

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:

Donald Macleod

Organisation:

Hold Fast Ents

Address 1:

Address 2:

City/Town:

Postcode:

Country:

Email address (if no email leave blank):

Phone Number:

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58

*** 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:

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?

I think the reintroduction of a fit and proper test on licenses premises and licensees will have a positive effect on the trade, but only if these tests are transparent and can be made public in order that any judgement can be fully scrutinised and assessed by all parties (Board ,applicant, Police, Public) concerned , and indeed that they can appealed instantly through the courts by any who may feel wronged by any decisions by a board that would affect trading or granting of a licence.

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

Yes ..a more streamlined structure of licencing ..one where all boards operate by the same rules and instead of varying licence policy documents being put in place by councils across Scotland, some as little as 15 pages long , one indeed 123 pages the government put in stricter guidelines to make sure that they concentrate more on policy rather than detail and admin process. That all publish an over provision statement instead of as I can see 17 councils feeling the need not to publish ,even though there is statutory obligation in place that they do. That licensed hours in all city centres , suburban and rural areas are standardised by government not council as it is a shambolic lottery from city to city as to what hours are allowed , especially late opening hours and out door drinking. For example ...Why is that Edinburgh allows during festival times which is half the year, inside and out , to the detriment of the local 365 day a year publicans opening hours to drink at times when the milk man and paper boy has started their deliveries yet Glasgow 45 miles away thankfully doesn't...crazy ! Boards it seem up and down the land are all over the place when it comes to determining curfews, setting terminal hours, dealing with special events and defining the type of entertainment that should be considered for a late licence. Very few seem up on licensing law or indeed the 2005 act and the 5 licensing objectives set within. The Government it seems are also only too happy to allow this chaos to continue issuing bland guidelines and definitions on operating hours, security and what constitutes a late night club, what is a bar(style or hybrid)and more recently what is a casino? This has led to a scenario where the price of alcohol has been driven down by all in order to be competitive and makes a mockery of their 5 objectives. Licencing law is a pig in poke and not ruled by common sense but more where you are the map and what type of board you have, and indeed the politics they share. Government should be more robust in their definition of trading hours and remove some of those decisions from the board, their should be level playing field for all to play on and not what we have at present a furrowed field .

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

See above

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?

See above ..question 29

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

As I stated above the 2005 act needs beefing up ... boards are all over the place..since the 2005 act was put in place many publicans and licensees have been forced out of business. There has been a catastrophic effect on trade from implementation of the smoking ban, a banking crisis and world economic recession ..Nothing has been put in place to regenerate licencing only more laws and law makers to abide to..SIA, Personal Licence, Licence Costs, LSO's and both Government and Boards intransigence to deal effectively and with common sense the negative effects these and more factors have had on the trade . far from being encouraged to go out and safety drink and have a dance they are now in their thousands staying at home pre loading or tanking up unmonitored, unsupervised and unsafe. Which Im sure was not the intention of the act.

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?

Full disclosure of all applicants, however common sense should apply ie if you haven't paid your tv licence or parking fines then that should not be held against you..Only those crimes which would have the applicant at odds with the 5 objectives should be brought to bear.

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

No

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'

I am against the term sexual entertainment venue, and indeed the terminology sexual entertainment.
It would seem more appropriate if the words adult entertainment venue were used because to classify Lap Dancing in the same way as say you would a brothel is not only wrong but entirely misleading .It implies that the people, and we are talking people from all walks, and of both sexes who attend them only go for sexual entertainment when they do not. It also implies that the workers are all prostitutes when they are definitely not.
Displays of nudity..shock horror, is that really such a big deal or only here in Scotland..we are meant to be a free, liberated and modern European society yet it seems some would rather have us back living in the repressed Victorian age of Dickens and Bronte.
Financial gain ..is that now also a crime?

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?

It is totally ridiculous , should it matter how many times they host “adult entertainment” No if they are allowed to open and given the fact this act looks designed to stop them, and they are not breaking any laws they should be allowed to host as many occasions as they want. Again the word sexual is used and is very misleading and therefore should not be used ..totally insulting and degrading to those working in them and is an obvious attempt to ostracise, smear and make pariahs of those who visit them.. tourist and locals alike.

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?

Yes but as previously stated I have problems with how the Boards in themselves operate and how mixed up their policy statements already are, and how know two are the same ..they should be brought into line first before any attempt is made to bring in an overprovision policy for ADULT ENTERTAINMENT VENUES. As for having a zero policy is this the intended aim of the bill? And if so why is that not more clearly stated?

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?

If by retail sex shops you mean [REDACTED] retail outlets then obviously not as they sell alcohol and in some cases food which brings them under the 2005 act and is for local boards to decide upon..I do not own any such venues, never have never will however I do not see why current laws and existing legislation cannot cover ADULT ENTERTAINMENT VENUES and if broken, if crimes are routinely carried out and committed, should as in any other over 18 place say a pub, restaurant, club and casino they should face the consequences at an unbiased hearing in front of the board and if on appeal a court of law.

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

Yes ..the wording of these questions are a barrier, especially the continual reference to them as sexual entertainment venues ..If I was one who worked in them I would take great offence and seek legal advice as to this terminology. It is disgraceful , antiquated and stilted towards those who would see an end to their operation.

Instead of being able to give a fair and balanced view I found myself being angered by the terminology adopted here and that raised my suspicion that this is not an evidence committee at all, ready to hear and debate the views of all parties but may be considered a kangaroo court where decisions have already been made and the outcome decided, this goes against my very grain..I do hope I'm wrong!

55. Civic Licensing

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