Table 12 below.

Table 12: Question 10c - responses by respondent type

Type of respondent	Yes	No	TOTAL
Community or residents' group	4		4
Housing Association	1		1
Local Government	7	1	8
Private sector organisation or trade body	1		1
<i>Total Organisations</i>	<i>(13)</i>	<i>(1)</i>	<i>(14)</i>
Individuals	11	1	12
<b>TOTAL</b>	<b>24</b>	<b>2</b>	<b>26</b>

The large majority of respondents (24 out of the 26 who answered this question) agreed with the proposed effect of an appeal on transfer of a site licence. The same local government respondent and individual respondent as at Question 10b disagreed.

Eight respondents went on to make brief further comments, making largely the same points as at Question 10b above. An additional issue raised concerned what would happen where the licensee is the sole owner and dies intestate.

**Question 10d: Do you agree or disagree with the proposed effect of an appeal on revocation of a site licence?**

The final part of Question 10 (recorded as Question 10d within this report) asked respondents whether they agreed or disagreed with the proposed effect of an appeal on revocation of a site licence. Responses by respondent type are set out in Table 13 below.

Table 13: Question 10d - responses by respondent type

Type of respondent	Yes	No	TOTAL
Community or residents' group	3	1	4
Housing Association	1		1
Local Government	8		8
Private sector organisation or trade body	1		1
<i>Total Organisations</i>	<i>(13)</i>	<i>(1)</i>	<i>(14)</i>
Individuals	10	2	12
<b>TOTAL</b>	<b>23</b>	<b>3</b>	<b>26</b>

The majority of respondents (23 out of the 26 who answered this question) agreed with the proposed effect of an appeal on revocation of a site licence. Two individual respondents and one community or residents' group disagreed.

Nine respondents made a further comment. Comments made by those agreeing with the proposal included:

- This approach makes provision for the site to continue running and would allow residents to continue to occupy their properties.
- Depending on the reason for revocation of the licence, the licensing authority may need to take additional enforcement activity.
- There are various issues which need to be clarified, including:
  - The interaction between an appeal against revocation and the appointment of an interim manager.
  - How the responsibility for the enforcement of fire safety relates to the new licensing scheme, including in relation to mixed sites.
  - Whether a displaced licence holder can appeal.

The two respondents who disagreed with the proposal had concerns about the nature and scale of events which would have led to a site licence being revoked and suggested that, for the protection of residents, the site owner should not have an automatic right to continue to run the site. It was felt that there should at least be provision for appointing an interim manager while the appeal is on-going.

## Caravan dimensions

The final consultation question did not address the new licensing regime but concerned possible changes to the maximum permitted caravan dimensions. The Caravan Sites Act 1968 sets out the maximum permitted size of a caravan in Scotland (in legal terms, a mobile home is a caravan). The Scottish Government considers that, given the changes in the use of mobile homes over the past decades including people now living in them as permanent homes, the maximum permitted size of a caravan should be larger. The proposed change would increase the maximum permitted size of a caravan by around 10% and would bring the maximum caravan dimensions in Scotland in line with those that apply in England and in Wales.

### Question 11: Do you support the proposed increase to the maximum permitted dimensions?

Question 11 asked respondents if they supported the proposed increase to the maximum permitted dimensions. Responses by respondent type are set out in Table 14 below.

Table 14: Question 11 - responses by respondent type

Type of respondent	Yes	No	Don't know	TOTAL
Community or residents' group	4		1	5
Housing Association	1			1
Local Government	6	1	1	8
Private sector organisation or trade body	3			3
<i>Total Organisations</i>	<i>(14)</i>	<i>(1)</i>	<i>(2)</i>	<i>(17)</i>
Individuals	10	1	1	12
<b>TOTAL</b>	<b>24</b>	<b>2</b>	<b>3</b>	<b>29</b>

The majority of respondents (24 out of the 29 who answered this question) supported the proposed increase. One local government respondent and one individual respondent disagreed and three respondents (a community or residents' group, a local government respondent and an individual) did not know.

