

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 If you choose the second or third option, a name is still required, but it will not be published.

North Lanarkshire 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?

Partially opposed

Please explain the reasons for your response

Licensing Authorities have their own consultation procedures and timescales for processing public

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?

entertainment licences under the 1982 Civic Government (Scotland) Act. It is difficult to see why one category of public entertainment licence should have its own separate distinct regulatory procedures.

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

Any proposal along the lines suggested should have statutory approval.

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

For operators there would be a uniform licensing system across the country which is intended to create the sought after consistency in the application process.

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

Since all Councils are subject to ongoing budgetary constraints the proposed timelines for processing (if shortened) would place additional burdens on local authority licensing staff.

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.

12 weeks would allow sufficient processing time factoring in contentious issues that would require to be resolved and/or decided on.

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

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

Local licensing authorities should be able to recoup costs involved in processing applications and should not incur any losses when undertaking that exercise.

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

Whether an applications is granted or refused the level of work undertaken by local authority licensing staff is broadly the same.

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

If national fees are reduced considerably it is clearly anticipated it will financially benefit operators. Without fees being set one is unsure of the cost impact to local authorities. It is difficult to see how the proposals would have any cost implications for the public.

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 difficult to see adverse implications in relation to equality considerations.

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

See answer to question 9 above.

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 hard to predict, at this early stage, whether there would be any such impacts.

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?

There already exists a licensing regime in place which works and allows for local variations in processing and procedures and allows for local decision making.