

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".)

Professional with experience in a relevant subject

Please select the category which best describes your organisation

No Response

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 If you choose the second or third option, a name is still required, but it will not be published.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

Partially supportive

Please explain the reasons for your response

I agree with the reasons given in the consultation document: The current system with wide variations in

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?

fees between different local authorities is confusing, The high cost in some authorities makes it not economically viable to have 2 applications for the same dates running concurrently. The lack of refunds for unsuccessful applications is unfair. The big difference in timescales for considering applications between different local authorities makes it difficult to do forward planning. The lack of flexibility to allow minor changes in location /dates causes an unnecessary burden on the applicant. My only real reservation is why we need a specific licence in Scotland at all for funfairs if they are not required in the rest of the UK and indeed Europe, but a unified system is certainly better than what we have at the moment.

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

I think this is best done by a Parliamentary Bill with a fixed scale of charges dependant on the duration and size of the event. The charges could be periodically reviewed or index linked to inflation at the time of the inception of the Bill. Any other method would inevitably lead to regional variations and we would be back in the same position as we are at the moment.

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

For the Fairground Operators, it would make it easier and hopefully cheaper, to submit applications, the timescales would be more predictable, and there would be less chance of having weeks in the middle of the travelling season where you not only have no income, but incur the additional expense of moving equipment back to the winter yard for a period, and possibly having to lay staff off temporarily. For the public, the reduced operating costs of the Showmen would be passed on as it is quite a competitive business. This would mean more deals like "All rides £1" or reduced costs of the armbands for "Pay one price, ride as often as you like" fairs. By having a reduced and uniform timescale for consideration of applications, I would argue that it should be possible for local authorities to reduce the cost of processing licence applications.

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

I can see no specific disadvantages of the proposal, although I would again question why we need a licensing system for funfairs in Scotland when they are not required in the rest of the UK or Europe.

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?

28 days

Please explain the reasons for your response.

A uniform time is essential for effective forward planning. 28 days seems to me ample time to give notification of the event and allow potential objectors to note their concerns. I should think that given the way social media is used to disseminate information, 7 days is enough time for objections to be made and a further 21 days to take account of any resulting discussions. It may be that this timescale is too tight for some local authorities to work to but I would certainly hope for a maximum time to be included in any bill

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?

for a licence application to be processed as without it, the Funfair operators would be unable to make advance plans.

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

power of Ministers to set scale of fees

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

To avoid local variations, I would hope that ministers set a fixed scale of fees based on duration of the event and amount of equipment present. As you have noted, the City of Edinburgh Council currently has the highest scale of charges. One of the reasons for this is that they send out qualified engineers to check the electrical safety of the equipment before the licence is granted. As stated in the consultation document, the Health and Safety Executive has jurisdiction over the safety of funfairs, not the local authority, and seems to me ridiculous that the City of Edinburgh Council should unilaterally decide that the annual safety tests which all the equipment at travelling funfairs are insufficient and have caused the licence application fees to be made so high in order to justify the cost of this unnecessary additional inspection. If the scale of fees is not laid down by the Scottish Government I would be worried that such unjustifiable increases in fees would be made by some local authorities. Suggested fees could take into account (for example): 1 day events, Events of up to 7 days duration, Additional 7 day periods. Up to 3 Adult rides plus 6 additional pieces of smaller equipment Up to 6 Adult rides plus 12 pieces of equipment etc. Adult rides have a specific definition in the rules of the Showmen's Guild of Great Britain and I would recommend using that as a standard. The ratio of 2 pieces of smaller equipment per adult ride at a travelling fair would seem to me about the industry norm for a travelling fair. In this way, the fees could be kept at a low level for small and short duration events, and be higher for longer duration events and fairs where there was more equipment present.

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 accept that there will be some cost for local authorities in considering licence applications, but these costs are unlikely to be as high for events which are refused a licence as ones which are successful. For example, it is reasonable for the local authority to inspect the test paperwork and insurance documents for equipment at funfairs where a licence is granted, and that will involve them in additional administration costs.

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

As stated before, I would expect a reduction in the fees paid to obtain a licence and I would expect the improved system to lead to less time when Showpeople were "off the road" not earning. Local authorities may be able to reduce their costs with a streamlined and uniform system applied. The public should benefit from reduced prices when the Showmen's operating costs are reduced.

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?

Slightly positive

Please explain the reasons for your response

The bill could potentially make it economically viable for funfairs to operate in smaller local communities, providing a positive impact on people with disabilities, or communities with specific religious or ethnic beliefs.

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

I do not think that the proposed bill will have a negative impact on equality.

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:

Yes, if the scale of charges is fixed but index linked.

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 Response