

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 If you choose the second or third option, a name is still required, but it will not be published.

Fife Council, Environmental Health Department, Food and Workplace Safety Team

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**

There are numerous considerations that need to be addressed. If these are completed then as a service we would be fully supportive

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**

The Bill is reasonably comprehensive. There is a number of things that would make this process easier that are detailed throughout the questionnaire.

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

In the main this is a good proposal provided a few issues would be addressed. Namely Risk Assessments, ADIPS Inspection reports and Public liability insurance would be provided along with any application, the application would have the proposed dates and venues. A national database could be provided whereby all showman can keep all information/supporting documentation up to date which would save time by each local authority requesting the same information repeatedly. This may be covered under H&S legislation however it is one of the most time consuming parts of all application. A streamlined process is required.

Also information of food vendors should be provided with the application e.g. Gas, Electrical safety certificates, Risk Assessments and if they have a food safety management system. Most vendors are regulated and having this information prior to the event would also save time when processing the application.

Getting local authorities to list suitable locations dependant on the size and scale of the event would also ease the application process and prevent application being rejected.

Assessing noise and light pollution, waste management and anti-social behaviour issues could be mitigated by having clear policies in place and having approved locations at each local authority would be advantageous.

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

If all of the above conditions were taken into consideration then this service does not envisage any 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?

28 days

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?

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

This allows a reasonable time for administration purposes and allows local authorities to manage and prioritise their workloads effectively.

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.**

A fair fee for all LAs to allow consistency, proportionality and transparency. Each LA would have to explain why they charge what they charge in order to explain this further.

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**

If application is refused then the fee should be refunded minus a fixed administration charge as it still takes time and resources to assess every application whether they are successful or 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**

If a lower fee is applied consistently then showman will be saving money and can pass some of the savings to the public by lowering costs incurred by visiting sites. If all the information is provided up front this would save time and resources allowing smaller fees to be acceptable.

## 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**

If a lower fee is applied consistently then showman will be saving money and can pass some of the savings to the public by lowering costs incurred by visiting sites. If all the information is provided up front this would save time and resources allowing smaller fees to be acceptable.

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

*No Response*

## 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:**

If the systems highlighted earlier are put into place and the bill implemented correctly then all of these factors can be mitigated in a positive way.

## 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?

In response to the recent Bill to exempt travelling funfairs from public entertainment licensing requirements and to create a distinct new licensing system for travelling funfairs in Scotland, this service ( Fife Council Food and Workplace Safety Team) can confirm that we agree in principal with the concept of providing a consistent and proportionate approach however, it is necessary for the following conditions be considered to ensure that these events are carried out in a safe and respectful manner.

- Consideration should be given in relation to how safety certificates (ADIPS, Gas, and Electrical etc.), Risk Assessments and insurance documents for funfair rides/trading vehicles will be evidenced to the Local Authority. To reduce the burden on operators, it may be that operators provide valid and comprehensive safety certificates and insurance documents electronically to the LA in advance of the event and certificates must be valid throughout the entirety of the proposed event. By providing all this electronically in advance, it would reduce the need for appointments/inspections to check compliance. Furthermore a National Database would be beneficial
- Operators should be able to provide a detailed plan for the layout of the event along with a list of funfair

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rides to be present and the names of the operators for said rides in advance

- A comprehensive risk assessment should be provided by the operator in advance of the event
- A condition outlining that local authority enforcement officers can, at any time with valid reason, inspect the event for compliance
- A condition outlining that food traders must hold valid safety certificates and must be registered with their home Local Authority
- Consideration should be given to setting a generic fee/cost in which all LA's should follow when licensing travelling funfairs
- To prevent inconsistencies in relation to the approval process throughout differing LA's, an 'approval process chart' should be included. This would outline specific requirements/conditions of the license, what information operators need to provide LA's with, specific timescales in which operator must comply with the conditions for approval to take place, specific timescales LA's must process applications etc. Operators will then have transparent and clear instructions on how to achieve compliance first time round and therefore reduce the costs imposed for refusals etc.