

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 If you choose the second or third option, a name is still required, but it will not be published.

South 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?

Fully opposed

Please explain the reasons for your response

Due to the lack of detail of the proposals the Council is unable to provide full comments. However on the

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?

information before it the Council is of the view that funfairs should remain subject to the Public Entertainment requirements under the Civic Government (Scotland) Act 1982. The Fee currently charged by South Lanarkshire Council is £140. As it is £140 does not always reflect the amount of work involved in processing funfair applications.

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

Need further details as to what exactly is proposed under the new regime.

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

Without further details of how proposals will work it is difficult to provide comments.

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

The consultation document refers to the Health and Safety Executive and the ability of Environmental Services to serve statutory notices to prevent noise nuisance. No reference is made to any proposals to allow the community the right to comment on applications nor are there any proposals on how issues which cause disturbance to neighbours but fall short of statutory noise nuisance will be responded to, for example, fairground rides sited too close to houses. This could lead to local authorities dealing with numerous complaints from neighbours and elected members with no powers to address these issues.

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.

There should be a minimum time given to Local Authorities to process application. Generally funfair licences are not issued until day of event due to the difficulties in obtaining certificates/insurances for rides etc. Applications are sometimes lodged much later than 28 days before the event. We always try to process application on time for event but this means that other applications have to be reprioritised.

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 fee charged should reflect work involved. Traditionally South Lanarkshire Council have always

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

charged lower fee for funfairs probably due to short duration. Fee does not always reflect work involved. Some funfairs involve more work than others.

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

Depends if application had to go before Committee for a Hearing. If not then partial refund possible. If refused after a Hearing none of fee should be refunded.

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

Unable to provide full comments as the proposals are not fully defined. It will depend on what fee is set. If fee is higher than currently charged this could be passed onto general 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?

Neutral (neither positive nor negative)

Please explain the reasons for your response

The Council already takes account of the Equality Act in all decision making.

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

Ensure all applications dealt with fairly based on the information available.

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

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 Response