

North Lanarkshire Council Report

Policy and Strategy

Does this report require to be approved? Yes No

Ref AM

Date 07/12/23

Policy on Fairgrounds and Circuses

From Andrew McPherson, Depute Chief Executive

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Executive Summary

Following a motion agreed by full Council on 22 June 2023, a review of the Council's policy relevant to fairgrounds was instructed along with a request to discuss potential changes with representatives of the Showmen's Guild. In response to this, a short life working group of key services was established, and the report provides recommendations which seek to address the concerns which resulted in the previous restrictions being introduced but at the same time provide greater access to sites across the Council area for the Showmen's Guild.

Recommendations

It is recommended that Committee:

- 1) Agree that the sites listed at paragraph 2.2 be made available for the operation of circuses or fairgrounds.
- 2) Agree that a bond of £10,000 is aligned to the licence of any circus/ fairground operation to cover the costs of any damage to any council land through the operation of that activity.
- 3) Agree that historic one-off events such as community events and gala days etc are outwith the scope of this policy.
- 4) Agree that the conditions listed at paragraph 2.9 are applied to any licence for the operation of a circus or fairground.

The Plan for North Lanarkshire

Priority	Improve North Lanarkshire's resource base
Ambition statement	(4) Market and promote North Lanarkshire as the place to live, learn, work, invest, and visit
Programme of Work	Invest in North Lanarkshire

1. Background

- 1.1 In response to concerns expressed by local members, community groups and other council services, in particular relating to anti-social behaviour and the damage to council property, a decision was taken at the Policy and Resources (Regeneration and

Infrastructure) Sub-Committee on 8 November 2013 to limit the use of council land for circus and fairground purposes.

- 1.2 The decision by the Sub-Committee was to prohibit the use of any grass or soft landscaped areas and only permit circus or fairground activity within the following locations:
- Katherine Park, Airdrie
 - Broadwood Stadium, Cumbernauld
 - Gartferry Road, Moodiesburn
 - Brandy Park, Shotts
 - Wishaw Sports Centre, Wishaw
- 1.3 As this decision was taken over 10 years ago, some of the locations listed above are no longer available and indeed some fairground activity has been permitted at other locations over this time period.
- 1.4 Due to the very limited availability of sites, representations have been received from elected officials and the Scottish Showmen's Guild to ask if there could be a review of the current policy as it currently stands.
- 1.5 The outcome from this was a motion passed at full Council on 22 June:

"Whilst Council policy is fully recognised and respected, given that there is both a positive contribution and meaningful impact of family events, this Council agrees to review its policy in relation to lets for Mobile Fairground operators. Council further agrees for officers to meet with representatives of the Showmen's Guild to inform this policy review and consider all aspects relating to Funfairs and activities involving inflatable structures and assault courses.

The Chief Officer (Community Operations) be given delegated authority to grant permission to activities at this time and will exercise that delegation reasonably having been satisfied of all relevant considerations, including health and safety, risk assessments and public safety."

2. Report

- 2.1 Following approval of the motion, a short life working group involving key service areas of the council was established to take forward a review of the policy.
- 2.2 The first action undertaken was a review of potential sites that could be utilised taking into account the previous concerns expressed on the use of grassed or soft landscaped areas. The outcome from this was that the following sites could be utilised to host circus or fairground activity:
- Ravenscraig Sports Centre Car Park Facility, Motherwell
 - Broadwood Stadium Car Park, Cumbernauld
 - Time Capsule Car Park, Coatbridge
 - Brandy Park, Shotts
 - Katherine Park, Airdrie
 - Beltane Park, Wishaw
- 2.3 It is acknowledged that those sites listed for Shotts and Wishaw are currently grass parks, however, there is no actual formal sports related activity on these areas and there has recently been fairgrounds permitted within Beltane Park with no significant

damage reported. That said, to address the concerns that were expressed previously which prevented the use of any grassed areas, it would also be the proposal that a bond of £10,000 is provided to cover any damage to any surface used by the circus/ fairground operator or indeed to cover any costs incurred by the Council following the event. The value of this bond would also be reviewed at a regular period.

