

# 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&lbill.

## \*1. Please supply your name and contact details:

Name:	<input type="text" value="George H. Kelly"/>
Organisation:	<input type="text" value="Unite the Union"/>
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
City/Town:	<input type="text"/>
Postcode:	<input type="text"/>
Country:	<input type="text"/>
Email address (if no email leave blank):	<input type="text"/>
Phone Number:	<input type="text"/>

<b>FOR OFFICE USE ONLY</b> SUBMISSION ID NUMBER	<input type="text"/>
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**\* 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.**

**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?**

Name/Organisation:

## 2. Air Weapons Licensing

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).

**13. In what ways will the creation of an air weapons licensing system in Scotland contribute to preserving public order and safety, reducing crime and advancing public health policy?**

**14. Is there sufficient provision, or sufficient capacity to provide, suitable numbers of air weapons clubs across all areas of Scotland for use by registered air weapons owners/ users?**

**15. How will the air weapons licensing system affect those using air weapons for personal/recreational use?**

**16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?**

**17. How will the air weapons licensing system affect those using air weapons for commercial/professional reasons (for example: for pest control; as part of the tourist/hunting season; as part of fairs, paintballing centre, entertainment sector etc.)?**

**18. How will the air weapons licensing system affect those using air weapons for competitive sporting purposes?**

**19. Is it equitable for those applying for an air weapons certificate to pay a fee which cannot be refundable irrespective of whether a certificate is granted or not?**

**20. Will the air weapons licensing system have a positive or negative impact on other areas of the public sector in Scotland (eg. The work of local government, public agencies etc.)?**

**21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?**

**22. Do you have any other comments to make on air weapons licensing aspects of the Bill?**



Name/Organisation:

### 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?**

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

**25. In what way should the licensing system in Scotland interact with the support the land use planning system, community planning and regeneration?**

**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?**

**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?**

**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?**

Name/Organisation:

## 5. Taxi and Private Hire Car 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).

### 35. What benefits should the licensing of taxis and private hire cars deliver for customers?

The safety of the public should be the priority of all Licensing Authorities and Councils.  
This safety should not only consist of the suitability, condition and roadworthiness of any vehicle who either operate as a Taxi or a Private Hire Car but should encompass the drivers and operators of such vehicles.

### 36. In what ways do customers, providers of taxi/private hire car services and local authorities benefit from the two-tier licensing regime for taxis and private hire cars?

In areas where two tier systems operate, a clear delineation of type i.e. Purpose Built Hackney type carriages which are fully Wheel chair Accessible and this allows the public to know which can be hailed on the street as a “there and then hire” and a Private Hire Car can only be pre-booked through a Licensed Booking Office.  
This distinction is blurred by certain areas using saloon type cars as Taxi`s.  
A high provision of W.A.V. is therefore desirable to meets the needs and rights of disabled people and many saloon cars cannot provide this flexibility.  
In many areas Taxi drivers have to go through a test of their knowledge of their area whereas at present the majority of Private Hire drivers are not required to do so.  
It is far better for the public to use a vehicle where the driver has the knowledge to take them to their destination without delay or referring to maps or other means of navigation.  
The Public can make the choice but only a two tier system can give it to them !

### 37. The Government states that a radical overhaul of the current two-tier licensing regime would “clearly require a very high level of resource and would cause significant disruption for the trade, local authorities,

**the police and ultimately the travelling public”. What are your views on this and would the potential costs and disruptions outweigh any potential benefits of a unified system?**

If a single tier system were to be introduced the effect would be catastrophic and the disruption would take years to sort out !

The first and most important problem be “what would the criteria” be for a Taxi ?

If they were all Purpose Built traditional type hackney taxis, operators who at present use saloon type cars will be faced with a huge increase in the cost of operating a “Taxi” as the saloon cars in use at present are in all occasions less than half the cost of a traditional W.A.V. This would force many operators out of business and lead to a significant increase in costs to the public and the and could lead to a shortfall in the amount of vehicles available for hire.

If on the other hand “saloon cars” were the vehicle of choice operators of W.A.V. taxis would move to the cheaper saloon car option. (At present a purpose built taxi costs in the region of £ 35.000 as against £15.000 for a car) These saloons offer better M.P.G. and comfort for the driver.

