

# 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

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

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 If you choose the second or third option, a name is still required, but it will not be published.

East Ayrshire Council

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?

Neutral (neither support nor oppose)

**Please explain the reasons for your response**

As fees and timescales for dealing with applications vary between Local Authorities it is hoped that any

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?

new licensing system will provide a level of consistency for those who operate travelling funfairs. It is not possible at this stage however, without having details in relation to the new licensing system, to identify advantages or disadvantages of any new licensing system.

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**

Local Authorities should already be adhering to the guidance issued by the Scottish Government in July 2017, however the guidance does not address the inconsistency experienced by funfair operators in relation to fees and timescales in dealing with applications.

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

The main advantage would be the level of consistency offered to the travelling fraternity across all 32 local authority areas in relation to cost, the time for processing applications etc., which is not currently offered with applications for Public Entertainment. Without having viewed the proposals however, it is not possible to identify any other advantages/disadvantages.

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

Without having viewed the proposals it is not possible to identify disadvantages.

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?

more than 28 days (please specify)

**Please explain the reasons for your response.**

I would suggest that if the site has been used by the funfair in previous years there is no necessity for a lengthy period of time for a decision to be made as the site will have been assessed previously and any concerns dealt with at that time. However, there could be problems if it is a new site, with the potential to attract objections, and as such I would suggest a longer period would be required to allow any objections to be dealt with by the Licensing Panel at the next available meeting. Also additional time would need to be afforded to statutory consultees to enable them to fully assess any new site and prepare their response, which could also require the application being considered by the Licensing Panel. Currently the civic legislation does not require applicants for a Temporary Application to display a site notice. Any future legislation should require all applicants to display a Notice at the locus in order to allow residents etc., the opportunity to raise any concerns in relation to noise or anti-social behaviour. If this is to be considered then it may be that a period of 28 days may not be sufficient enough time.

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

maximum fee set in statute

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

This would ensure some level of consistency for applicants and would prevent unreasonable fees being charged. Could there be consideration given to a sliding scale in relation to fees, based on the number of attractions/rides.

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

None of the fee returnable to the applicant

**Please explain the reasons for your response**

As the administrative procedure will already have been carried out by local authority staff the fee should be non returnable. In some instances a refusal will have incurred more staff resources and the application will have been determined at Committee as opposed to a delegated decision having being made.

## 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**

Without having details of proposed costs etc., it is not possible to determine any possible impact a new licensing system might have. However given the level of fees some local authorities would appear to be charging in respect of Public Entertainment Licences, a set maximum fee, or a sliding scale of fees, could potentially be beneficial to showpeople. This in turn could result in a reduction in fees to some local authorities who currently charge somewhat higher fees.

## 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?

Unsure

**Please explain the reasons for your response**

It is not possible to identify impact on equality without seeing details of the proposed new licensing system.

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

It is not possible to identify negative impact without seeing details of the proposed new licensing system.

## 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?

Unsure

**Please explain the reasons for your response:**

It is not possible to predict any impact on future economic, social or environmental impacts without seeing the proposed new licensing system.

## 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?

We can certainly see the advantages in having completely separate legislation regulating funfairs as this will provide a level of consistency for show people travelling between local authority areas.

We would welcome the opportunity to comment further once details of a new licensing system are available.