

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 If you choose the second or third option, a name is still required, but it will not be published.

Craig Dunbar

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**

The system of public entertainment licensing in Scotland is perverse. The licensing of Fairgrounds is not

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?

required in England. While I accept the general premise that there has to be some form of regulation where public safety is involved, the current system is wholly unfit for purpose and I doubt if it really achieves anything in the realms of public safety. It should also be borne in mind that councils did not have to introduce PEL but having chosen to do so they have to continue with it. Every local authority area applies different criteria to PEL applications. If a fairground operator is able to exhibit valid independent maintenance certificates relative to the machinery, current insurance and some health and safety plan, that ought to be sufficient. Under the current system it is rarely so. The fees are also different in every area. The fees should relate to the work reasonably involved (by the local authority) in processing the application and should never be linked to the potential size of the crowd which the event hopes to attract nor seen - as I fear they are - as a means of topping up depleted income streams for cash strapped councils.

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**

How? See above. Other events - such as gala days and highland games are also subject to this regime and many are simply packing it in rather than go through the hugely bureaucratic exercise involved, depriving tourists and locals alike of events which have been in existence for decades if not longer.

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

Consistency across the country (Scotland) and also the UK. Fairness and common sense.

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

Cant think of any

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 difficulty with a fixed maximum is that if there happens to be a problem with the application for which the applicant is responsible the Council might feel duty bound to refuse it if it was forced to reach a decision within say 28 days. In a sense of fairness though last minute applications would also be unfair so no applications should be capable of being lodged less than say 28 days before an event.

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

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

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

See previous answers

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

Unsure

**Please explain the reasons for your response**

More difficult one. Lots of reasons why it might be refused. Some might be down to the applicant in which case NO refund would be appropriate. Others might not.

## 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**

Again just for the reasons above.

## 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**

Fairgrounds appear to me to be subject to unfair discrimination or at least less favourable treatment north and south of the border.

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

I do not think there are negative impacts of the Bill.

## 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:**

I see no social or environmental impacts at all of the Bill. The only economic impact might be on the current high charging local authorities but as I have already stated these events should not be treated as a soft touch or sitting target for local government which should not have to rely on licensing to top up the cash registers. If these fees truly make the difference to balancing the books of Councils across the land I respectfully suggest that the system is broken beyond repair. Showmen are not the financial white knights of Scotland's councils - even if they had the money to do so which increasingly they do not.

## 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 - other than to say that I would like to see similar legislation in respect of highland games and galas to which many of the showmen actually attend to trade.