Saloon cars would probably sound the death knell of companies manufacturing purpose built Taxis as a significant decrease in sales, due to the purchase of cheaper alternatives.

**38. Do the changes made by sections 60 (overprovision of private hire car licences) and 61 (testing of private hire car drivers) of the Bill strike the right balance in terms of introducing greater consistency while maintaining justifiable differences?**

There is a real need to put a ceiling on the issue of Private Hire Licences. There is a real bone of contention that the unrestricted issues of P/H licences is to provide the public with a better service or choice but in reality it is merely a revenue raiser for cash strapped councils who do not research if there is a need for these licences.

This creates a situation where P/H's in an area with over provision gravitate to other areas where there is the opportunity to "Pirate" or illegally ply for hire. This situation is evident within Glasgow City Council's Licensed where P/H's from the adjoining areas "trade illegally" with impunity.

The need for a statutory role for police in curbing this is urgently required and despite repeated meetings and requests for action very little is carried out.

The reluctance of the Procurator Fiscal to pursue these instances is understandable with their work load but never the less these people are breaking the law. English Councils routinely prosecute for not only illegally plying for hire but prosecute for driving without the appropriate insurance.

The issue of statutory powers for Enforcement Officers to issue fixed penalty notices for offences should be seriously considered.

In Scotland there are around 20,000 Taxis and P/H's licensed in Scotland and 10,000 are in the Glasgow and surrounding areas and the situation is out of control.

Effective and punitive action is urgently required !

**39. Do you have any views on the section 62 provisions bringing vehicles contracted for exclusive use for 24 or more hours within the licensing regime for taxis and private hire cars, and should any exemptions be included in the Bill?**

To protect the public from coming into contact with unsuitable persons it is desirable that all such companies are brought into the licensing umbrella.

Name/Organisation:

## 6. Scrap Metal Dealer 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).

**40. Taking the proposals in sections 63 to 66 of the Bill together, how will they have the desired effect of strengthening the metal dealers' licensing regime to the extent that metal theft and related criminal activity is reduced?**

**41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers?**

**42. Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?**



**43. Removal of requirement to retain metal on-site - what impact will the proposal to remove the retention of metal requirement have on the enforcement of the licensing regime and prevention of criminal activities?**

**44. Forms of payment - what is your view on the proposal to go 'cashless' and is there merit in considering whether metal dealers could be allowed to operate using cash for only very small transactions, which could be limited to a certain number per month?**

**45. Forms of identification and record keeping:**


**In line with the Scrap Metal Dealers Act 2013, the Bill adds additional record keeping requirements to a metal dealer's licence including recording the means by which a seller's name and address was verified and retaining a copy of the document, and the method of payment and a copy of the payment document. The Bill will also require a metal dealer to record information in books with serially numbered pages or by means of an electronic device, and to keep separate records at each place of business. Such information and documents are to be kept for three rather than the current two years.**

**How important is it that the record keeping requirements reflect those in the Scrap Metal Dealers Act 2013, and do you agree with the Scottish Government that the proposed record keeping requirements are not unduly burdensome?**

**46. Mandatory and discretionary licensing requirements:**

**The Scottish Ministers can impose mandatory licensing requirements, such as those included in the Bill relating to record keeping and the identification of customers. In addition, local authorities can also attach discretionary requirements to licences in their areas.**

**Does the Bill get the balance right between mandatory and discretionary licensing requirements? Should the Bill include other mandatory conditions for obtaining a metal dealer's licence, such as installing CCTV at metal dealers' premises or in relation to labelling of metal and 'forensic coding'?**



Name/Organisation:

## 7. Civic Licensing – Theatre Licensing

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).

**47. Will there be any impacts during the transitional period between ending the current theatre licence and starting the public entertainment licence?**

**48. Are there additional costs or resource implications on theatres or licensing authorities?**

**49. How should licensing authorities integrate their current fee charging structure into their public entertainment regime?**

Name/Organisation:

## 8. 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'

### 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?

**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?**

**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?**

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

## **55. Civic Licensing**

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