

## **Further Written Evidence form Dr Andrea Salvona, Fair Scotland for the Travelling Funfair (Licensing Bill) (Scotland) Bill**

I am writing to thank you for inviting me to the Committee meeting on the 20<sup>th</sup> January 2020. I would like to give some written feedback on some of the questions raised in the meeting.

### **Case 1**

Local press in Motherwell in 2017 sensationalised an objection to a funfair license application from a small group of nearby residents<sup>1</sup>. The license was eventually granted, but not until the operator undertook a local petition in favour of the fair which was well supported<sup>2</sup>.

### **Case 2**

Petition of over 500 signatures from a local community supporting a funfair in Springburn in 2016. The funfair license was rejected on the basis of four complaints regarding parking, despite Glasgow City Council allowing other events with an equivalent numbers of cars parking on the same site<sup>3</sup>.

### **Case 3**

In 1996 in Airdrie, a funfair license was rejected on the basis of one objector. The operator recalled how she worked hard to change the attitudes of every member of the public who had made objections, being successful with all but one resident who insisted the fair *"threatened her dogs"*<sup>4</sup>.

These examples provide evidence of the broad public support for funfairs that exists, and that representations are often made based on negative assumptions from those close by, which are not always representative of the wider community. These are long-standing issues. It is important to note that some of the concerns expressed regarding anti-social behaviour in new funfairs are speculative and often based on cultural stereotypes and historical tropes around the fair<sup>5</sup>, this is also documented in the House of Commons Ninth Report which specifically investigated the value of travelling funfairs across the UK (including Scotland)<sup>6</sup>.

These are not isolated examples, but emblematic of the willingness of a few local authorities who seek to suppress the ability of Showmen to acquire new business opportunities based on a few unsubstantiated and speculative objections. The lack of reporting on funfairs<sup>7</sup>, has masked the decline in fairs, and I argue strongly that without a national policy these family businesses will become unsustainable with only a few industrial scale showmen monopolising the industry.

## **History of Discrimination**

I feel it is imperative that the Committee takes cognisance of the well-established academic history of discrimination towards Showmen<sup>8</sup> already outlined in Fair Scotland's written submission. Many members of the public are unable to differentiate between the profession, the community or the separate nature of the group in relation to other travelling communities. This leads to a very complex picture with different forms of discrimination and prejudice distinct from other groups such as Scottish Gypsy/Travellers. For example, a widely shared stereotype suggests all Showmen are wealthy through greed (as opposed to wealthy through hard work)<sup>9</sup>. In reality, the economic status of this population is as varied as it is with any other populations. My research also documented evidence of Showmen perceived as 'undeserving' of access to local land by those in positions of authority or influence<sup>10</sup>. The undernoted quote is taken directly from my own analysis of local historical newspapers in which Showmen were often seen to be a low rank profession and a threat to cultural values and social mores by those in position of authority.

*"[Travelling Showmen] do not pay enough for the liberty to squat on the beautiful Inch"*

(Lady of standing objecting to fair in the Dundee Courier, 08/01/1895)

Further, Showmen have at times, shouldered *additional* costs to pay for unrelated council utilities. Glasgow authorities for example, charged Showmen rates over and above their rent for stall and shows, to pay for Glasgow's dilapidated wells in the 1800s<sup>11</sup>. I argue strongly in my own research that these elements are present during the implementation of the Civic Licensing (Scotland) Act 1982 (CGA), and feel consideration should be given to the understanding that local officials are not immune to the effects of these stereotypes and tropes in their evaluation and decision making.

## **Written Submissions and Discussion**

In the context of this discrimination, I would like to raise some concerns about the talking points during the meetings and remarks in the written submission, before I provide further evidence. This additional evidence will be in relation to discrimination, unfair and disproportionate practise and the impact of the implementation of the Civic Government Act (Scotland) Act 1982 in the current time period.

