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: Andrew Mitchell
Organisation: City of Edinburgh Council
Address 1: 
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”:

☑ 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
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.

The bill has some impact on climate change commitments with reference to those sections which deal with possible controls on the number of private hire vehicles.

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

No responses

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

Several aspects of the bill will increase the costs of the licensing systems and therefore the fees recovered from applicants and licence holders.
11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.

No response

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

No response
6. Civic Licensing – Sexual Entertainment Venues

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).

50. What are the consequences of operating the new licensing regime using the definitions set out at section 68 of the Bill?

- 'sexual entertainment venue'
- 'audience'
- 'financial gain'
- 'organiser'
- 'premises'
- 'sexual entertainment', and
- 'display of nudity'
**Sexual Entertainment Venue**, comments it is not clear what the difference between and audience and ‘live audience’ is in the bill. Secondly the definition would allow a loop hole if the Venue argued that the entertainment is provided for the financial benefit of any self employed entertainer as opposed to the organiser.

**Audience**, concern that the definition should include any interaction with the entertainment.

**Financial gain**, would this be sufficient if the organiser argued that this was provided free and the financial gain came from ancillary activity such as the sale of food and alcohol. Need to be clear that ‘free to enter’ would still be within the scope of this definition.

**Organiser**: See comment above re self employed entertainer.

**Premises**: Be helpful if it included temporary structures and explicitly private members clubs.

**Sexual Entertainment**: Would the display of any film or images be caught if the purpose was to stimulate a member of the audience. It would be useful if the definition could be clear as to whether parliament intends the scope of licensing to extend to those premises which charge an entrance fee and thereafter patrons may engage in sexual activity between themselves. NB the Council is not seeking to licence premises which were formerly licences as places of public entertainment before the resolution changed.

**Display of Nudity**: No comments

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51. The Bill specifies that a venue hosting sexual entertainment on three occasions or less within a 12 month period would not be treated as a sexual entertainment venue: does this have any unintended consequences?

The bill should be clearer, an occasion may be subject. It may be easier to specify ‘on three occasions each occasion being less than 24 hours in total’.
52. Local licensing authorities will be able to set the number of sexual entertainment venues in their area to below the existing level, or zero: are there any advantages or disadvantages to this approach?

Without prejudice to any decision the Council may make the Council supports having the ability to control the numbers of such premises in its area. The Council must be able to take into account the views of residents and the cumulative impact or clustering of these premises.

The Council would like the ability to further control or limits these premises as appropriate within smaller geographically areas within its boundaries.

The Council would request that statutory guidance is provided to assist in exercise of any such power.

The Council notes that similar powers existing for local authorities in England and Wales.

53. The Bill relies mainly on the existing licensing regime for sex shops as set out in

section 44 and Schedule 2 of the Civic Government (Scotland) Act 1982 (application, notification, objections and representations, revocation of licences etc., enforcement and appeals): is this mechanism adequate for the licensing of sexual entertainment venues - if not, please explain why?

The Council has no objection to Sections 44 and Schedule 2 being used for these premises.

The Council notes that there is an limitation on the powers of inspection for premises which ought to have a licence but does not. The Council would prefer that the powers of entry are amended to bring the Act into line with other statutes which regulates business activity in respect of its powers.

54. Are there any barriers to licensing authorities operating the new licensing regime?
55. Civic Licensing

Do you have any other comments to make on the civic licensing aspects of the Bill?

The Council would argue that the 1982 Act requires updating in a number of key respects.

The Council would recommend that the powers section of the bill is reviewed in line with the sections above.

The Council would strongly argue that Licensing Authorities should have the power to revoke licences in the case of serious misconduct on the part of licence holders. The current position means that a license authority is restricted to suspending a licence up to and including the ‘unexpired portion’. In practice this has meant that the Council has dealt with cases where it has had entertain renewal or variation application made with respect of licences. The Council is concerned that this allows interested parties to circumvent the decisions of the authority and retain a licence which ought to have been revoked.