

# 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&bill.

## \*1. Please supply your name and contact details:

Name:

Carol Johnston, Chief Solicitor

Organisation:

West Lothian Council

Address 1:

Address 2:

City/Town:

Postcode:

Country:

Email address (if no email leave blank):

FOR OFFICE USE  
ONLY  
SUBMISSION ID  
NUMBER

51

Phone Number:

01506 281624

\* **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

West Lothian Council

Name/Organisation:

## 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'

It is submitted that as the definition of “display of nudity” does not include naked male torsos that it will not extend to topless male bar staff which are now popular at events aimed at attracting women only audiences and could be deemed to be a form of sexual entertainment.

### 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?

This would be unworkable as it would be impossible to enforce. How could the Police know how many such events are taking place? If the operators of a venue were to be referred for prosecution for operating without a licence it would be almost impossible to prove beyond reasonable doubt that the exemption did not apply. The views of Police Scotland should be sought in relation to this question.

**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?**

Guidance regarding the factors which authorities can take into account when setting a numerical level would be appreciated.

**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?**

Yes.

**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?**

An opportunity should be taken to update some of definitions in the 1982 Act such as “public place”, “places of public entertainment” and to redraft Section 21 regarding operating outwith your area.

The legislation should be changed to allow local authorities to issue pre populated site notices as the provisions are so complex that many site notices are not properly displayed.

Guidance for local authorities on the operation of the 1982 Act generally would be welcomed.

The procedure for lodging objections should be reviewed and updated, Emailed objections should be acceptable.

The meaning of “ceasing to have effect” in Section 13(6) of the 1982 Act should be clarified.