

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

Commercial organisation (company, business)

Please choose one of the following:

I would like this response to be anonymous (the response may be published, but no name)

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 If you choose the second or third option, a name is still required, but it will not be published.

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?

Fully Supportive

Please explain the reasons for your response

We are a small family run fairground business, we operate all over Scotland; highland, moray Aberdeenshire, Perth, Perthshire, north Lanarkshire, Glasgow, southlanarshire and Stirling. We are finding it more and more difficult to successfully run our business through varying factors however licensing is one of the major contributing factors. Each council have different prices, time scales and variants required in order to obtain a license. One of the other big problems we face is that if a ground is too soft, blocked or otherwise not

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able to be used then we not only lose the license fee but a weeks business as we cannot use an alternative site for example even if that is in the same area as the license is site specific. We feel a much better approach would be to have a license for a specific area i.e. North Lanarkshire, Glasgow city etc. Perhaps once a person or organisation has this license it would simply be a case of having specific sites listed and if new sites become available simply emailing landowners permission and the site being able to be passed much quicker. Some councils are now moving from 28 days required to process a license to 3 months in advance. Another issue we have encountered is with North Lanarkshire council even though legislation states a temporary public entertainment license does not require to be advertised in advance to the public and that they can't make objections to these licenses, NIC advertise our licenses to the public, charging us extra to do so and allow these licenses to be objected to which on occasion has forced us into a committee hearing just 2 days before being due to open at a particular fair. This is unfair and has put our livelihood in jeopardy on various occasions.

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

Unsure

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

Funfairs would be able to operate in the same way as every other EU country. We would be able to provide better fairs- e.g. Bad weather can make grounds soft meaning we have to curtail grounds and only have a small fair to save damage. If the license was changed at times like this we could switch sites at shorter notice to allow time for the softer sites to be more suitable.

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

None

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?

14 days

Please explain the reasons for your response.

I think 2 weeks is more than enough time to gain responses from the consultees. There is too often operators are putting licenses in with plenty of time before a fair yet councils are not processing the licenses to the last minute which leaves us in limbo as to whether we will be able to earn a living.

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

fee must not exceed the cost of processing the application

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

When most of our grounds are already held on council land which we pay considerable rents for it seems very unfair we are then charged more to apply for a license that's costing more than the processing cost. Referring back to North Lanarkshire we are paying over £300 to advertise the license to the public when this is not a

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

legal requirement and any other events are not required to do this instead paying a fee of just over £100

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

Part of the fee returnable to the applicant

Please explain the reasons for your response

I feel if there is no change to licenses being capped at no more than the processing fee then anything over and above be the cost of processing the license to the point it's refused should be returned.

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

I feel the money saved on paying significant license fees will help showmen- in particular it may help many to expand their business and in return offer better fairs to the public.

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?

Positive

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

No Response

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?

Yes

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?

No