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: 
Organisation: Borders ADP
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
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?

Introducing the ‘fit and proper’ test to determine whether someone is suitable to hold a licence will allow Boards to consider a greater amount of information including Police intelligence and associations.

There is no guidance provided on ‘fit and proper’ test as it is noted Boards will have experience from other licensing regimes and case law to guide decision making with each case to be considered on its own merits.

Introducing new offences for supplying alcohol to a person under 18 in a public place will ensure that it is an offence both inside and outside of a licensed premise and will help reduce access to alcohol by children and young people.

It is noted however that this is only two of the licensing objectives and there should be equal weight on all five licensing objectives.

29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?
We would encourage consideration of further legislation to limit the supply of alcohol to children. For example, currently it is illegal to allow a child aged under 5 to consume alcohol [Children and Young Persons (Scotland) Act] and consideration should be given to raising this to at least 12 years of age, preferably 15 years of age to meet medical advice. Scotland’s Chief Medical Officer’s advice is that children under the age of 15 should not drink any alcohol.

Previously in the Further Options for Alcohol Licensing Consultation we supported the extension of police powers to impose restrictions on licensed premises within a specified geographical area where disorder is likely to occur.

Legislation currently excludes members’ clubs from the assessment of overprovision in an area. Within Scottish Borders, 22% of all licensed premises are members’ clubs contributing to a significant proportion of the overall availability of alcohol.

One key area of concern is changing licensing boards’ requirement that they ‘must’ take account of certain issues when considering overprovision to that they ‘may’ take account of these. This could potentially weaken existing legislation and know that over provision is already a challenge for Licence Boards to consider.

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

By expanding the licensing objective of protecting children from harm to include young people will close the loophole whereby people between 16 and 17 were unprotected within the licensing objective.

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?
Re-introducing a ‘fit and proper person’ test will allow for further relevant information to be made available by Police to Licensing Boards which will inform decision making and support the Preventing Crime and Disorder objective.

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

As previously noted the current exclusion of members clubs from the assessment of overprovision has the effect of the overall availability of alcohol being underestimated. Within Scottish Borders, 22% of all licensed premises are members’ clubs contributing to a significant proportion of the overall availability of alcohol.

An unintended consequence arising from overprovision for an entire board may mean more rural areas like the Scottish Borders may have someone in an outlying area who would not be able to obtain a licence even though the nearest licence premise was many miles away.

Current regulation around Occasional licenses means that these can be granted to voluntary groups or members clubs at a low cost (£10) and contribute to overall availability. Therefore these should be considered in any overprovision assessment. An occasional license also allows groups to compete on an unfair basis with mainstream licensed premises where the same legal regulations are not required e.g. staff having completed basic training.

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?

It is difficult to comment on this since as well as the type of offence the length of time (and age of applicant) at the time of offence may influence decisions. For example, sexual or violent offences may be of concern.

34. Do you have any other comments to make on the alcohol licensing aspects of the Bill?
A number of other helpful suggestions were made within the Further Options for Alcohol Licensing which included ways to address concerns around members clubs and restricting access to alcohol where disorder is likely to occur. It would be informative if reasons for not including these in the Bill were shared.

It would have been beneficial for increased transparency for Boards if they were under a statutory obligation to report each year on how the Board has fulfilled its duty to promote each of the licensing objectives including a range of key performance indicators and a reporting template to ensure consistent reporting. This would allow consistency across Scotland and ensures that Licensing Board take cognisance of the data provided. This would also point out any weaknesses or areas of objectives that are proving difficult to meet which may potentially be provided with central support. Unfortunately this has been restricted to a financial report only.