FINANCE COMMITTEE CALL FOR EVIDENCE

REGULATORY REFORM (SCOTLAND) BILL: FINANCIAL MEMORANDUM

SUBMISSION FROM SOUTH LANARKSHIRE COUNCIL

Consultation

Did you take part in either of the Scottish Government consultation exercises which preceded the Bill and, if so, did you comment on the financial assumptions made?
1. The Council submitted comments to the consultation in autumn 2012. The response related to issues affecting Environmental Services specifically. No comments were made on any financial assumptions as there was only a partial regulatory impact assessment contained in the consultation.

2. The Council’s Planning Services has responded to previous consultation exercises through Heads of Planning Scotland (HOPS) with COSLA. Comments were made supporting COSLAs resistance to the introduction of a penalty clause.

Do you believe your comments on the financial assumptions have been accurately reflected in the FM?
3. Not Applicable as no comments were made through the consultation.

Did you have sufficient time to contribute to the consultation exercise?
4. Yes. The consultation was issued in August with responses to be submitted by 26 October.

Costs

If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the FM? If not, please provide details?
5. The Council feel that the financial implications have been accurately reflected in the Financial Memorandum in terms of Environmental Regulation. The introduction of monetary penalties is welcome on the basis that the polluter should pay and a new ability to recover costs will assist SEPA in its regulatory activity.

6. In terms of planning authorities functions, the Council recognise that Ministers require to demonstrate that if they are to support further increases in fees, then some means to address ‘poorly’ performing authorities is required.

7. Finally, with regards to street trader’s licences, the Council may need to review its position concerning certificates of compliance for mobile food businesses and also review its charging policy.

Do you consider that the estimated costs and savings set out in the FM and projected over 15 years for each service are reasonable and accurate?
8. The Financial Memorandum states that overall there will be no obvious on-going direct costs to local authorities. However, should the planning fees provision
be used against the Council there could be a financial loss. The Council support COSLA’s resistance to the introduction of a penalty clause.

If relevant, are you content that your organisation can meet the financial costs associated with the Bill which your organisation will incur? If not, how do you think these costs should be met?

9. The Council acknowledges it will require to meet any costs incurred through failure to comply with regulation or through poor performance. There are no further costs likely to be incurred by the Council other than those mentioned above.

Does the FM accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

10. The Financial Memorandum does not refer to timescales and cost estimates over time for Councils. As the financial impact is only likely for enforcement measures for breach of Environmental regulation and Planning penalties, these would not be expected within the Financial Memorandum.

Wider Issues
Do you believe that the FM reasonably captures costs associated with the Bill? If not, which other costs might be incurred and by whom?

11. The Financial Memorandum acknowledges both the Environmental regulation provisions and Planning penalties that could potentially be incurred, although not quantified.

12. The Council is unaware of any further costs.

Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

13. The Council is unaware of any further costs.

Other Comments
14. The Council would seek to express its concerns in relation to street trader’s licences and the delays that could be caused in trying to obtain a certificate if it is lost / mislaid by the trader. At present, it is straightforward and can be dealt with internally, however this will not be the case if a certificate is issued by another local authority.

15. Finally, the Council wish to note that any further obstacles or costs passed on to businesses is unhelpful given the current economic climate.