Eighteen respondents made a further comment. Those supporting the proposal pointed most frequently to the advantages of harmonising the approach in Scotland with that in England and Wales. The specific benefits identified were making a greater range of park homes available to purchasers, allowing manufacturers to standardise their product range, and recognising that people have increasing expectations around quality and space standards. The potential benefits of an increase in the dimension of mobile homes allowing for improved insulation was also raised. It was noted that, under current arrangements, the cladding of mobile homes can increase their size such that they breach

site licence conditions. One local government respondent suggested that any changes should not permit increased internal space without improvement in thermal efficiency.

Those supporting the change were amongst those noting the importance of ensuring that pitch size regulations and requirements around the space between mobile homes are still respected. A local government respondent who answered 'Don't know' at Question 11 was concerned primarily about the particular challenges associated with maintaining these minimum distances between mobile homes. They suggested that existing sites could require significant infrastructure works and that a range of fire safety and amenity issues would need to be taken into account. They went on to suggest that clear and concise guidance on how councils should deal with the introduction of larger vans to existing sites would be required. Another local government respondent (who supported the proposal) also raised the issue of fire safety. Their primary concern was that the fire safety regime is not aligned with the licensing regime, with fire separation distances now the responsibility of the Scottish Fire and Rescue Service. They called for the two regimes to be aligned.

Other issues raised (by respondents who had disagreed at Question 11) were:

- The proposal should reference equivalent area to allow for shorter or wider mobile homes.
- The entrances to some sites would make delivery of larger vans impossible.
- Finally, a housing association respondent noted that as a provider of a Travelling Persons Site they are required to meet site licence requirements while a local authority provider is not. They suggested that this lack of parity should be given further consideration.

## Groups submitting a consultation response

### Community or residents' group

Findhorn Bay Holiday Park Eco-Mobile-Homes Group  
Independent Park Home Advisory Service  
Monksmuir Community Association  
National Association for Park Home Residents  
Willow Wood Residents Association

### Housing Association

Argyll Community Housing Association

### Local Government

Argyll and Bute Council - Regulatory Services (Environmental Health)  
East Lothian Council  
Fife Council, Building Standards & Public Safety (Private Housing Standards)  
Midlothian Council - Environmental Health  
North Lanarkshire Council  
Perth & Kinross Council - Regulatory Services  
South Lanarkshire Council - Environmental Services  
West Lothian Council

### Private sector organisation or trade body

British Holiday & Home Parks Association  
National Caravan Council (NCC)  
Sylvan Stuart Limited

**Table 1: Question 3 – Do you agree with the matters set out in the draft regulations as the ones that a local authority can take into account when setting its fee levels?**

**Responses by respondent type**

Type of respondent	(3a) Receiving, logging and electronically storing information related to the application?			(3b) Compiling and reviewing necessary documents and information?			(3c) Making appointments and requesting any documents or other information from the applicant, or from any third party in connection with the licensing process?		
	Yes	No	TOTAL	Yes	No	TOTAL	Yes	No	TOTAL
Community or residents' group	5		5	5		5	5		5
Housing Association	1		1	1		1	1		1
Local Government	8		8	8		8	7	1	8
Private sector organisation or trade body		1	1		1	1		1	1
<i>Total Organisations</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>	<i>(13)</i>	<i>(2)</i>	<i>(15)</i>
Individuals	13		13	13		13	13		13
<b>TOTAL</b>	<b>27</b>	<b>1</b>	<b>28</b>	<b>27</b>	<b>1</b>	<b>28</b>	<b>26</b>	<b>2</b>	<b>28</b>

Type of respondent	(3d) Checking the relevant planning permission is in place?			(3e) Applying the 'fit and proper person' test?			(3f) Review of documents and decision by managers and obtaining any expert advice (including from lawyers)?		
	Yes	No	TOTAL	Yes	No	TOTAL	Yes	No	TOTAL
Community or residents' group	5		5	5		5	5		5
Housing Association	1		1	1		1	1		1
Local Government	8		8	8		8	8		8
Private sector organisation or trade body		1	1		1	1		1	1
<i>Total Organisations</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>
Individuals	13		13	12	1	13	12	1	13
<b>TOTAL</b>	<b>27</b>	<b>1</b>	<b>28</b>	<b>26</b>	<b>2</b>	<b>28</b>	<b>26</b>	<b>2</b>	<b>28</b>

