

Air Weapons and Licensing (Scotland) Bill: Introductory Questions



The Scottish Parliament
Pàrlamaid na h-Alba

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: Douglas Frood
Organisation: National Licensing Standards Officers Group
Address 1:
Address 2:
City/Town:
Postcode:
Country:
Email address (if no email leave blank):
Phone Number:

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42

*** 2. Please confirm that you have read and understood the Scottish Parliaments [“Policy on the treatment of written evidence by subject and mandatory committees”](#):**

xYes

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

xYes

No

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

Personal

xProfessional

Commercial

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

xYes

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: National Licensing Standards Officers Group

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?

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?

The National Licensing Standards Officers Group would like to put forward the proposal of two amendments to section 84A of the Licensing Scotland Act 2005.

At present section 84A, is restricted to the Chief Constable being able to bring a review of any personal licence, if the holder of a personal licence has been found to have acted in a manner inconsistent with the licensing objectives.

As a group, we would like to see the power to report a personal licence under section

84A, extended to “any Licensing Standards Officer for the area”.

Currently, should a holder of a personal licence be found, by an LSO, to be acting in a manner inconsistent with the licensing objectives, the only route to make the appropriate licensing board aware, is through a premises licence review application under section 36.

This approach is cumbersome and in the case of an Occasional Licence applied and held under a personal licence, not applicable.

We feel that, notwithstanding the normal process of guidance and advice carried out by LSO's, it would be beneficial to be able to bring a personal licence holder before the issuing board. This would allow all parties to discuss their conduct before the board, and for the board to apply any endorsements, if appropriate.

The second amendment we would like to propose, would be the inclusion to section 84 of a provision similar to that in section 38. This is where a board receives a review of a premises licence, a licensing standards officer may prepare and submit a report on the proposal.

It is our view, that, if this could be included in the Act, it would assist boards in determining an application by the chief constable under 84A, as the licensing standards officer may have further information in terms of the licensing objectives or the “fit and proper person” aspect of the act.