Local Government and Regeneration Committee: Call for Evidence on the Air Weapons and Licensing (Scotland) Bill

1. COSLA would like to offer the following observations in response to the Local Government and Regeneration Committee’s call for evidence on the Air Weapons and Licensing (Scotland) Bill.

2. The Bill was considered by the Community Well-Being Executive Group which generally welcomed the intent and content. Several aspects of the Bill are discussed in detail below.

COSLA Vision
3. The single focus of COSLA and local authorities is to improve outcomes for communities. Local government is at the heart of the government’s focus on prevention, service integration and “place”, effective reform and strong local services are more important now than ever. National governance should enhance the ability of local government to achieve this as effectively as possible and deliver those benefits to communities thorough:
   - Empowering local democracy
   - Integration not centralisation led by community planning
   - Focus on outcomes not inputs
   - Local democracy needs to be at the heart of improvement and accountability

Alcohol Licensing
4. COSLA welcomes the return of the “fit and proper person” test in relation to alcohol licensing along with the clarity provided by the changes to how Boards can consider potential overprovision in their areas as this will help in protecting and improving public health, addressing some of the concerns raised around the risk to Boards of legal challenge.

5. There are some concerns that the introduction of a duty for Boards to publish a financial report may be administratively difficult for local authorities depending on current accounting procedures. COSLA does recognise that this increases the transparency and would provide evidence for any future fee increases.

6. COSLA agrees that the requirement for Boards to publish a policy statement within 18 months of a local government election, lasting up to 5 years will result in the policy statements better reflecting the current views of the Licensing Boards.

7. COSLA would also request that this Bill is used as an opportunity to make an amendment to the functions of a Licensing Standards Officer (LSO) as defined in the Licensing (Scotland) Act 2005 to explicitly make it clear that local authorities can give LSO’s additional functions if they see fit. This would be used to facilitate LSO’s enforcing the Gambling Act (2005), which due to drafting errors, has not been possible in Scotland as it would enable LSO’s to be authorised officers for the purpose of gambling enforcement using the Advice Note which was published by the Gambling Commission. The issue of
gambling in Scotland is of concern to both local and national government and we therefore hope that the Scottish Government will support an amendment of this nature to enable enforcement of the Gambling Act in Scotland.