

REPORT TO GARIOCH AREA COMMITTEE – 27 JUNE 2017

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT
LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR
FUNFAIR AT ECHT SHOWGROUND, ECHT**

1. **The Committee is recommended to grant the extension of the hours of operation of the funfair as sought.**

- 2 **Background/Discussion**

Council's Operation Policy for Fairgrounds and Circuses

- 2.1 Aberdeenshire Council's agreed policy in respect of Circuses and Fairgrounds, sets out standard operating hours of –

1400 hrs – 2100hrs (Monday – Thursday);
1400 hrs – 2200hrs (Friday-Saturday); and
1400 hrs – 1700 hrs (Sunday).

Request for Additional Operating Hours

- 2.2 Henry Evans of 2 Showmans Winter Quarters, Blenheim Lane, Bulwell, Nottingham, NG6 8UR, submitted an application for the grant of a temporary public entertainment licence relating to the operation of a funfair at Echt Showground, Echt. The applicant wishes to operate as follows:

Friday 7 July 2017 – 1800hrs – 2330hrs
Saturday 8 July 2017 – 1000hrs – 0000hrs

- 2.3 Any extension to operating hours granted does not absolve the operator from operating within the terms of their licence, including meeting any noise limits or other conditions which might be imposed.

Consultations

- 2.4 At the time of writing this Report, the application has been to consultation with Police Scotland, Scottish Fire & Rescue Service, Building Standards and Landscape Services. No adverse observations have been received to date in respect of the application. A verbal update will be given to the Committee, as required.

Procedure

- 2.5 The decision of the Committee will be final.

Grounds for Refusal

- 2.6 Civic Government (Scotland) Act 1982
Section 41 and Schedule 1

Applications for Grant and Renewal of Public Entertainment Licences

LEGAL TEST

A Licensing Authority SHALL refuse an application to grant or renew a licence if, in their opinion:

- a. The applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either –
 - i. For the time being disqualified from holding a licence under Section 7(6) of the Act; or
 - ii. Not a fit and proper person to be the holder of the licence
- b. The activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if they made the application themselves;
- c. Where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to-
 - i. The location, character or condition of the premises or the character or condition of the vehicle or vessel
 - ii. The nature and extent of the proposed activity
 - iii. The kind of persons likely to be in the premises, vehicle or vessel
 - iv. The possibility of undue public nuisance; or
 - v. Public order or public safety; or
- d. There is other good reason for refusing the application;

And otherwise SHALL grant the application.

Options for Disposal

2.7 The Committee's options in disposing of the Application are:-

- (a) To grant the hours of operation as sought.
- (b) To grant restricted hours of operation; or
- (c) Refuse to grant the extended operating hours in which case the funfair will operate the hours outlined in Aberdeenshire Council's policy for fairgrounds and circuses.

2.8 When coming to a decision the Committee must consider the evidence heard and the grounds of refusal outlined at paragraph 2.6 of this Report. Supplementary advice and information can be requested, if required.

2.9 The Monitoring Officer within Business Services has been consulted in the preparation of this report their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3. Scheme of Governance

- 3.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.2 (h) of the List of Committee Powers in Part 2A of the Scheme of Governance as officers have declined to use their delegated powers to determine the application in terms of Section 8.8 and Section 4 of the General Provisions to officers at Part 2B of the List of Officer Powers in the Scheme of Governance, as it relates to a request for hours sought out with policy.

4 Equalities, Staffing and Financial Implications

- 4.1 An Equality Impact Assessment is not needed in this case because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 4.2 There are no staffing and financial implications.

Ritchie Johnson
Director of Business Services

Report prepared by June Macdonald, Administrator
Date: 14 June 2017

References: J:\la\Licensing Shared\1LICENSING\MEETINGS\AREA
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