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: Eric Carlin
Organisation: SHAAP (Scottish Health Action on Alcohol Problems)
Address 1: 
Address 2: 
City/Town: 
Postcode: 
Country: 
Email address (if no email leave blank): 
Phone Number: 

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SUBMISSION ID NUMBER 65
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?

SHAAP recognises the role that alcohol can play as an underlying cause of crime and disorder, and that this is an important priority for the Scottish Government. It should be noted however, that all five licensing objectives are given equal weight within the 2005 Act. We would have liked to have seen more provisions included for promoting and improving public health.

In general, we support the provisions brought forward by the Bill.

Overprovision is one of the key mechanisms that can be used to prevent crime and disorder, and section 54(2)(b) widens the factors that a licensing board can consider when assessing overprovision. While we welcome this extension, we are concerned that the effect of the drafting is to change the requirement that licensing boards must have regard to the number and capacity of licensed premises in the locality to that they may have regard to (among other things) the number, capacity and licensed hours of licensed premises in a locality.

We would support the retention of a requirement that regard must be had to the number and capacity of licensed premises, but adding that licensing boards may also have regard to (among other things) licensed hours. As discussed at question 34, we would also like numbers of members’ clubs and occasional licences granted to be included in an assessment of overprovision.

29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?
SHAAP believes that that there is an urgent need to improve the quality and detail of published licensing data. Licensing boards should be given a statutory duty to record, collate and report on a comprehensive licensing data set, in a format that can be compared with other areas.

Collection of such data would enhance the information available to licensing boards to inform the development of their policy statements. It would also assist in understanding and reviewing how the licensing system is functioning, or assess whether it is achieving its purpose.

We believe this investment should lead to potential cost savings in other areas; better informed decision making should help mitigate the risks of alcohol harm and therefore the costs associated with such harms.

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

We are broadly supportive of the Bill’s provisions.

We support section 41 of the Bill expanding the licensing objective of protecting children from harm to include young people.

We support the clarification provided by section 54(2)(a) that in assessing overprovision, a licensing board may determine that the whole of the board’s area is a locality. This change reflects the reality that different-sized localities are needed for assessing overprovision in relation to different alcohol problems.

We are disappointed that the opportunity has been missed within this Bill to further enhance the licensing objectives by strengthening their status within the legislation. We believe that the licensing objectives should be clearly identified as the overriding principles underpinning the Act, with a general duty placed on licensing boards to promote the objectives when undertaking their work.

It should be made explicit that the five licensing objectives should be the primary consideration when deciding licensing applications. As outlined within question 34, we also believe additional reporting, while extra work for licensing boards, would introduce much needed transparency and accountability in the licensing system.

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?
We have concerns about whether the definition of ‘fit and proper’ could impact on the accountability of licensing boards, by making it problematic to assess whether the test is being applied consistently. A lack of any sort of guidelines about what factors may be taken into account when assessing if someone is ‘fit and proper’ to hold a licence may also make it more difficult for people to raise concerns about an applicant or licence holder.

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

As discussed at question 30, the objective to protect children from harm left a loophole leaving young people aged 16 and 17 unprotected by the 2005 Act. We support the closure of this loophole.

SHAAP is concerned that the current exclusion of members clubs from the assessment of overprovision has had the effect of the overall availability of alcohol being underestimated during these assessments. We believe members’ clubs should be included within the assessment of overprovision.

We have concerns about the current rules governing occasional licenses, which are cheap (£10) and easy to obtain. It is our view that the current rules create a loophole enabling legal requirements of fully licensed premises to be bypassed. Action to address this loophole is recommended. As occasional licences can add to the provision of alcohol in an area, we also believe the number of occasional licences granted in an area should be included in assessments of overprovision.

As noted at question 30, we believe the lack of a general statutory obligation to promote the licensing objectives has created ambiguity about the extent to which these objectives should be the primary consideration in licensing boards’ decision making. We believe this unintended consequence could be addressed by using this Bill to amend the 2005 Act to include a general duty on licensing boards to promote the licensing objectives.

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?
Licensing Policy Periods (section 42)
We support extending the period of time for which a statement of licensing policy is in force to five years.

Safeguards also need to be put in place to strengthen the mechanisms of accountability of licensing boards, to include:

- Improving monitoring and accountability arrangements.
- Production of an annual report by every licensing board

Deemed grant of applications (section 58)
It is essential to ensure that sufficient protections are in place to guard against automatic grant of licences which have been delayed to allow more information to be sought due to concerns or controversy about the application.

Guidance
The current guidance on the 2005 Act needs to be updated as a matter of urgency. A requirement should be placed on the Scottish Government to regularly review and update the guidance.

As recommended by the MESAS evaluation, it would be helpful if Boards were given more guidance on:
- The public health objective
- How to assess overprovision, including how to measure capacity,
- The role and function of Licensing Forums
- Any new, relevant legislation that is implemented.

SHAAP endorses the Alcohol-related comments submitted by our partner organisation, Alcohol Focus Scotland, who have assisted us in preparing our submission.