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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<th>Name:</th>
<th>Fiona M. Stewart, Acting Convenor</th>
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<td>Organisation:</td>
<td>SOLAR Licensing Working Group</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.**

   No comment

9. **Do you consider that the Bill has any implications for meeting Scotland’s equality and/or human rights commitments? Please explain.**

   No comment

10. **Do you consider that the Bill has any implications for preventative spending and/or public services reform? Please explain.**

    No comment
11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.

The 1982 Act is now long past its sell by date and is not compatible with the EU S&D for several reasons.

Electronic communications is being addressed but the issue of fees and enforcement has not been addressed.

12. Do you have any other comments on the impact of the proposals contained in the Bill relation to Scottish Government objectives?

No comment
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?

We consider that there are a number of technical inconsistencies, which will make the application of the provisions, if enacted, difficult for Boards and licensing authorities. These include –

- Fit and proper person test linked to licensing objectives
- Lack of consistency across the provisions
- Not applied to occasional licences
- Transfer – fitness of the transferee is relevant not the fitness of the Applicant

29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?

The Relevant Offences provisions in relation to liquor should be removed and a similar system to that provided in the 1982 regime established.

30. In what ways will the provisions in the Bill enhance the licensing objectives set out in the Licensing (Scotland) Act 2005?
The addition of young persons to the licensing objective currently relating to children is welcomed.

We welcome the return of the fit and proper ground of refusal subject to the technical concerns outlined earlier.

Clarification on overprovision localities is welcome

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 are of the view that this should be a separate ground of refusal, the licensing objectives being adequately addressed.

If it stands alone, it widens the scope of the issues that Boards can take into account in making decisions

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

Yes. As referred to earlier, the liquor legislation makes no reference to economic regeneration.

Anecdotal evidence and numbers of licensed premises suggest a downturn in the number of businesses selling alcohol.

The whole system of obtaining a licence is now much more complex.

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?
See answer to Question 29 above. A similar system to the 1982 Act should be put into place.

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

We have the following additional comments –

- Constant amendment of the provisions leads to an increasingly complex system with a significant number of grey areas where procedures differ across the country. Such as -
  - Major Variations
  - Transfers
  - Occasional Licences
  - Reviews
- There needs to be a detailed specification in relation to Annual reports which Boards can comply with.