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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<tr>
<th>Name</th>
<th>Nicholas Smith</th>
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<tr>
<td>Organisation</td>
<td>Edinburgh Alcohol and Drug PArtnership</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.
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?
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?

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?
The Licensing system gives the opportunity for Licensing Boards to take into account the health inequalities of a local area and the impact that alcohol has on the public health as a part of its Licensing Policy. Boards are also obliged to carry out an assessment of overprovision and develop a Policy Statement which sets out how it will respond to applications in areas which it has identified as “over-provided”.

However assessments of overprovision are complex pieces of work and can have a significant impact on a local area. For many areas alcohol is a cross cutting issues which has an impact on levels of violence, acquisitive crime, poor health and outcomes for children. Currently there are few requirements for the Licensing Board to involve local experts in the development of Licensing Policy. This can lead to Boards developing a policy which does not reflect local concerns about the availability of alcohol.

The accountability arrangements of Boards do not reflect the drive towards more local planning. This can undermine local approaches to reducing alcohol related harm. Currently Scottish Ministers may issue guidance to Licensing Boards as to the exercise of their functions under this Act; and it requires that each Licensing Board must, in the exercise of their functions under this Act, have regard to the guidance. Where a Licensing Board decides not to follow the guidance, the Board must give the Scottish Ministers notice of the decision together with a statement of the reasons. Current guidance was developed before the introduction of the current act in 2009 and has not been updated.

Either the current accountability arrangements need to be developed to reflect the needs of local areas or existing guidance should be used to improve the accountability of Boards.

As further evidence Boards are not currently held accountable for the publication of equality impact assessments to accompany their Policy statements.
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?

The Bill may enhance the Licensing Objectives. However consideration should be given to Boards producing an annual report setting out how their work has delivered the 5 Licensing Objectives. This is not an unreasonable requirement of a locally accountable body responsible for important local decision-making.
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?