**Table 1 continued: Question 3 – Do you agree with the matters set out in the draft regulations as the ones that a local authority can take into account when setting its fee levels?**

**Responses by respondent type**

Type of respondent	(3g) Deciding whether to issue or refuse a licence, and preparing draft, renewed, and final licences?			(3h) Carrying out any risk assessment process considered necessary?			(3i) Reviewing representations made by an applicant received once a local authority has informed the applicant they are considering refusing the application?		
	Yes	No	TOTAL	Yes	No	TOTAL	Yes	No	TOTAL
Community or residents' group	5		5	5		5	3	2	5
Housing Association	1		1	1		1	1		1
Local Government	8		8	7	1	8	7	1	8
Private sector organisation or trade body		1	1		1	1		1	1
<i>Total Organisations</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>	<i>(13)</i>	<i>(2)</i>	<i>(15)</i>	<i>(11)</i>	<i>(4)</i>	<i>(15)</i>
Individuals	12		12	12	1	13	11	2	13
<b>TOTAL</b>	<b>26</b>	<b>1</b>	<b>27</b>	<b>25</b>	<b>3</b>	<b>28</b>	<b>22</b>	<b>6</b>	<b>28</b>

Type of respondent	(3j) For a first licence application the cost of one visit to the site, including transport costs?		
	Yes	No	TOTAL
Community or residents' group	5		5
Housing Association	1		1
Local Government	7	1	8
Private sector organisation or trade body		1	1
<i>Total Organisations</i>	<i>(13)</i>	<i>(2)</i>	<i>(15)</i>
Individuals	11	1	12
<b>TOTAL</b>	<b>24</b>	<b>3</b>	<b>27</b>



**Table 2: Question 8 – Do you agree with the matters that we propose setting out in regulations relating to an interim manager?**

**Responses by respondent type**

Type of respondent	(8a) Giving the interim manager the power to take possession of the site?			(8b) Giving the interim manager the power to carry on the licence holder's business in so far as relating to the management of the site?			(8c) Giving the interim manager the power to carry out works in connection with the management of the site?		
	Yes	No	TOTAL	Yes	No	TOTAL	Yes	No	TOTAL
Community or residents' group	5		5	5		5	5		5
Housing Association	1		1	1		1	1		1
Local Government	7	1	8	7	1	8	7	1	8
Private sector organisation or trade body	1		1	1		1	1		1
<i>Total Organisations</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>	<i>(14)</i>	<i>(1)</i>	<i>(15)</i>
Individuals	11	2	13	12	1	13	10	3	13
<b>TOTAL</b>	<b>25</b>	<b>3</b>	<b>28</b>	<b>26</b>	<b>2</b>	<b>28</b>	<b>24</b>	<b>4</b>	<b>28</b>

Type of respondent	(8d) Giving the interim manager the power to execute documents on behalf of the site licence holder?			(8e) Giving the interim manager the power to make any arrangements or compromise on behalf of the licence holder?			(8f) Giving the interim manager the power to appoint and dismiss agents and staff?		
	Yes	No	TOTAL	Yes	No	TOTAL	Yes	No	TOTAL
Community or residents' group	5		5	5		5	5		5
Housing Association	1		1	1		1	1		1
Local Government	8		8	7		7	7		7
Private sector organisation or trade body	1		1	1		1	1		1
<i>Total Organisations</i>	<i>(15)</i>	<i>(0)</i>	<i>(15)</i>	<i>(14)</i>	<i>(0)</i>	<i>(14)</i>	<i>(14)</i>	<i>(0)</i>	<i>(14)</i>
Individuals	11	2	13	10	3	13	11	1	12
<b>TOTAL</b>	<b>26</b>	<b>2</b>	<b>28</b>	<b>24</b>	<b>3</b>	<b>27</b>	<b>25</b>	<b>1</b>	<b>26</b>

