

**REGULATORY IMPACT ASSESSMENT:
TRANSFER TO SNH OF FUNCTIONS OF DEER COMMISSION FOR SCOTLAND
PART ONE OF THE PUBLIC SERVICES REFORM BILL**

INTRODUCTION

1. This Regulatory Impact Assessment (RIA) provides information on the impact of the dissolution of the Deer Commission for Scotland (DCS) and the transfer of its functions to Scottish Natural Heritage (SNH)

TITLE OF PROPOSAL

2. Public Services Reform (Scotland) Bill Part 1.

PURPOSE AND INTENDED EFFECT OF REGULATION

Objectives

3. The transfer to SNH of the functions of the Deer Commission for Scotland will remove duplicated functions with regard to work on protected nature conservation features. The transfer will also streamline decision making and provide clearer and more efficient governance and accountability arrangements.

Background

4. The Deer Commission for Scotland (DCS) was established in 1996 under the Deer (Scotland) Act 1996 as a successor to the Red Deer Commission. It is a Non-Departmental Public Body. Its membership of a Chair plus a maximum of 11 Commissioners is appointed by Scottish Ministers in accordance with the Code of Practice for Ministerial Appointments to Public Bodies.

Rationale for government intervention

5. In his statement on simplifying public services on 30 January 2008, the First Minister identified duplication in public services in Scotland, and proposed as the solution an overall approach which would streamline decision making and provide a more streamlined and consistent approach to public services in Scotland. There is considerable commonality of functions between SNH and DCS especially as regards their partnership work on protected nature conservation features.
6. Transferring the functions of DCS to SNH will make it possible to achieve a fully consistent approach for the management of all terrestrial species in Scotland and should reduce any duplication of effort. Ministers have therefore concluded that all matters in relation to the natural heritage of Scotland and its sustainable management should in the future fall within the remit of SNH.

CONSULTATION

Within Government

7. A series of bilateral meetings have been undertaken with bodies within the Scottish Government (Forest Enterprise Scotland, Forestry Commission for Scotland and Scottish Government Veterinary Division) on the proposals. The report of the consultation is published at:
<http://www.scotland.gov.uk/Resource/Doc/1051/0059608.pdf>.
8. The proposal to transfer the functions of DCS to SNH was also discussed with both bodies immediately following the announcement by the First Minister on 30 January 2008.

Public Consultation

9. A public consultation was carried out between 30 January and 14 March 2008, consisting of two strands – a series of bilateral meetings with key stakeholders in the deer sector, and an open consultation with responses sought by email or post. A report on the consultation is published at:
<http://www.scotland.gov.uk/Resource/Doc/1051/0059608.pdf>.

OPTIONS

Option 1 (Do nothing)

10. Maintaining the status quo would require DCS to continue to fulfil its statutory role and responsibilities, operating independently and providing advice to deer managers, licensing the taking of deer and entering into control agreements for the management of deer. However this would continue the duplication of some areas of work between SNH and DCS.

Option 2 – dissolution of DCS and transfer of functions to SNH

11. This option would contribute to the Scottish Government's objective of simplifying government. By transferring the functions of DCS to SNH, one public body will take responsibility for promoting and advising on the sustainable management of all forms of wildlife and of all terrestrial wild mammals in Scotland. The dissolution of the Board of DCS would generate some savings, though SNH may need to seek advice on deer issues following the transfer of functions.
12. This option would streamline public services in the natural heritage sector by removing the duplication of work on protected sites where both DCS and SNH have an interest. It would also provide a fully joined-up approach in promoting the sustainable management of all of Scotland's wildlife.
13. DCS currently devotes disproportionate effort to meeting corporate governance requirements, dealing with administrative issues and Board functions when compared with larger organisations. There are also currently significant costs on the Scottish Government staff time which is spent on sponsorship functions, especially public appointments processes. This option would secure economies

in these processes, generating both time-releasing and cost savings for SNH and the Scottish Government.

COSTS AND BENEFITS

Sectors and Groups affected

14. The work of staff in SNH and DCS will be affected by the transfer of functions. Staff from DCS will be transferred on to the SNH payroll as a result of the transfer. There are no plans to seek compulsory or voluntary redundancies as a result of the transfer.
15. Landowners, stalkers, occupiers and other interested parties would be affected by the transfer, however there should be no change to the services currently offered by DCS. There would be a small saving to these parties through not having to contact both DCS and SNH on issues related to sites of natural heritage value where both organisations currently have a statutory responsibility.