As a business, funfairs are *sui generis* in relation to other businesses regardless of how licensing officials may like to define them. The Showmen's Guild has made a consistent and compelling case as to why over 300 individual businesses have been affected by these regulations both in terms of the practical difficulties and the effect it has on their communities. My own research found credible evidence of the impact on families, contained within school projects by Scottish Show-children in the 1990s<sup>12</sup>. The pursuit of policy change for Showmen is not a product of self-interest, but one of self-preservation for this community. It is unfortunate this bill, in my opinion, is framed around the cost of fees, as this only serves to reinforce the stereotype I have mentioned previously. As far as my interactions with Showmen during my research, many Showmen were unhappy with the unpredictability and variances of the system,

from changing policies, procedures to arbitrary and conflicting conditions, varying fees was just one factor. Indeed, I became aware of so many varying conditions attached to these licenses (apparently with little consultation with the Showmen's Guild) that one has to ask, what are the limits to the Civic Government (Scotland) Act 1982 in terms of funfairs?

As for the frequent unfavourable comparisons made between Showmen and other license holders and the claim "*showpeople*' would be receiving "*special treatment*" in deference to other license holders as suggested by local authority officials: I would simply ask whether these other licence holders have made the same *sustained* arguments over the last thirty or so years, and to what extent is there evidence this has affected the cultural heritage and livelihoods of these other license holders as whole communities or as a specific industry? A funfair, as a cultural activity, is unique in comparison to most other license holders in terms of patterns of attendance, active participation, business model, alcohol free, both international and local cultural heritage, intra-generational appeal, free to enter, site set up, existing regulation, licensing *and* leasing, history of innovation and contemporary adaptation to technological innovation. The example of a circus was particularly inaccurate; traditional funfairs are no comparison to an American "Carnie" model where one proprietor moves from town to town with the one set of equipment and employed staff. As much as this model would make it easier for licence officials to rubber stamp a license, the model of funfairs is traditionally made up of *independent* businesses that operate and travel separately. This is the same model across the whole of Europe. What is so difficult to grasp is that funfairs are used in England to stimulate local economies<sup>13</sup>, so I find it bewildering as to why some Local Authorities are so hostile.

### **Implementation of regulation**

I now turn to discussing the experience of Showmen during the implementation of the CGA.

In relation to the role of councillors and local democracy, I offer an example from the interviews I conducted during my research. In one instance, one participant recalled an experience where a local councillor consciously and deliberately orchestrated a petition in order to object to a funfair application. While there is an emphasis on allowing local communities to have their say, which I agree with, it is important 'representations' are not a vehicle for the exploitation of anti-traveller rhetoric by elected officials. I would strongly argue that it is only the reluctance to challenge authorities, which has kept Showmen from challenging some of these examples in the Courts. While this is partly due to the negotiating skills of the Showmen's Guild Committee, I would strongly argue that the lack of legal challenges is indicative of marginalised groups in general, who internalise negative beliefs and have low expectations for what 'people like us' should expect, which may include a fear they will invite retribution from local authorities.

Some of the officials present did not acknowledge the existence of discriminations towards Showpeople (which I find astonishing), therefore I will refer back to the example provided by Alex James Colquhoun of an increasingly familiar trope to Gypsy/Travellers about Showmen “stealing dogs”. My concern is that these derogatory comments are **legitimised and normalised** when published by Local Authority websites. While Showpeople do not have ethnic status, they are covered by the Public Sector Duty and wider equalities legislation, in occasions when they are discriminated against on the basis they are perceived to be ‘travellers’. Therefore I would hope Local Authorities take more action against this kind of prejudice, especially if it can materially affect the livelihoods of this community. I believe some kind of further information and training on Showpeople to Local Councils about Showpeople would make a difference here, as it is knowledge of travelling communities is limited to Scottish Gypsy/Travellers.

On the issue of the appeals process in the current licensing regime, many Showmen increasingly employ lawyers, whereas some are unable to afford expensive lawyers and their experience of attending committee hearings are negative. This is a direct quote from my research:

*“He said that he had been **interrogated like a criminal**. They belittled him more or less and all the good points that he had put across and over to them, they didn’t want to know and they made him feel ... what was the word you used..? “ridiculed”. [my emphasis]*

I am not suggesting that this is happening across the board, but would argue that the ‘fitness to practise’ element, overzealous double regulation (in terms of already having health and safety legislation in place), coupled with a ‘get tough’ approach is creating an environment where the very intention of putting on a funfair appears to question the moral character of Showmen.