**Table 2 continued: Question 8 – Do you agree with the matters that we propose setting out in regulations relating to an interim manager?**

**Responses by respondent type**

Type of respondent	(8g) Giving the interim manager the power to appoint a solicitor, accountant or other professional to assist the interim manager?			(8h) Giving the interim manager the power to make and receive payments?			(8i) Giving the interim manager the power to take out insurance?		
	Yes	No	TOTAL	Yes	No	TOTAL	Yes	No	TOTAL
Community or residents' group	5		5	5		5	5		5
Housing Association	1		1	1		1	1		1
Local Government	7		7	7		7	8		8
Private sector organisation or trade body	1		1	1		1	1		1
<i>Total Organisations</i>	<i>(14)</i>	<i>(0)</i>	<i>(14)</i>	<i>(14)</i>	<i>(0)</i>	<i>(14)</i>	<i>(15)</i>	<i>(0)</i>	<i>(15)</i>
Individuals	11	2	13	11	2	13	11	2	13
<b>TOTAL</b>	<b>25</b>	<b>2</b>	<b>27</b>	<b>25</b>	<b>2</b>	<b>27</b>	<b>26</b>	<b>2</b>	<b>28</b>

Type of respondent	(8j) Giving the interim manager the power to raise and defend legal proceedings?			(8k) Giving the interim manager the power to refer a dispute to arbitration?			(8l) A sheriff can only appoint someone as an interim manager if the sheriff is satisfied that the proposed interim manager has the relevant skills and experience?		
	Yes	No	TOTAL	Yes	No	TOTAL	Yes	No	TOTAL
Community or residents' group	5		5	5		5	5		5
Housing Association	1		1	1		1	1		1
Local Government	7		7	7		7	7		7
Private sector organisation or trade body	1		1	1		1	1		1
<i>Total Organisations</i>	<i>(14)</i>	<i>(0)</i>	<i>(14)</i>	<i>(14)</i>	<i>(0)</i>	<i>(14)</i>	<i>(14)</i>	<i>(0)</i>	<i>(14)</i>
Individuals	10	2	12	11	1	12	11	2	13
<b>TOTAL</b>	<b>24</b>	<b>2</b>	<b>26</b>	<b>25</b>	<b>1</b>	<b>26</b>	<b>25</b>	<b>2</b>	<b>27</b>

**Table 2 continued: Question 8 – Do you agree with the matters that we propose setting out in regulations relating to an interim manager?**

**Responses by respondent type**

Type of respondent	(8m) A sheriff can make provisions related to an interim manager's appointment and termination of appointment?			(8n) A sheriff must determine how an interim manager will be paid?			(8o) Making it an offence to obstruct the interim manager in the performance of their functions?		
	Yes	No	Total	Yes	No	Total	Yes	No	TOTAL
Community or residents' group	5		<b>5</b>	4	1	<b>5</b>	5		<b>5</b>
Housing Association	1		<b>1</b>	1		<b>1</b>	1		<b>1</b>
Local Government	7		<b>7</b>	7		<b>7</b>	7		<b>7</b>
Private sector organisation or trade body	1		<b>1</b>	1		<b>1</b>	1		<b>1</b>
<i>Total Organisations</i>	<i>(14)</i>	<i>(0)</i>	<b><i>(14)</i></b>	<i>(13)</i>	<i>(1)</i>	<b><i>(14)</i></b>	<i>(14)</i>	<i>(0)</i>	<b><i>(14)</i></b>
Individuals	12		<b>12</b>	12		<b>12</b>	10	3	<b>13</b>
<b>TOTAL</b>	<b>26</b>	<b>0</b>	<b>26</b>	<b>25</b>	<b>1</b>	<b>26</b>	<b>24</b>	<b>3</b>	<b>27</b>



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