Thank you for responding to the Local Government and Regeneration Committee's Call for Evidence on the Air Weapons and Licensing (Scotland) Bill. All submissions will be examined and considered as part of the Committee's scrutiny of the Bill.

Please be aware that questions marked with an asterisk (*) require an answer before you can submit the form.

Follow the Local Government and Regeneration Committee's Twitter feed - all Committee tweets on this Bill will have the hashtag #aw&lbill.

**1. Please supply your name and contact details:**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Douglas Meikle</th>
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<tr>
<td>Organisation:</td>
<td>The Scotch Whisky Association</td>
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<td>Address 2:</td>
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2. Please confirm that you have read and understood the Scottish Parliaments “Policy on the treatment of written evidence by subject and mandatory committees”:

☑ Yes


3. Please confirm whether you are content for your name to be published with your submission:

☑ Yes

☐ No

4. Which of the three categories below best describes your interest in the Bill (please tick only one)?

☐ Personal

☑ Professional

☐ Commercial

5. Do you wish your email to be added to the Committee’s distribution list for updates on progress of the Bill:

☑ Yes

☐ No
6. Invitations to give oral evidence to the Committee on the Bill will be based on the submissions received. If you wish your submission to be included amongst those considered for possible invitation to give oral evidence, please indicate here.

☐ Yes
☑ No

7. You may answer questions on the entire Bill, or on any part of the Bill. Please indicate which parts of the Bill you are responding to? (You may select as many options that apply).

☐ All of the Bill

☐ Equalities, climate change and other Scottish Government objectives

☐ Air Weapons

☑ General licensing issues

☑ Alcohol licensing

☐ Civic licensing – taxi/private hire car licensing

☐ Civic licensing – scrap metal dealers

☐ Civic licensing – theatre licensing

☐ Civic licensing – sexual entertainment venues
3. General Licensing Issues

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

23. Is the current Scottish licensing regime, as set out in the Civic Government (Scotland) Act 1982 and the Licensing (Scotland) Act 2005, fit for purpose?

We believe the Licensing (Scotland) Act 2005 is fit for purpose. It is important that there is consistent application and enforcement of the Act.

24. Should a licensing system seek to regulate individual behaviour or communities of space (eg. ‘city space’ etc.)?

We consider that a licensing system inevitably will have an impact on both individual behaviour and that of the wider community.

25. In what way should the licensing system in Scotland interact with the support the land use planning system, community planning and regeneration?

We have no evidence to suggest whether or not it does.
26. How does the licensing system in Scotland assist with the delivery of sustainable development and economic balanced areas?

Refer to answer to Q25.

27. In what way does the licensing system in Scotland support health and planning, addressing health inequalities and public health wellbeing outcomes?

The licensing system is not designed to, nor have the intention of supporting the listed criteria.

Protecting public health is one of the objectives under the Licensing (Scotland) Act 2005. Those subject to its requirement have a role to play in promoting responsible consumption of alcoholic beverages.
4. Alcohol Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

28. In what ways will the Bill’s provisions on alcohol licensing allow for reductions in crime and the preservation of public order?

We believe that a number of additional measures contained in the Bill will support the licensing objectives as set out in the 2005 Act.

We are supportive of the aim of the new offence of supplying alcohol to children or young people for consumption in a public place, as set out in the Policy Memorandum, to tackle outdoor drinking dens which consist of small groups of people below and above the legal purchase age. However, it is important that the provision is designed in a way that does not result in unwelcome and unintended consequences; for example the criminalisation of parents that serve alcohol to their children at family picnics. Guidance to police and licensing boards on this issue will be important.

The ‘fit and proper person’ provisions will also make a contribution.

29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?

In Scotland we have a comprehensive licensing regime; the Bill makes further adjustments and enhancements to the Act which we believe will make a contribution to reducing crime and preserving public order.

We believe the biggest contribution to addressing this issue is consistent and effective enforcement of the provisions of the current Act.

30. In what ways will the provisions in the Bill enhance the licensing objectives set out in the Licensing (Scotland) Act 2005?
31. In what ways will the re-introduction of the “fit and proper person” test assist with the implementation of the licensing objectives set out in the 2005 act?

The re-introduction of the ‘fit and proper person’ test has the potential to contribute towards implementation of all the licensing objectives.

In our response to the consultation on Further Options for Alcohol Licensing we supported inclusion of a definition of ‘fit and proper’. We note in the letter dated 1 September from Scottish Government officials have set out a range of regimes which use the ‘fit and proper’ test and we can see the benefit it will provide in allowing Licensing Boards to consider a broad range of information in making their decisions. However, that does not preclude developing a definition that would support consistency in its interpretation and application.

32. Have there been any unintended consequences arising from the 2005 Act, for example, in rural areas or the economic regeneration of areas?

33. Which, if any, types of spent relevant offences should be required to be disclosed and what do you think the benefits of disclosure will be?
34. Do you have any other comments to make on the alcohol licensing aspects of the Bill?

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<th>Overprovision</th>
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<tr>
<td>Distillery Visitor Centres (DVCs) are major tourist attractions. They attract more than 1.3 million visitors a year and contribute £34 million in value to the local economy. They promote not only Scotch Whisky and Scotland, but many other local products.</td>
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<td>The Bill will provide Boards with powers to assess overprovision for entire Board Areas.</td>
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<td>We are concerned this has the potential to negatively impact on the development and creation of new DVCs.</td>
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<td>It would appear unfair that a distillery within a Board’s area could not develop or build a new DVC because there was blanket over provision ruling applying to the whole of the Board’s area. In other words a DVC in rural environment being impacted because the number of licenses premises in a local town or other part of the Board’s area, especially as most alcohol sales from DVCs are to tourist and visitors from outwith the area.</td>
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<td>Section 57: Personal Licences: grant, duration and renewal</td>
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<td>We support the proposal to address the current situation which prevents a licence holder who has their licence revoked for failing to undertake refresher training, from reapplying for a licence within 5 years.</td>
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