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: Anonymous
   Organisation:
   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

Name/Organisation:
1. **Equalities, Climate Change and other Scottish Government objectives**

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

8. **Do you consider that the Bill has any implications for meeting Scotland’s climate change commitments? Please explain.**

9. **Do you consider that the Bill has any implications for meeting Scotland’s equality and/or human rights commitments? Please explain.**

10. **Do you consider that the Bill has any implications for preventative spending and/or public services reform? Please explain.**

   The evidence supports the conclusion that restrictions on the availability of alcohol can contribute to a reduction in alcohol-related problems. Investment in improving the effectiveness of the alcohol licensing system, particular in improving the pursuit of the licensing objectives, therefore has the potential to reduce the potential costs of alcohol-related harm that arise in other public services and the wider economy.

11. **Do you consider that the Bill has any implications in relation to European Union issues? Please explain.**

12. **Do you have any other comments on the impact of the proposals contained in the Bill relation to Scottish Government objectives?**
3. General Licensing Issues

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).

23. Is the current Scottish licensing regime, as set out in the Civic Government (Scotland) Act 1982 and the Licensing (Scotland) Act 2005, fit for purpose?

In relation to transparency and accountability of the licensing system the East Renfrewshire Alcohol and Drug Partnership recommend that the current guidance requires to be updated to reflect current legislative changes. There is currently no system to hold licensing boards to account where they do not consult or develop a licensing policy statement and assessment of overprovision.

Further actions we would like to see addressed are:-

- A statutory duty on licensing boards to promote the licensing objectives.
- A statutory duty on licensing boards to produce an annual report outlining how they have complied with their licensing policy statement.
- A requirement for the Scottish Government to regularly review and update the statutory guidance for licensing boards.
- The requirement for overprovision assessments to include members clubs and occasional licences.

24. Should a licensing system seek to regulate individual behaviour or communities of space (eg. ‘city space’ etc.)?

supports approaches that regulate communities of space, such as restricting the availability of alcohol as this contributes directly to a reduction in alcohol-related harm.
25. In what way should the licensing system in Scotland interact with the support the land use planning system, community planning and regeneration?

The alcohol licensing system is an important means through which the Scottish Government’s priorities set out in *Changing Scotland’s Relationship with Alcohol: A Framework for Action* can be achieved. Furthermore the licensing system has a key contribution to make through the implementation of the licensing policy statement and overprovision assessment to support the achievement of community planning and alcohol and drug partnership priorities to prevent and reduce alcohol related harm.

It is imperative that the licensing policy does not operate in a silo and works constructively to compliment and align with key local strategies and plans such as community planning, land use planning and alcohol and drug partnership delivery plans.

26. How does the licensing system in Scotland assist with the delivery of sustainable development and economic balanced areas?

27. In what way does the licensing system in Scotland support health and planning, addressing health inequalities and public health wellbeing outcomes?
Evidence clearly indicates that reducing availability and increasing price are amongst the most effective policy measures to reduce alcohol consumption and harm in a population. The inclusion of the licensing objective to protect and improve public health, and the requirement for licensing boards to include a statement on overprovision in the licensing policy statement provides the foundation on which licensing boards can act to address alcohol-related health harm. The extent to which public health data is used in practice continues to be subject to varying interpretations of the evidence by licensing boards and the licensing policy outcome therefore does not always reflect the health evidence presented.

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?

The East Renfrewshire ADP supports the additional new offence regarding the supply of alcohol to a child or young person in a public place will enhance the protecting children from harm licensing objective.
29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?

recognise that the 2005 Act has successfully addressed the issue of irresponsible drink promotions in the on trade however we believe that this should be further strengthened in relation to the off trade.

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

welcome the following ;

- The inclusion of the fit and proper person test as a ground for refusal.
- Clarification of overprovision to include the whole board area reflects a whole population approach to addressing alcohol related harm and availability.
- The addition of young persons to the protecting children from harm objective now protects young people of 16 and 17 within the licensing legislation.

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?

supports the return to fit and proper test as this allows greater scope for relevant information to be presented before the Board in which to determine an application. The fit and proper test should not be linked to the licensing objectives but stand alone as this would widen the range of issues a Board can consider. We would recommend that appropriate guidelines be produced for licensing boards.
32. Have there been any unintended consequences arising from the 2005 Act, for example, in rural areas or the economic regeneration of areas?

The East Renfrewshire Alcohol and Drug Partnership has concerns regarding the rules and use of occasional licenses. The current rules create a loophole enabling legal requirements of fully licensed premises to be bypassed.

This allows commercial premises to be run under a series of occasional licenses and is inequitable to permanent licence premises. Furthermore it can increase the availability of alcohol in an area that is not presently taken into account for overprovision assessment purposes.

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 East Renfrewshire Alcohol and Drug Partnership supports the extension of the time frame for the operation of licensing policy statements to five years. As noted in section 23 this should include accountability measures to ensure boards comply with publishing their local policy statements within the agreed timeframe.

We welcome the clarification regarding the entire board area being described as an area of overprovision. Boards should take into account licensed hours, members clubs and occasional licenses.

The national guidance should be updated and the reference to the requirement to have a causal link between individual premises and alcohol related harm should be removed.

We would not recommend that Section 54 of the Bill (section 7-01(3) (ii) that the word ‘must’ is replaced with ‘may’ in relation to overprovision.
We propose that Section 84a of the 2005 Act should be extended to further include in addition to the Chief Constable the Licensing Standards Officer (LSO). This would allow LSO’s to deal with issues arising with personal license holders in particular when using the occasional licence system inappropriately.