ThankyouforrespondingtotheLocalGovernmentandRegenerationCommittee'sCallforEvidenceontheAir
WeaponsandLicensing(Scotland)Bill. AllsubmissionswillbeexaminedandconsideredaspartoftheCommitte
e's scrutinyoftheBill.

Pleasebeawarethatquestionsmarkedwithanasterisk(*)requireananswerbeforeyoucansubmittheform.

FollowtheLocalGovernmentandRegenerationCommittee'sTwitterfeed-allCommitteetweetsonthisBillwillh
ave thehashtag#aw&lbill.

*1. Please supply your name and contact details:

Name: ACC Wayne Mawson

Organisation: Police Scotland

Address 1: Randolphfield Police Office

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”:

X Yes

3. Please confirm whether you are content for your name to be published with your submission:

X Yes

☐ No

4. Which of the three categories below best describes your interest in the Bill (please tick only one)?

☐ Personal

X Professional

☐ Commercial

5. Do you wish your email to be added to the Committee’s distribution list for updates on progress of the Bill:

X 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.

X Yes

Γ 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).

Γ All of the Bill

Γ Equalities, climate change and other Scottish Government objectives

X Air Weapons

X General licensing issues

X Alcohol licensing

X Civic licensing – taxi/private hire car licensing

X Civic licensing – scrap metal dealers

Γ Civic licensing – theatre licensing

X Civic licensing – sexual entertainment venues
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?

1. Amending the licensing objectives to include young persons will potentially enable Licensing Boards (LB) and Police Scotland (PS) to more effectively tackle the sale and supply of alcohol to young persons, associated victimisation and offending.

2. The introduction of Fit and Proper brings Liquor Licensing in line with the CGSA 1982, and allows LB and PS to consider bad character and previous conduct in addition to convictions. However there are limitations in that fit and proper will still be intrinsically linked to the licensing objectives. This may potentially limit the ability to effectively target those linked to and actively involved in SOCG. In applying a fit and proper test to premises licence applicants/holders and connected persons affords comment on more than relevant convictions and fewer limitations as to comments on conduct. It would be advantageous if sec184(2) Criminal Justice and Licensing Scotland Act.2010 or sec 40 (a) LSA 2005 as amended by sec 184 was commenced. This would provide an opportunity to provide comment on interested parties, particularly those linked with SOCG.

3. Extending overprovision to whole areas will potentially facilitate a more holistic approach to the grant of licences, recognising the potential impact on neighbouring communities (particularly where transient populations will be affected).

4. The repeal of section 129 (4) will allow spent convictions to be notified to the LB, better informing the decision making process linked to the licensing objectives. In addition this will further inform if an applicant meets the criteria of fit and proper.

5. The repeal of section 40 A (1) (b) and (2), albeit to date has never been committed, will impinge of PS’s ability to tackle interested parties, such as lease holder, who may be connected or actively involved in SOCG activity. Clarity is sought as to whether the definition of connected person extends to interested parties.
29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?

Fit and proper - Is there an onus on an individual to prove that he/she is fit and proper?

There is no prescribed definition to determine the criteria for fit and proper, or otherwise. However it is anticipated that being overly prescriptive would potentially be counterproductive.

However financial transparency provides an indication of links with SOCG and it is anticipated that PS would potentially make comment in relation to this when responding to a LB re an applicant’s suitability.

30. In what ways will the provisions in the Bill enhance the licensing objectives set out in the Licensing (Scotland) Act 2005?

Including 16-17 year olds within the licensing objectives will enable LBs and PS to more effectively address the sale and supply of alcohol to 16 and 17 year olds. In addition extended the provisions of the Act to include the supply of alcohol to a child or young persons will able PS to tackle agent purchase. The provisions in the Bill are however limited to public space. As such there is the potential for an adult to supply a young person within a domestic setting, such as drinking dens.

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?

Fit and proper test will allow PS to comment on conduct and information held, and potentially spent convictions, better informing the Board when considering whether to approve or refuse a licence.

32. Have there been any unintended consequences arising from the 2005 Act, for example, in rural areas or the economic regeneration of
areas?

Off sales provision in rural areas has influenced availability of alcohol in urban conurbations, which has increased accessibility and availability and potentially contributed to overprovision.

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?

- Sexual offences
- Crimes of violence
- Crimes of dishonesty

Disclosure would better inform the LB’s decision whether to grant/refuse a licence.

34. Do you have any other comments to make on the alcohol licensing aspects of the Bill?

**Overprovision –**

PS welcome the extension of overprovision to whole areas. However there are inherent limitations within the Act that could thwart the application and enforcement of an overprovision policy.

Home deliveries effectively extend the period in which alcohol can be delivered, i.e. any time except between midnight and 6am. This has the potential to increase availability, accessibility and thereby overprovision (vicariously extending “operating” or terminal hours). The sale, supply and delivery of alcohol should be brought in line with core off sales licensed hours, namely 10 am to 10pm. This would remove any inconsistencies across Scotland and would not be dependant on LB’s policies, including overprovision.

In addition if a LB determines an overprovision policy in a given area that includes home deliveries, a neighbouring Board may not take a similar position. This has the potential to undermine what the Licensing Board set out to achieve.