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:

Name: Jim Cathcart
Organisation: Scottish Beer & Pub Association
Address 1: 
Address 2: 
City/Town: 
Postcode: 
Country: 
Email address (if no email leave blank): 
Phone Number: 
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 are of the view that there are adequate powers available to Boards and the police under the Licensing (Scotland) Act 2005 and would not wish to see further restrictions and changes to the Act. We also are of the view that there should be consistency across Board areas in respect of fees, and also in terms of enforcement across the country by Police Scotland.

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

25. In what way should the licensing system in Scotland interact with the support the land use planning system, community planning and regeneration?
26. How does the licensing system in Scotland assist with the delivery of sustainable development and economic balanced areas?

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

We agree with the principle behind the reintroduction of the fit and proper person test. However, we feel that the definition of what constitutes a ‘fit and proper person’ should be tightened within the legislation, to ensure it is clear and does not allow inconsistent interpretation across licensing board areas.

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?
Licensing Policy length will be equated to elections, with new policies required within 18 months of local elections.

We support this principle.

Overprovision- this allows in essence for Licensing Boards to determine whole of licensing Board area as an overprovision locality. It also allows for Boards to have regard to (amongst other things) the number, capacity and licensed hours of licensed premises in the locality.

We are of the view that overprovision areas should be tightly defined and only designated where there is clear evidence of an oversupply of licensed premises. We would caution that allowing for entire Board areas to be defined as ‘overprovided’ could lead to rural or suburban areas being caught where there is little evidence that there is a problem. This will lead to uncertainty and potential legal challenge.

New duty of Licensing Boards to produce annual financial report.

We agree with this principle, allowing greater transparency. Also, where it is demonstrated that income from licence fees has gone beyond cost recovery, licence fees should be reduced accordingly.

Revocation of a personal licence for failure to undertake training requirements does not have to result in a 5 year ban for applying for a personal licence.

We strongly agree with this principle.

Licensing Board must remind personal licence holder 9 months (previously 3) prior to the licence expiring of need to renew licence and renewal window to be period of 9 months beginning 12 months before expiry date.

We agree with this principle.

Duty to be placed on Licensing Boards to acknowledge certain applications. Licensing Boards must determine relevant applications meeting prescribed requirements within 9 months. Failure to do so means the application is deemed granted (with no conditions permitted to be added).

We agree with this principle.