

**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 12 October 2017

**BY:** Depute Chief Executive (Resources & People Services)

**SUBJECT:** Use of site at Levenhall Links, Musselburgh for Funfairs

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## **1 PURPOSE**

- 1.1 To allow the Sub-Committee to make a formal and final decision on the use of the site at Levenhall Links as a venue for funfairs, following on from the conclusions reached by the Sub-Committee following consideration of a report on the trial use of the site and the public consultation which followed.

## **2 RECOMMENDATIONS**

- 2.1 That the Sub-Committee-
- (i) Agree, on the basis of the trial use of the site and the outcome of the public consultation held in respect thereof, that the site at Levenhall Links, Musselburgh is not suitable for use as a location for funfair events.
  - (ii) Formally confirm that the site will remain off the list of approved sites for such activities, and that no further applications for the use of the site for such events will be considered for approval.
  - (iii) authorise the Service Manager (Licensing, Administration & Democratic Services) and such staff as she may designate:
    - (a) to communicate the effect of this decision to all applicants for licences for such events for which the Licensing office have contact details, and
    - (b) to reject any future applications for a licence for such an event at that site on the basis of the preceding recommendations.

### **3 BACKGROUND**

- 3.1 The Sub-Committee noted the terms of a report by the Depute Chief Executive- Partnerships & Community Services presented at the meeting on 14 September 2017, detailing the outcome of a public consultation process as part of a trial use of the site at Levenhall Links for funfairs, following two such events held earlier in the year.
- 3.2 The Sub-committee at that meeting also heard from representatives of the local community, a local ward councillor, Police Scotland, and a representative of the funfair organising community. On the whole, the feeling was that the site was not appropriate for use for such events due to various difficulties and nuisance caused both before and after such events at that location.
- 3.3 The Sub-committee took the view that they were not persuaded by the information provided to them that an application should be put to Cabinet to have the site restored to the list of sites approved for such activities. However, all that the report before them recommended was that its contents be noted, which was done.
- 3.4 An application for such a licence was refused at the same meeting on the basis of the conclusions reached in the preceding consideration of the report before the Sub-Committee.
- 3.5 The present report allows for the Sub-Committee to formally record their position on the use of the site following conclusion of the trial period earlier in the year and thereafter for the Licensing Office to implement that position in respect of any subsequent applications received for that site, without the necessity for such applications to come before the Sub-Committee for consideration.

### **4 POLICY IMPLICATIONS**

- 4.1 None. Approval of sites for use as funfairs is a matter for Cabinet rather than the Sub-Committee. The site is not currently approved and there is no proposal to change this position.

### **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 The decision not to entertain applications for a licence in respect of this location may result in a slight reduction in licence fee income. Only two

such applications have been granted in recent years so this is unlikely to be significant.

6.2 Personnel - none

6.3 Other - None

## **7 BACKGROUND PAPERS**

7.1 Civic Government (Scotland) Act 1982

7.2 Report to Licensing Sub-Committee dated 14.9.17

<b>AUTHOR'S NAME</b>	Ian Forrest
<b>DESIGNATION</b>	Senior Solicitor
<b>CONTACT INFO</b>	x7389
<b>DATE</b>	2 October 2017