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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<th>Name:</th>
<th>NHS Ayrshire and Arran Public Health Alcohol</th>
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<td>Organisation:</td>
<td>NHS Ayrshire &amp; Arran</td>
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<td>Address 1:</td>
<td>Afton House</td>
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<td>Address 2:</td>
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<td>Email address (if no email leave blank):</td>
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<td>Phone Number:</td>
<td>01563 825877</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
Name/Organisation: 

1. Equalities, Climate Change and other Scottish Government objectives

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

8. Do you consider that the Bill has any implications for meeting Scotland’s climate change commitments? Please explain.

9. Do you consider that the Bill has any implications for meeting Scotland’s equality and/or human rights commitments? Please explain.

10. Do you consider that the Bill has any implications for preventative spending and/or public services reform? Please explain.
Alcohol licensing has the potential to prevent alcohol related harm. The system of alcohol licensing is used to mitigate the risks of harm associated with alcohol consumption by managing and controlling the availability of alcohol. We know that alcohol does lead to significant harm in Scotland. Empirical evidence shows that increasing access to alcohol, through more outlets and longer trading hours, is linked to a range of alcohol-related harms; the increased availability of alcohol has been linked to increased rates of harm.

Overall, the weight of evidence supports the conclusion that restrictions on the availability of alcohol can contribute to a reduction in alcohol-related problems. Investment in improving the effectiveness of the alcohol licensing system, particular in improving the pursuit of the licensing objectives, therefore has the potential to reduce the potential costs of alcohol-related harm that arise in other public services and the wider economy.

11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.

12. Do you have any other comments on the impact of the proposals contained in the Bill relation to Scottish Government objectives?
2. Air Weapons Licensing

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

13. In what ways will the creation of an air weapons licensing system in Scotland contribute to preserving public order and safety, reducing crime and advancing public health policy?


14. Is there sufficient provision, or sufficient capacity to provide, suitable numbers of air weapons clubs across all areas of Scotland for use by registered air weapons owners/users?


15. How will the air weapons licensing system affect those using air weapons for personal/recreational use?


16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?


17. How will the air weapons licensing system affect those using air weapons for commercial/professional reasons (for example: for pest control; as part of the tourist/hunting season; as part of fairs, paintballing centre, entertainment sector etc.)?


18. How will the air weapons licensing system affect those using air weapons for competitive sporting purposes?


19. Is it equitable for those applying for an air weapons certificate to pay a fee which cannot be refundable irrespective of whether a certificate is granted or not?
20. Will the air weapons licensing system have a positive or negative impact on other areas of the public sector in Scotland (e.g. The work of local government, public agencies etc.)?

21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?

22. Do you have any other comments to make on air weapons licensing aspects of the Bill?
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?

Overall, the Licensing (Scotland) Act 2005 set out to be a policy-led system for alcohol licensing and, in principle, has the potential to create a robust alcohol licensing system in Scotland. However, the act does not appear to be interpreted consistently across the local licensing boards. For example the ‘typing’ of licensed premises is somewhat objectively decided (e.g. night club versus on-sales without entertainment) and this can have an impact on the opening hours granted.

Furthermore, although difficult, it would be helpful to have more detailed guidance on the assessment and definition of alcohol license overprovision.

Locally there also appears to be differences of understanding and interpretations as to what each of the licensing objectives means, this is especially the case when it comes to protecting and improving public health. For example in one area, we have been told by the licensing board that before alcohol related harm can be considered there has to be evidence that it is connected to a specific premises. Whereas in another they consider the totality and capacity of premises when considering their duty to protect and improve public health.

Although the licensing objectives do not include an objective to promote the economy, alcohol applications are often considered in terms of the economic benefits they could bring to a local area.

24. Should a licensing system seek to regulate individual behaviour or communities of space (eg. ‘city space’ etc.)?
The licensing system should seek to regulate communities of space. Such an approach is consistent with the Scottish Government’s alcohol strategy, Changing Scotland’s Relationship with Alcohol: A Framework for Action, central to which is a ‘whole population approach’ to reducing alcohol harm, with alcohol policies aimed at the whole population rather than only dependent drinkers.

Whole population measures are important because despite a recent decline, alcohol consumption in the UK remains at historically high levels.\(^1\) A range of factors are likely to have contributed to this, but the interplay between the increased affordability, availability and promotion of alcohol provides a large part of the explanation. Restricting the sale of alcohol through the licensing system recognises that people’s behaviour is influenced by their environment. Physical environments can enable or constrain drinking behaviour, and a key means of supporting behaviour change is to change these environmental factors.

Communities of space can be regulated in terms of the licensing board’s oversight of the availability of alcohol in the community and their ability to reduce this availability through the refusal of license applications. Licensing boards when considering applications can consider the current availability of premises, in terms of number in a defined geography and across their board area, also the type, capacity and opening hours of those premises.

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

\(^1\) BBPA Statistical Handbook 2007
Alcohol licensing boards act completely independently of the rest of the local authority structure. As such all applications are considered on their own merit and the impact this may have on other agendas is not considered. This is how the act requires the licensing boards to function and as such if they were to start to consider other factors the current act would need to be amended accordingly.

Licensing decisions are therefore not currently informed by other council or partnership strategies but this would be helpful.

It is important that the licensing system in Scotland does not operate in a silo when making decisions about alcohol. There needs to be close interaction between alcohol licensing and community planning. Local authorities have Single Outcome Agreements with priorities that focus on addressing alcohol and drug use, and creating positive, healthy local environments for their citizens. It is critical that the alcohol licensing system in the local areas is recognised by all stakeholders, including the licensing board itself, to be a key component of this wider agenda, and that the licensing board’s policy statement complements the community planning strategy.