- 2.4 The provision of the above sites and associated bond should therefore address the previous concerns expressed in 2013 relating to the damage to council land.
- 2.5 In line with the previous policy provision and in addition to the above proposal, where historic one-off events such as community events and gala days etc are concerned, then these should be allowed to continue and governed through the usual licensing procedure.
- 2.6 The other key concern previously raised by elected members related to the anti-social behaviour that accompanied the activities, in particular at fairgrounds. As detailed within the motion, a meeting has since been held with Alex James Colquhoun, Chairman of the Scottish Showmen's Guild, and this particular point was discussed in some detail.
- 2.7 The Showmen's Guild is accepted at both national and local levels as the negotiating and representative body for Showpeople. They operate as a regulated Trade Association and not only for members, but also for local authorities to resolve issues and complaints. The rules for membership of the Guild, which are enforced by the Guild's own disciplinary tribunals, cover the orderly running of fun fairs and the conduct of members both on and off fairgrounds. These are agreed to as a non-negotiable condition of Guild membership. Non-compliance can mean that members risk fines of up to £10,000 per complaint. Members who organise fairs, must run all fairs in accordance with these rules. Individual members that attend are also covered by these rules and organisers must do everything in their power to ensure that the fair runs smoothly and without issue or complaints.
- 2.8 Unruly conduct from the public on fairgrounds does unfortunately occur from time to time and fairground operators have access to registered security companies to ensure the safe, lawful, and compliant operation of fairgrounds and mitigate against the risk of any such behaviour. It is common practice that these security contractors remain on site until after the fairground closes to ensure neighbouring properties, businesses and the public remain without issue relating to the fairground operation.
- 2.9 In light of the information provided by the Showmen's Guild and to prevent the risk of anti-social behaviour, it would be recommended that the following conditions are placed on any operator of any circus/ fairground:
 - All operators must be members of the Showmen's Guild.
 - That the time of operation of any circus/ fairground is limited to a maximum operation time of between 12pm and 9.30pm.
 - That the operator must provide sufficient security presence and that any security is registered through the Security Industry Authority.
- 2.10 It should be noted that the above recommendations are only limited to how the Council addresses the concerns relevant to damage to council land and anti-social behaviour. All and any licensable activity will still be subject to the usual Council processes including the formal licensing process and engagement with the Council's Safety Advisory Group.

3. Measures of success

- 3.1 The delivery of circuses and fairgrounds within the North Lanarkshire area in a way that prevents any negative impact to the Council, businesses or residents.

4. Supporting documentation

- 4.1 No supporting document presented.

A handwritten signature in blue ink, appearing to read 'Andrew McPherson'.

**Andrew McPherson
(Depute Chief Executive)**

5. Impacts

<p>5.1 Public Sector Equality Duty and Fairer Scotland Duty Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>If Yes, has an assessment been carried out and published on the council's website? https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.2 Financial impact Does the report contain any financial impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant financial impacts been discussed and agreed with Finance? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.3 HR policy impact Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts been discussed and agreed with People Resources? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.4 Legal impact Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p> <p>Representatives from Legal Services have been part of the short life working group.</p>
<p>5.5 Data protection impact Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.6 Technology / Digital impact Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?</p>

Yes No

If Yes, please provide a brief summary of the impact?

Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?

Yes No

5.7 Environmental / Carbon impact

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes No

If Yes, please provide a brief summary of the impact?

5.8 Communications impact

Does the report contain any information that has an impact on the council's communications activities?

Yes No

If Yes, please provide a brief summary of the impact?

If the revised policy is approved it will be appropriately publicised.

5.9 Risk impact

Is there a risk impact?

Yes No

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?

5.10 Armed Forces Covenant Duty

Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?

Yes No

If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.

5.11 Children's rights and wellbeing impact

Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?

Yes No

If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC).

If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?

Yes No