

Proposed Licensing of Funfairs (Scotland) Bill

Page 2: About you

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

an individual

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".)

Member of the public

Please select the category which best describes your organisation

No Response

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 If you choose the second or third option, a name is still required, but it will not be published.

Ross Jones

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

Scottish Showmen are the only showmen in Europe who have to apply for a license to open a funfair. This

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?

system creates uncertainty for showmen as to whether a funfair can go ahead and the showmen do not appear to have any control over decisions on the granting of licenses being made by local authorities. In addition there is a wide variance in the costs of granting licenses. Showmen struggle to contain their costs ie fuel, labour and if the the showmen were to reflect the true costs of their business in the charges made to the public they would find it difficult to retain customers.

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

No

Please explain the reasons for your response

A Act of Parliament would be binding on all local authorities and therefore no local authority would be able to impose additional costs to the operation of a funfair. A system other than an Act of Parliament would be open to interpretation and would not be consistent.

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

Showmen would have certainty in knowing that a fair could operate on a regular basis without any fear that a Licensing fee would make the operation of a fair uneconomic and would enable them to plan their itinerary of fairs with certainty that the planned fairs will be held ,whereas under the present system the refusal of a license could entail a showmen not having any business during that period.

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

I do not consider there would be any disadvantages ,although the local authorities will no doubt complain about the loss of revenue from the abolition of the license fee.

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?

no fixed maximum

Please explain the reasons for your response.

The greater amount of time that showmen have in knowing that a fair has the go ahead enables them to plan their itinerary for the season and surely assists local authorities because they will be able to plan alternative uses of land other than funfairs rather than try to arrange matters at short notice.

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.

Local authorities should be able to cover the administrative cost of an application to hold a funfair but

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

should not be able to include an additional cost and the administrative cost could be determined by consultation with local authorities.

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

Part of the fee returned after deduction of reasonable costs incurred by local authority in considering the application.

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

Showmen would gain because the widely varying license fees currently imposed would be reduced to reasonable costs. Local authorities would still impose fees but I would not be able to recoup the level of fees being currently levied by certain local authorities. The more that showmen are able to contain their costs of which the license fee is a significant amount would enable them to keep their prices down for the general 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

Please explain the reasons for your response

I do not believe that the proposed bill will impinge on any of the requirements of the Equality Act 2010.

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

I do not believe that there is a negative impact.

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

Please explain the reasons for your response:

Local authorities will still have the power to refuse an application for a funfair and can take into account any social and/or environmental impacts.

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