
To: Petitions Board

On: 7 November 2022

Report by: Director of Finance and Resources

Heading: Funfairs – Robertson Park, Renfrew

1. Summary

1.1 The Council has agreed procedures in relation to the submission of petitions including parameters for determining valid petitions and those areas where petitions would not be valid.

1.2 All valid petitions are to be submitted to the Board for consideration and a summary report is to be prepared on any petitions which are not considered to be valid in terms of the procedures. It is for the Board to determine the validity of such petitions.

1.3 A petition containing 71 signatures has been received from Mrs J Kane in the following terms: -

“We, the residents of the surrounding area of Robertson Park in Renfrew, object to the disruption to our daily lives and noise levels caused by the Thompson Events Group’s funfair held in the park from 1st September to 10th September 2022.

We respectfully request that any future funfair events be held in a non-residential area of Renfrew. Also any future events in Robertson Park has a full consultation process held with the involvement of residents from the local area.”

1.4 The Sustainability, Place & Assets Manager has provided a response to the concerns raised in the petition and where appropriate suggested actions to resolve them as outlined below: -

Disruption to daily lives and noise levels

- Reduce the period that fairs are allowed to operate from two weeks to a maximum of one week.
- Positioning of any fair should be along the middle path and not towards the houses.
- Standard maximum noise level requirements will be dropped to a lower level.

Request that any future funfair events to be held in a non-residential area of Renfrew

- Robertson Park is central to the Town for access. There are no other suitable locations to hold such events in Council Ownership.

No pre-warning of event

- Licensing has provided a detailed summary the process of granting a licence and the consultees involved.

Park was left in a terrible state

- The park was checked by officers just after the fair ground left site and whilst there was minor damage to the grass in the exit corner the park was left in an acceptable condition.

- 1.5 The Assistant Managing Solicitor (Licensing) has provided feedback to the points raised in the petition as outlined below: -

“The Council as licensing authority has a regulatory role in licensing fairgrounds under the public entertainment provisions of the Civic Government (Scotland) Act 1982 (“the 1982 Act”). The Council’s licensing remit in this regard is not to identify suitable locations for proposed fairgrounds, but to consider licence applications made to the Council on their individual merits and in accordance with the terms of the 1982 Act.

The licensing provisions of the 1982 Act do not, unlike some other regulatory legislation, empower the Council to carry out a neighbour notification procedure in relation to a licence application. The legislation requires Councils to consult with Police Scotland and, in the case of a full licence application, requires the applicant for the licence to display a notice at the proposed site, stating that the application has been made and when any objections to the application may be made. There is no mandatory requirement within the legislation to advertise an application.

Applications for travelling funfair licences are usually made to the Council as temporary licence applications. The legislation requires these applications to be sent to the police, but there is no requirement for display of a notice at the site, or to advertise the application. Notwithstanding that, the Council’s policy in relation to these applications requires these additional notification procedures, to allow members of the public to be made aware of proposed events and to raise any concerns as appropriate. These procedures were followed in relation to the application for the licence referred to in the Petition, which was a temporary licence application. In addition, the Council’s policy in relation to these applications, while again

not a statutory requirement, is to consult, in addition to Police Scotland, relevant Council Services, local Councillors and community councils.

In considering any application for a licence, the Council requires to operate within the statutory framework set out in the 1982 Act. Should the Council fail to do so, it could leave itself open to legal challenge.

The Board may wish to note that the licensing of funfairs has been the subject of proposals for change in recent years. Non-statutory guidance issued by the Scottish Government in 2017 was intended, amongst other things, to encourage operators in running funfairs across the length and breadth of Scotland.

Subsequently, in 2020, the Council responded to a Call for Views from the Scottish Parliament's Local Government and Communities Committee in relation to a Travelling Funfairs (Licensing) (Scotland) Bill. Within the terms of its response to the Committee on the Bill, which sought to make the licensing system for travelling funfairs less restrictive and less expensive for applicants (and which would have reduced the Council's current level of consultation and scrutiny in relation to these applications), the Council expressed concern that the proposals would not achieve a fair balance between the rights of funfair operators and the interests of local communities."

- 1.6 The role of the Board is to consider the petition and take the appropriate action in respect of the petition which will be one of the following:
- (a) that no action is taken, in which case the reasons will be specified and intimated to the petitioner;
 - (b) that the petition be referred to the relevant director/and or policy board for further investigation, with or without any specific recommendation; or
 - (c) refer the petition to another organisation if the petition relates to that organisation. The principal petitioner, together with one supporter has been invited to attend the meeting.

2. Recommendation

- 2.1 That the Board hears from the principal petitioner.
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3. Implications of the Report

- 1. **Financial** – none
- 2. **HR & Organisational Development** – none
- 3. **Community/Council Planning** - none
- 4. **Legal** – none

5. **Property/Assets** – none
6. **Information Technology** - none.
7. **Equality & Human Rights** - none

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** - none
9. **Procurement** - none
10. **Risk** - none.
11. **Privacy Impact** - none
12. **Cosla Policy Position** – not applicable.
13. **Climate Risk** – not applicable

List of Background Papers

- (a) Background Paper - 1 Petition

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