

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

Representative organisation (trade union, professional association)

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 If you choose the second or third option, a name is still required, but it will not be published.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

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

We are only supporting the part of the Bill that seeks to delete the licensing regime

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

Government guidance has been issued but came up short and did not achieve the goal

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

It would protect the Showmen's way of life and livelihood

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

No Response

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?

less than 14 days (please specify)

Please explain the reasons for your response.

Seven days as last minute applications often have to be made out with the control of the applicant owing to ground conditions etc.

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

single fee fixed in statute

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

Local authorities have demonstrated that they are unwilling or unable to fix a fee that accurately reflects the work involved. It would appear that licensing fees are seen as a revenue generator

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

We understand that some of the fee requires to be retained to cover costs in initial processing

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

Thousands of pounds would be saved by applicants that would allow more travelling fairs to be put on thereby generating employment and adding value to the local economy.

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

It is important to note that Scottish Showpeople can face many similar issues to Scottish Gypsy/Travellers, in terms of discrimination, which the Equalities Act 2010 covers by placing a legal responsibility on local authorities to act in a non-discriminatory manner as a public body to anyone discriminated against on the grounds of mistaken perception. Showpeople are both a business and cultural community, often of many generations, whose livelihood and well-being is dependent on being able to travel and stage funfairs around the country. Showpeople report that their own children and grandchildren are becoming less and less inclined to follow and support the family business because of the difficulties they experience through the uncertainty of income from the licensing system, leading to considerable concern that this way of life is under threat. An improved and more proportionate licensing system should ensure this cultural tradition which exists across many countries in Western Europe, will continue in Scotland.

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

As per previous question

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:

As noted above, the Bill will in fact have a positive impact on economic and social factors through creating employment and also protecting the Showpeople's way of life.

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?

Instead of creating a new system the Bill should exempt travelling fairs from the current licensing requirements by amending the Civic Government (Scotland) Act 1982. In coming to this view it has been noted that there is a system in place to make sure that all rides must comply with H&SE requirements. Therefore, the licensing regime creates an unnecessary level of red tape. It is important to note that like all other businesses a travelling fair operator has to show compliance with a plethora of H&SE legislation in order to operate a traveling fair. However, it is important to note that fairgrounds are subject to further regulations under the H&SE. This role is narrated by the "Fairgrounds and Amusement Parks; Guidance of Safe Practice" rules (HSG175:2007). This means travelling fairs in the UK are one of Europe's most highly regulated outdoor events. Given this active involvement on the part of the H&SE it is unnecessary that local authorities have the ability to impose conditions relating to health and safety; given that the H&SE is a higher authority in such matters. Therefore, an alternative licensing system is not needed. Scotland should follow England and Wales where travelling funfairs are regulated by short term leases between the Showman and the Landlord, i.e.a "licence to occupy"