

REPORT TO: Licensing Sub-Committee

MEETING DATE: 14 June 2017

BY: Depute Chief Executive (Resources & People Services)

SUBJECT: Update on trial use of site at Levenhall Links for Funfairs

1 PURPOSE

- 1.1 To advise the Sub-Committee of the current position regarding the trial use of land at Levenhall Links for funfairs.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee-
- (i) note the position as outlined herein and the ongoing consultation process.
 - (ii) accept a further report in due course regarding the outcome of the public consultation on the trial and make a decision on the continued use of the site in the light of comments provided and recommendations from officers.

3 BACKGROUND

- 3.1 The area of land at Levenhall Links, Musselburgh, was previously used as a site for funfairs licensed by the Council under the Public Entertainment resolution. Following various incidents including vandalism and noise pollution, the site was removed from the list of sites approved for such activities several years ago.
- 3.2 Earlier this year, the Sub-Committee considered two applications to hold a funfair at this location. Concerns were expressed regarding the use of this site, and the Sub-Committee decision was that the applications be granted, but on the understanding that this would constitute a trial for the resumption of use of this site and would not guarantee that the location would be available in future. The applicants were also advised that the grant of the operating licence was not to be taken as a grant of permission by the Council as owner of the site to allow the site to be used. The applicants would require to obtain a site licence granting permission to be on site, otherwise the Public Entertainment Licence would be incapable of implementation.

- 3.3 Appropriate permissions were duly obtained and both funfairs took place within a couple of weeks of each other around the Easter period. Following these events, a number of complaints have been received from neighbouring proprietors, and also the Musselburgh Old Course Golf Club. Some of the concerns related to a lack of prior consultation. Unfortunately, an application for a temporary Public Entertainment Licence does not require to be advertised or consulted on in terms of the legislation.
- 3.4 These concerns are being taken on board, however. The Head of Infrastructure is in the course of writing to all neighbouring householders with proposals regarding the future use of this location and for site specific conditions which would be imposed on any future licences to be granted for an event at this location. The outcome of that consultation process will not be known for several weeks, and it is therefore proposed to submit a further report to a later meeting of the Sub-Committee with the results of this process and recommendations regarding the future use of this location for such events.
- 3.5 The Sub-Committee are asked to note that the Licensing Office has received a further application for a funfair at this location which is to be considered by the Sub-Committee. The Head of Infrastructure may submit objections to the Sub-Committee in respect of this application. The proposed event is in July and so it will not be possible to defer a decision pending the outcome of the consultation on the trial and the application will require to be considered on its own merits. It should be borne in mind that the decision whether to grant a licence will have no bearing on whether the landowner actually grants permission for the site to be used.

4 POLICY IMPLICATIONS

- 4.1 The Council has the statutory power to resolve to require a licence for public entertainment and had made such a resolution. The Council equally has the statutory power to amend and extend the terms of such resolution.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - The potential widening of the activities qualifying as “public entertainment” and thus needing to be licensed in terms of the legislation as amended may lead to a potential increase in fee income relative to this type of licence

6.2 Personnel - none

6.3 Other - None

7 BACKGROUND PAPERS

7.1 Civic Government (Scotland) Act 1982

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