

Air Weapons and Licensing (Scotland) Bill: Introductory Questions



The Scottish Parliament
Pàrlamaid na h-Alba

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&bill.

*1. Please supply your name and contact details:

Name:	Susan Love, Policy Manager
Organisation:	FSB Scotland
Address 1:	
Address 2:	
City/Town:	
Postcode:	
Country:	
Email address (if no email leave blank):	
Phone Number:	

FOR OFFICE USE
ONLY
SUBMISSION ID
NUMBER

124

*** 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:

FSB

6. 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?

It is possible that some small venues, such as pubs, clubs or halls, may be defined as sexual entertainment venues due to the 3-event restriction. This may occur in venues where burlesque or 'stripograms' perform from time to time.

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?

It may be worth considering whether grandfather rights for existing businesses would be appropriate, or whether a period of transition should be required following a decision to set a zero limit. This would seem reasonable when discussing the potential to close, perhaps overnight, hitherto legitimate businesses.

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?

We are disappointed by the lack of consultation (beyond a question in the consultation on taxis) on the requirement to appoint a civic licensing standards officer in each local authority area. As far as we are aware, there has been no wider discussion with business representatives about advice, support or enforcement in relation to civic licensing. Discussion has been restricted to local authorities.

We are not clear how the remit of such enforcement officers will differ from existing environmental health and trading standards officers. Furthermore, it is unclear whether local authorities will simply re-title an existing post, or whether this will be a new post.

Under either scenario, it is highly likely that additional costs will be created which will be passed on to civic licence holders. As outlined above, we are not convinced that further increasing the fees for businesses operating in low-risk areas, and unlikely to benefit from any additional service, is justified.