Despite raising these issues in various policy arenas, over a quarter of a century, many of these local authorities have shown no inclination to collectively review these issues. Indeed, in the consultation Local Authorities (including those invited to hearing) submitted carbon copies of each other in the written consultation. This level of co-operation should have been put to better use. Instead the intransigent position of some local authorities and COSLA who have repeatedly ignored all of the concerns flagged up by Scottish Showmen. I have traced over thirty years of representations in various policy arenas this includes a detailed report submitted to Ministers<sup>14</sup>, in each instance, these issues have been dropped from the agenda, kicked into the long grass, passed between depts. or fobbed off with promises of ‘reviews’<sup>15</sup> Mobile traders raised similar problems travelling across local authority boundaries in the Better Regulation Bill. While the Showmen’s Guilds met stage one of this Bill, they were unceremoniously dropped from the agenda without explanation. Yet mobile trader’s issues were taken up and resolved. Therefore my counter question to the ‘special treatment’ argument is, if mobile traders’ regulatory problems can be resolved, why can’t Showmen’s be treated the same?

I would also draw attention to the fact that members of the Showmen's Guild Committee are unpaid volunteers. For some Showmen, it has taken well over a quarter of a century in raising these issues, which has meant spending a substantial amount of time away from their own livelihood and families, surely this alone signals there is something far wrong in the regulation of funfairs in Scotland. My own research findings show that the introduction of the CGA has resulted in a significant contraction in traditional funfairs, due to these administrative burdens which have fostered these inequalities with deliberately convoluted processes. I would also state that where discrimination is perceived on a continuing basis, it exists. The lack of acknowledgment of the cultural significance of funfairs in relation to the rest of Europe is striking. As fairs decline in numbers, families break with tradition, and the collective cultural memory of fairs fades. New funfairs are hard to establish without cultural memory, and Showpeople are reacquainted with local populations as 'Other' rather than 'welcome stranger'. Therefore I urge the committee to take into consideration the very real discrimination that is played out in these regulations, and the lack of opportunity of not just growth but the very sustainability of this cultural heritage.

Finally, I include an example taken from the official transcription, which I believe clearly illustrates some of the problems Showpeople encounter.

An official states:

*"In an ideal world, I would like that application to come in with all the documents, so that we can check them once, but the reality is that, for every single funfair that I have dealt with, whether it involves a stand-alone public entertainment licence or is part of a larger one-day event, we have struggled to get all the documentation. We make many phone calls and send emails to the person who has submitted the application to chase up the document".*

*"I have literally traipsed across the Low Green in Ayr to get documentation for a machine on the day of an event only to find that it was just being inspected that day"*

During my research, I had many interactions with Showmen and the operator involved had relayed a different account to me during my research. It was explained to me that all the paperwork had been submitted to the organiser of the show months ahead of time, and stated that during the Ayr Show (that exhibits only on a weekend) he does not deal directly with the Licensing dept. and the licence for this event had already been granted by the licensing dept. (this can be evidenced). He explained that between the time of submission and date of the event, the three part certificate became out of date. The ADIPS test engineer had been booked over a month in advance, but failed to come on the previous day, and arrived the following day. This was to test only one part of the test, as the other two parts had already been tested and were satisfactory and in date. Inspections can only occur while an amusement ride is being built, and this has always been accepted practice by local authorities. The operator has also since confirmed this test was undertaken during the week on

a Friday, the day before the event which always goes ahead, not on the day of the event as suggested by the official (I am sure the local authority can confirm this).

I feel it is important the Committee should be made aware of the fact this is not an example of poor practise, but an example of the nature of the business, especially given the shortage of ADIPS testers. In the evidence provided it appears explicit that the Showman was at fault, and I don't believe this is the case. In all conscious, I have been unable to withhold this evidence without challenge. Even though, I am aware many Showmen are reluctant to correct such claims so as not to upset the relationships they have with Local Authorities.

