

## REPORT TO THE FORMARTINE AREA COMMITTEE – 22 AUGUST 2017

### **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 41 AND SCHEDULE 1 APPLICATION FOR TEMPORARY PUBLIC ENTERTAINMENT LICENCE REQUEST FOR EXTENSION OF OPERATING HOURS FOR FUNFAIR AT TURRIFF SHOW - HOMOLOGATION OF DECISION TO GRANT REQUEST**

#### **1 Recommendations**

- 1.1 The Area Committee is recommended to note the use by officers of delegated powers (as provided in the List of Officers Powers – Part 2B of the Scheme of Governance at sections B1, B2 and B3) by reason of special urgency, as summarised in the report below in order to ensure that Codona’s Funfair could operate as part of Turriff Agricultural Show.**

#### **2 Discussion/Background**

##### **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 –

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

- 2.2** Any requests for operating hours out with the policy must be agreed in advance by the relevant Area Committee.

##### **Request for Additional Operating Hours**

- 2.3** On 6<sup>th</sup> July 2017, Alfred James Codona of 1 Amusement Park, Beach Boulevard, Aberdeen, AB24 5ED lodged an application for a temporary public entertainment licence to operate a funfair at Turriff Show between Saturday 29<sup>th</sup> and Monday 31<sup>st</sup> July 2017. The application included a request to operate between 10.00am and 10.00pm on those days.

- 2.4** 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 and Processing**

- 2.5** The application was lodged less than 4 weeks prior to the event by the applicant, classifying this as a late application. The applicant apologised for the late submission. The application was circulated to consultees including Police Scotland and no objections were received. That meant that the only outstanding issue was the request for extended operating hours at the show.

- 2.6** Given that the Council was in the vacation period:-

- (i) it was impractical to convene a vacation Committee Meeting for one item of business; and
- (ii) in order to try to assist the applicant, the wider event and the community,

Officers sought to utilise emergency powers to grant the request for additional operating hours. Similar requests had been granted by the Formartine Area Committee in previous years.

- 2.7 Following consultation with the Chief Executive, the representative of the Area Manager, the Director of Business Services, the Chair, Vice Chair and Members of the Formartine Area Committee, the request for extended operating hours was granted, there being no objections to the request.
- 2.8 The Licence was issued by the Head of Legal and Governance on 25<sup>th</sup> July 2017.
- 2.9 The Council's Head of Finance and the Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments have been incorporated.

### **3. Governance**

- 3.1 The Committee is able to take a decision on this item in terms of Section B3 of Part 2B of the List of Officer Powers in the Scheme of Governance, which provides that any decision made in a situation of special urgency must be reported to the next appropriate meeting of the relevant Committee.

### **4. Equalities, Staffing and Financial Implications**

- 4.1 An Equalities Impact Assessment is not required in this case as the homologation of the use of emergency officer powers has no differential impact on any of the protected characteristics.
- 4.2 There are no additional staffing nor financial implications arising from this report.

**Ritchie Johnson**  
**Director of Business Services**

Report prepared by Fiona M. Stewart, Senior Solicitor (Governance)  
Date: 7<sup>th</sup> August 2017