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: William Macleod
Organisation: British Hospitality Association (BHA)
Address 1: 
Address 2: 
City/Town: 
Postcode: 
Country: 
Email address (if no email leave blank): 
Phone Number: 

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SUBMISSION ID NUMBER 69
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?

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

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

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

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?

The questions posed in this section of the document (questions 28 – 34) are not appropriate in terms of the BHA’s views on the measures proposed in the Alcohol licensing section of the Bill. Our comments are provided on a separate paper attached to this response.
This paper provides the observations of the British Hospitality Association (BHA) in Scotland on the Alcohol Licensing proposals in the Air Weapons and Licensing (Scotland) Bill. The Association does not consider that the questions (28-34) posed in Section 4 of the invitation to submit evidence provide an adequate opportunity to make its views known. The Association’s views are therefore presented in this supplementary paper which should be read in conjunction with the official form for submitting evidence to which this paper is attached.

The Association has not commented on proposals within the Bill with which it is in agreement; in fact, most of these proposals are welcome. The observations provided below represent aspects of the Bill with which the BHA disagrees or which it considers should be removed or amended.

1. In general terms, the BHA would much prefer that when alcohol licensing legislation is amended a consolidated piece of legislation should be produced which clearly identifies the changes that are proposed. BHA believes that such an approach would save public and private resources.

2. BHA is uncomfortable with the re-introduction of a fit and proper person test which was done away with in the 2005 Act.

3. BHA considers that there is no value to introduce spent convictions into licensing hearings without just cause. Spent convictions are just that – ‘spent’.

4. BHA considers that there is no value whatsoever in the inclusion of Angostura Bitters in the definition of alcohol.

5. BHA is pleased with the introduction of ‘deemed grant’ but believes that the time period of 9 months within which Licensing Boards must determine applications is too long and that this should be reduced to 6 months.

William MacLeod
British Hospitality Association
24 September 2014