

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 If you choose the second or third option, a name is still required, but it will not be published.

Aberdeenshire Council Licensing Sub-Committee

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 opposed

Please explain the reasons for your response

We disagree with the premise that the licensing regime for funfairs should be uniform across Scotland.

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?

Each local authority has to take into account different considerations according to local circumstances, budgetary considerations, and other factors that can change from area to area.

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

Yes

Please explain the reasons for your response

The consultation paper refers to alternative proposals from the Scottish Government to issue nationwide guidance regarding how funfairs should be treated under the current licensing regime. We are of the view that this would provide a greater degree of consistency across authorities where that is necessary, while still giving local authorities the flexibility to deal with applications in the most appropriate way for local circumstances.

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

We do not see that the proposals would provide any advantages to local authorities over the current regime. The licensing system as it currently stands allows for Local Authorities to put in the licensing arrangements that are necessary for its own particular circumstances.

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

The main disadvantages of the proposals are that they would take away a large element of the local decision making regarding funfairs. The needs and circumstances of, for example, Edinburgh where large funfairs are regularly set up for Christmas etc, and a largely rural authority such as Aberdeenshire.

How licences are process and decided upon depend on a number of factors that will change from authority to authority. Budgetary consideration for example, will have a large impact on the resources that are available to ensure that certain timescales are met. It may also have an impact on the level of fees that are fixed, although for the most part they appear to be set roughly on a cost recovery basis.

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.

Each local authority should have the discretion to deal with licensing applications according to their own policies and procedures. Factors such as budgetary considerations come in to determining how long an application can take to process, and different authorities will assign differing levels of priority to this. Additionally, there is no detail in the proposal regarding how any time limit would be enforced and what the consequences of failing to meet the limit would be for the local authority.

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

fee at local authority's discretion

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

The fixing of fees depends on a number of factors that will again vary from authority to authority. It is important that a local authority is able to at least cover their processing cost and again, these costs will not necessarily be uniform across Scotland.

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

Assuming that the fee is fixed to cover the cost of processing the application, these costs are incurred whether the application is successful or not, so to refund all or part of the fee would result in an unacceptable loss for the local authority.

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

We are not in a position to speak for the industry regarding how their costs would be affected. The paper states that fees will be reduced but that local authorities will be able cover their costs. Given the different circumstances that different authorities find themselves in, without further detail on what the specific fees would be we are unable to state how the proposals would affect the local authority. Again, we are not in a position to state how the proposals would affect the general public, as that would presumably depend a great deal on the trade and how they pass on any costs or savings to their customers.

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?

Neutral (neither positive nor negative)

Please explain the reasons for your response

There is no evidence within the consultation paper that would suggest an equalities impact.

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

We are of the view that the negative impact of the Bill would be a direct result of all local authorities being subject to the same requirements for dealing with licensing for funfairs. Without a degree of flexibility for fees and timescales, we do not see how the negative impacts of the proposals can be mitigated against as they currently stand.

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?

No

Please explain the reasons for your response:

Taking away the ability for these decisions to be made locally is likely to have a negative impact, socially, economically, and environmentally, on local authorities as they will not have the discretion to take into account local circumstances. Over the medium to long term, this will not be sustainable as circumstances change and authorities are subject to a rigid licensing regime.

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?

Our view is that additional legislation is not necessary and many of the problems that have been raised with the current regime can be rectified through the issuing of further guidance which we would welcome.