I also respectfully point out that this is an example of typification in discriminated groups, whereby the perceived behaviour of one person is projected onto whole communities. Further, and more importantly it is *not relevant* to the Bill, since the same paperwork would apply in the new Bill. If the suggestion is that more time is required to process paperwork on account of the perception of a group, then this would be discriminatory and unlawful.

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## References

<sup>1</sup> Motherwell Times <https://www.motherwelltimes.co.uk/news/environment/park-your-funfair-somewhere-else-2088729> [Accessed 2.2.21]

<sup>2</sup> Motherwell Times <https://www.motherwelltimes.co.uk/news/funfair-gets-council-thumbs-2080730> [Accessed 2.2.21]

<sup>3</sup> This evidence is held by the Fair Operator and can be provided on request

<sup>4</sup> Salvona, A., 2019. A case study explaining how the social construction of Scottish Showpeople influences policy designs.

<sup>5</sup> Ibid

<sup>6</sup> House of Commons, Ninth Report [House of Commons - Environment, Transport and Regional Affairs - Ninth Report \(parliament.uk\)](#) [Accessed 2.2.2021]

<sup>7</sup> Local Authorities do not document the difference between traditional funfairs and licenses for amusement rides at supermarkets for example, which does not provide an accurate picture.

<sup>8</sup> Matthews, J. (2015) Mobilising the Imperial Uncanny: Nineteenth-Century Textual Attitudes to Travelling Romani People, Canal-Boat People, Showpeople and Hop-Pickers in Britain. *Nineteenth-Century Contexts* 37 (4). pp. 359-375 records how Showpeople were viewed with suspicion and experienced hostility.

Cemlyn, S., Greenfields, M., Burnett, S., Matthews, Z., and Whitwell, C. (2009) *Inequalities Experienced by Gypsy and Traveller Communities: A Review*. Manchester: Equality and Human Rights Commission provides extensive evidence of marginalisation and ECOTEC (2008) Study on the school education of children of occupational travellers in the EU. A Final Report to the Directorate General for Education and Culture of the European Commission. London.

ECOTEC provides evidence of Showchildren experiencing discrimination on the basis they were Gypsy/Travellers.

Jordan, E. (2000) The exclusionary comprehensive school system: the experience of Showground families in Scotland. *International Journal of Educational Research*, 33 (3), pp.253-263 highlights institutional discrimination.

Similar issues discussed on a chapter in Kenrick, D. and Clark, C. (1999) *Moving on: the Gypsies and Travellers of Britain*. Hatfield, University of Hertfordshire Press.

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BBC (2014) Showland: Behind The Scenes At The Fair, 15 December. Available: <https://www.bbc.co.uk/programmes/b04v5yym> [Accessed: 29.06.2019] This documentary discusses the decline of the fair and includes a discussion on licensing.

9 Salvona, A., 2019. A case study explaining how the social construction of Scottish Showpeople influences policy designs.

<sup>10</sup> Ibid

<sup>11</sup> Glasgow City Archives, Account of money collected from "the Show People" 1815-18, Item A-2/1/3/160, Glasgow City Archives, Glasgow

<sup>12</sup> Kiddle, C. (1999) Traveller children: A voice for themselves. London, Jessica Kingsley Publishers.

<sup>13</sup> Harcup, T. (2000) Re-imagining a post-industrial city: The Leeds St Valentine's Fair as a civic spectacle. *City*, 4(2), pp.215-231.

<sup>14</sup> Economy energy and tourism committee Wednesday 29 May 2013

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=8436&mode=pdf> [Accessed 2.2.2021] and also discussed here [<UNSPECIFIED> \(parliament.scot\)](#) in the Local Government and Regeneration Committee, 2015

<sup>15</sup> McGowan, J.S., (2014) The Harmful Effects of Public Entertainment Licensing to Travelling Fairs in Scotland: A paper for Scottish Ministers on behalf of the Showmen's Guild of Great Britain (Scottish Section). Unpublished.