

Proposed Licensing of Funfairs (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

Please choose one of the following:

I am content for this response to be attributed to me or my organisation

Please insert your name or the name of your organisation. If you choose the first option above, this should be the name as you wish it to be published. If you choose the second or third option, a name is still required, but it will not be published.

Highland Council

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Page 7: Your views on the proposal - Aim and approach

Q1. Which of the following best expresses your view of the proposal to exempt funfairs from Public Entertainment Licensing requirements and to create a distinct new licensing system for funfairs in Scotland?

Neutral (neither support nor oppose)

Q1. Which of the following best expresses your view of the proposal to exempt funfairs from Public Entertainment Licensing requirements and to create a distinct new licensing system for funfairs in Scotland?

Please explain the reasons for your response

It is not possible to identify the main advantages of the proposal without seeing details of the "distinct new licensing system" which is proposed.

Q2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

Unsure

Please explain the reasons for your response

For the same reasons as detailed in question 1 above.

Q3. What do you think would be the main advantages, if any, of the proposal?

It is not possible to identify the main advantages of the proposal without seeing details of the "distinct new licensing system" which is proposed.

Q4. What do you think will be the main disadvantages, if any, of the proposal?

For the same reason as given in answer 3, it is not possible to identify the main disadvantages of the proposal.

Q5. What do you think the maximum time available should be for local authorities to make a decision on an application to hold a funfair?

more than 28 days (please specify)

Please explain the reasons for your response.

The maximum time for determination of an application must be significantly more than 28 days. Three months would be the absolute minimum period required. The proposal has to recognise that time is needed to allow for the following: a. Time to process the application, i.e. to publish notice of it and issue copies to consultees (e.g. Police, Fire Service, Environmental Health and the relevant roads authority) b. Time for consultees to assess the application and the proposed site and to prepare and submit consultation responses (usually 28 days for other forms of licence application) c. Time for members of the public to prepare and submit representations/objections (usually 28 days) d. Time for all consultation responses, representations and objections to be collated and forwarded to the applicant to give him fair notice of any objection or adverse representations and the opportunity to consider these and, if possible, take measures to satisfy the objectors' concerns. e. In the event of objections or adverse representations, time for a report on these to be prepared (and published with the agenda) for the next scheduled meeting of the Committee of elected members which determines licence applications (in Highland, these meetings take place on a 5-6 weekly cycle, with dates fixed a year in advance; reports must be published in advance of the meeting). f. For fair notice to be given to the applicant, objectors, other interested parties of the date of the hearing before the Committee of elected members (normally at least 14 days notice for other forms of licence application hearings) g. For the hearing then to take place before the Committee and the notice of determination (grant or refusal) then issued (normal requirement for other licence applications is that the notice of determination is issued within 7 days of the date of the Committee decision).

Q6. How do you think fees should be determined for local authorities to process an application?

unsure

Please explain the reasons for your response, including details of the amount of any suggested fees.

It is difficult to express a view on appropriate fees in the absence of details of the "distinct new licensing system" proposed, or of the procedural requirements which will be built in to that proposal. Whatever the details of the proposal, however, it is not possible to assess the precise cost of processing and determining an individual application without incurring additional cost in doing so. So this option should be ruled out.

Q7. What is your view on what should happen to the fee in cases where an application is refused?

None of the fee returnable to the applicant

Please explain the reasons for your response

None of the fee should be returnable in the event of refusal of an application. Local authority staff undertake more work in cases of refusal, as these will be cases where objections have been received and the application has therefore had to be referred to Committee (see additional steps involved at points d. to g. at answer 5 above). Refusals therefore effectively cost local authorities more than grants.

Page 14: Financial implications

Q8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

| | Significant increase in cost | Some increase in cost | Broadly cost-neutral | Some reduction in cost | Significant reduction in cost | Unsure |
|-----------------------|------------------------------|-----------------------|----------------------|------------------------|-------------------------------|--------|
| (a) Showpeople | | | | | | X |
| (b) Local authorities | | X | | | | |
| (c) General public | | | | | | X |

Please explain the reasons for your response

There will certainly be some increase in cost because of the set-up costs involved for local authorities (e.g. setting up new procedures, application forms, guidance notes, and undertaking staff and Member training).

Page 15: Equalities

Q9. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?

Unsure

Please explain the reasons for your response

It is not possible to identify impact on equality without seeing details of the "distinct new licensing system" which is proposed.

Q10. In what ways could any negative impact of the proposed Bill on equality be minimised or avoided?

It is not possible to identify any negative impact on equality without seeing details of the "distinct new licensing system" which is proposed.

Page 17: Sustainability

Q11. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Unsure

Please explain the reasons for your response:

It is not possible to answer this without seeing details of the "distinct new licensing system" which is proposed.

Page 18: General

Q12. Do you have any other comments or suggestions on the proposal to exempt funfairs from Public Entertainment Licensing requirements and to create a distinct new licensing system for funfairs in Scotland?

We would wish the opportunity to comment further once details of the 'distinct new licensing system for funfairs' proposed are available.