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:**

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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?

Accountability for Licensing Boards is lacking. In addition to the requirement that licensing boards produce an annual financial report (Section 55) measures we would like to see brought forward include:

- A statutory duty on licensing boards to promote the licensing objectives
- A statutory duty on licensing boards to record, collate and report on a comprehensive licensing data set.
- A statutory duty on licensing boards to produce an annual report, including outlining how they have complied with their Statement of Licensing Policy, including details of decisions made that are contrary to the Statement of Licensing Policy giving clear reasons why such decisions were made.
- A requirement for the Scottish Government to regularly review and update the statutory guidance for licensing boards.
- Retaining the requirement for overprovision assessments to take account of the number and capacity of licensed premises, supplemented with a permissive ability to also take account of licensed hours, numbers of members’ clubs and occasional licences.

24. Should a licensing system seek to regulate individual behaviour or communities of space (eg. ‘city space’ etc.)?
We would support a whole population approach as this has been found to be more effective than measures which seek to regulate individual behaviour.

The prevention paradox highlighted by Poikolainen et al (2007)\(^1\) identified the top 10% of heaviest drinkers in their national sample and then compared their outcomes to the remaining 90% of drinkers. This study clearly identified that targeting the heaviest drinkers in a population is unlikely to reduce the associated health burden of alcohol-related harms as the small risk multiplied by a larger population can produce more cases than a greater risk multiplied by a much smaller population.

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

The current licensing system in Scotland does not support the land use planning system, community planning and regeneration. When alcohol has been identified as a Single Outcome Agreement (SOA) priority it is vital that Licensing Boards recognise this and make the connection. The licensing system should also be aligned to and compliment community planning priorities and strategies.

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26. How does the licensing system in Scotland assist with the delivery of sustainable development and economic balanced areas?

Too much consideration is being given to the “alleged” economic argument to the detriment of the evidenced harms to health submitted by health.

There is no objective to promote the economic development of an area but this is often a prime consideration for licensing boards. There is ample evidence to confirm the harms to physical health and the negative social impacts of alcohol. Licensing Board members should concentrate on their prime function – which is the promotion of the five licensing objectives and the licensing of premises or persons for the sale of alcohol.

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

In principle the licensing system in Scotland is there to support health and planning, addressing health inequalities and public health and wellbeing outcomes but our experience is that in practice this does not happen.

We feel that if Licensing Boards were held to account for producing outcomes for the 5 Licensing Objectives they would be less inclined to discount the health evidence,
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?

The bill has more focus on crime and the preservation of public order and has missed the opportunity to highlight the benefits of promoting and improving public health.

We object to the change in wording under section 54(2)(b) and would suggest that “licensing boards must have regard to the number and capacity and licensed hours of ……”

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

As documented in Q23 we would stress the need for annual reporting from all Licensing Boards using a common format across Scotland.

Data collection in relation to alcohol sales would also help inform figures for volume of sales in specific localities and provide baseline data for estimated consumption.

30. In what ways will the provisions in the Bill enhance the licensing objectives set out in the Licensing (Scotland) Act 2005?
We welcome
- the inclusion of 16 and 17 year olds by the act and the impact this will have on the licensing objective of protecting children from harm, and
- the clarity around the overprovision statement.

Hopefully comments made in response to question 23 can also be considered as these would certainly enhance outcome reporting and monitoring in relation to the licensing objectives.

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” statement is welcome but will need to be accompanied with a clear definition of what this means. How will this be measured?

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

Legal representatives are more prepared to give reasons why applications should be exceptions to the Statement of Licensing Policy when there is an overprovision statement and are concentrating on economic and community planning arguments to make their cases.

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?

It would be helpful if Licensing Boards were given more guidance on:

- The conduct of hearings
- Irresponsible drinks promotions
- The public health objective
- How to assess overprovision, including how to measure capacity
- Any new, relevant legislation that is implemented.

This guidance should also be reviewed and updated regularly.

We approve of the changes identified in section 42 which would align the licensing policy period to election of councillors for local government areas and the introduction of the new criminal offence – the purchase or attempted purchase of alcohol for or on behalf of a child or young person.