Costs

16. There are likely to be costs incurred by SNH in transferring DCS staff to SNH terms and conditions, up to a maximum of £30,000; costs to SNH of seeking advice on deer management, estimated at up to £50,000 per annum; and costs incurred by SNH, DCS and Scottish Government (including staff time) of approximately £15,000 in the planning and execution of the transfer.
17. It is not expected that there will be any costs on businesses, local authorities, individuals or other bodies as a result of the transfer.

Benefits

18. The dissolution of the DCS Board will generate an annual saving in remuneration and travel and subsistence of up to £95,000 per annum. The Scottish Government will also realise a saving of between £5,000 and £65,000 every three years as a result of not conducting an appointments round to the DCS Board. There will be a saving to SNH following the transfer as a result of the efficiencies generated by the streamlining of work on protected sites, IT systems and front- and back-office functions.
19. There will be small savings generated for landowners, businesses and other interested parties by only contacting one public body on matters pertaining to the natural heritage and deer.

SMALL / MICRO- FIRMS IMPACT TEST

20. It is not expected that the transfer to SNH of the functions of DCS will result in any costs to small or micro-firms as it is proposed that the equivalent levels of access to all of the existing functions of DCS will be provided by SNH.

LEGAL AID IMPACT TEST

21. It is not expected that this proposal will result in any increase in the use of legal processes or create new rights or responsibilities, or otherwise place any additional burden on the Legal Aid Fund.

TEST RUN OF BUSINESS FORMS

22. Currently there is no intention to introduce any new forms as a direct result of this proposal. SNH would be expected to test any new forms it created as part of the introductions of procedures for managing the functions transferred from DCS.

COMPETITION ASSESSMENT

23. It is unlikely that the proposals will have an impact on competition.

ENFORCEMENT, SANCTIONS AND MONITORING

24. There will be no requirement to enforce or monitor the transfer of DCS functions to SNH. Scottish Government will monitor SNH's performance informally with respect to how effectively it takes on and administers the functions transferred from DCS. Formal meetings with Scottish Ministers will take place once year and SNH is required to produce a corporate plan for approval by Ministers and an annual report on its performance.
25. In addition, all interested parties will continue to have recourse to the Scottish Public Services Ombudsman if they are dissatisfied with SNH's operation of its functions under the Deer (Scotland) Act as amended by the Public Services Reform (Scotland) Bill after implementation.

IMPLEMENTATION AND DELIVERY PLAN

26. The dissolution of DCS and transfer of functions to SNH will take place following the enactment of the Bill. We would expect SNH to develop structures during the course of 2009-10 to implement the transfer of functions following the enactment of the Bill.

POST-IMPLEMENTATION REVIEW

27. In addition to informal and formal reviews outlined above, performance will also be monitored by the wide range of stakeholders in the deer sector. Their feedback on progress and the effectiveness of the changes that have been implemented will provide a valuable reflection of how successfully the objectives of this part of the Bill are being achieved.

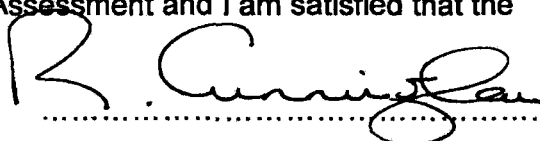
SUMMARY AND RECOMMENDATION

28. Option 2 would address the duplication of functions and process between SNH and DCS, would streamline contacts on natural heritage issues, particularly concerning deer issues on protected sites, and provide savings to the Scottish administration from the dissolution of the DCS Board.

DECLARATION AND PUBLICATION

29. I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the Responsible Minister



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Date

20 May 2009
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Any queries about this RIA should be addressed to:

Mike Liddle

Natural Heritage Management Team: Landscapes & Habitats Division

Scottish Government

1-A (N), Victoria Quay

Edinburgh, EH6 6QQ

Tel: 0131 244 4763

Email: Landscapes&Habitats@scotland.gsi.gov.uk