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

Again with respect to the Licensing (Scotland) Act 2005 regulation of the availability of alcohol in local communities will reduce the economic impact of alcohol related harm not only in terms of hospital admissions years of potentially economically productive life lost but also in terms of sickness absence rates in the local economy and crime and disorder costs.

27. In what way does the licensing system in Scotland support health and planning, addressing health inequalities and public health wellbeing outcomes?
Alcohol licensing should work to improve health and wellbeing and reduce inequalities by regulating the availability of alcohol to reduce alcohol-related harm.

However, the principle of alcohol availability and the impact this has on consumption is not one generally accepted or understood by many local licensing board members. In addition immediate economic considerations often take precedence over the licensing objectives which if achieved would improve health and reduce inequalities.
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?

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

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?

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?

We are concerned at the removal of the obligation placed on the board to consider the number and capacity of licensed premises in assessment of overprovision (Section 54) of the new Bill. We would argue that the existing level of alcohol availability in terms of number and capacity of licensed premises in a given locality is important evidence for consideration of overprovision in conjunction with information on levels of alcohol related harm. There is good evidence of an association between
outlet density and alcohol-related harm. Routine collection of this information may facilitate further understanding of this relationship.

In addition under Section 7 subsection 3 of the 2005 Act it may be useful to require that boards consider the level of alcohol related harm in their locality in their assessment of overprovision.

Name/Organisation:

5. Taxi and Private Hire Car 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).

35. What benefits should the licensing of taxis and private hire cars deliver for customers?

36. In what ways do customers, providers of taxi/private hire car services and local authorities benefit from the two-tier licensing regime for taxis and private hire cars?

37. The Government states that a radical overhaul of the current two-tier licensing regime would “clearly require a very high level of resource and would cause significant disruption for the trade, local authorities, the police and ultimately the travelling public”. What are your views on this and would the potential costs and disruptions outweigh any
potential benefits of a unified system?

38. Do the changes made by sections 60 (overprovision of private hire car licences) and 61 (testing of private hire car drivers) of the Bill strike the right balance in terms of introducing greater consistency while maintaining justifiable differences?

39. Do you have any views on the section 62 provisions bringing vehicles contracted for exclusive use for 24 or more hours within the licensing regime for taxis and private hire cars, and should any exemptions be included in the Bill?
6. Scrap Metal Dealer 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).

40. Taking the proposals in sections 63 to 66 of the Bill together, how will they have the desired effect of strengthening the metal dealers’ licensing regime to the extent that metal theft and related criminal activity is reduced?

41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers?

42. Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?
43. Removal of requirement to retain metal on-site - what impact will the proposal to remove the retention of metal requirement have on the enforcement of the licensing regime and prevention of criminal activities?

44. Forms of payment - what is your view on the proposal to go 'cashless' and is there merit in considering whether metal dealers could be allowed to operate using cash for only very small transactions, which could be limited to a certain number per month?
45. Forms of identification and record keeping:

In line with the Scrap Metal Dealers Act 2013, the Bill adds additional record keeping requirements to a metal dealer's licence including recording the means by which a seller's name and address was verified and retaining a copy of the document, and the method of payment and a copy of the payment document. The Bill will also require a metal dealer to record information in books with serially numbered pages or by means of an electronic device, and to keep separate records at each place of business. Such information and documents are to be kept for three rather than the current two years.

How important is it that the record keeping requirements reflect those in the Scrap Metal Dealers Act 2013, and do you agree with the Scottish Government that the proposed record keeping requirements are not unduly burdensome?
46. Mandatory and discretionary licensing requirements:

The Scottish Ministers can impose mandatory licensing requirements, such as those included in the Bill relating to record keeping and the identification of customers. In addition, local authorities can also attach discretionary requirements to licences in their areas.

Does the Bill get the balance right between mandatory and discretionary licensing requirements? Should the Bill include other mandatory conditions for obtaining a metal dealer’s licence, such as installing CCTV at metal dealers’ premises or in relation to labelling of metal and 'forensic coding'?
7. Civic Licensing – Theatre Licensing

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

47. Will there be any impacts during the transitional period between ending the current theatre licence and starting the public entertainment licence?

48. Are there additional costs or resource implications on theatres or licensing authorities?

49. How should licensing authorities integrate their current fee charging structure into their public entertainment regime?
8. Civic Licensing – Sexual Entertainment Venues

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).

50. What are the consequences of operating the new licensing regime using the definitions set out at section 68 of the Bill?

- ‘sexual entertainment venue’
- ‘audience’
- ‘financial gain’
- ‘organiser’
- ‘premises’
- ‘sexual entertainment’, and
- ‘display of nudity’

51. The Bill specifies that a venue hosting sexual entertainment on three occasions or less within a 12 month period would not be treated as a sexual entertainment venue: does this have any unintended consequences?
52. Local licensing authorities will be able to set the number of sexual entertainment venues in their area to below the existing level, or zero: are there any advantages or disadvantages to this approach?

53. The Bill relies mainly on the existing licensing regime for sex shops as set out in section 44 and Schedule 2 of the Civic Government (Scotland) Act 1982 (application, notification, objections and representations, revocation of licences etc., enforcement and appeals): is this mechanism adequate for the licensing of sexual entertainment venues - if not, please explain why?

54. Are there any barriers to licensing authorities operating the new licensing regime?
55. Civic Licensing

Do you have any other comments to make on the civic licensing aspects of the Bill?