

# 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:

Jenna Parker

Organisation:

Institute of Licensing

Address 1:

Address 2:

City/Town:

Postcode:

Country:

Email address (if no email leave blank):

Phone Number:

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ONLY  
SUBMISSION ID  
NUMBER

99

**\* 2. Please confirm that you have read and understood the Scottish Parliaments [“Policy on the treatment of written evidence by subject and mandatory committees”](#):**

xYes

**\* 3 Please confirm whether you are content for your name to be published with your submission:**

xYes

No

**\* 4. Which of the three categories below best describes your interest in the Bill (please tick only one)?**

Personal

xProfessional

Commercial

**\* 5. Do you wish your email to be added to the Committee’s distribution list for updates on progress of the Bill:**

xYes

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.**

xYes

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

xGeneral licensing issues

xAlcohol licensing

xCivic licensing – taxi/private hire car licensing

Civic licensing – scrap metal dealers

xCivic licensing – theatre licensing

xCivic licensing – sexual entertainment venues

Name/Organisation:

Institute of Licensing

## 6. 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'

No comment

### 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?

The Institute notes from its broad experience in relation to licensing jurisdictions in England and Wales that the Scottish proposal is broadly equivalent to that which is already in force south of the border. It seems odd therefore that the Scottish proposal would create a cap on the exception to the licence requirement where there are three or less occasions of central entertainment in premises within a twelve month period where the equivalent provision under the English and Welsh legislation is for twelve occasions. The Institute would therefore ask the Scottish Government what evidence it has that imposing a cap of three is or is not more appropriate than a cap of twelve.

**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?**

The Institute remains concerned that the proposed sexual entertainment venue regime does not adequately deal with the request for grandfather rights. This creates uncertainty for business in that the political make-up of the council may change from time to time and the ruling powers at a local authority may elect to have a change of heart as to the zero cap in relation to sexual entertainment venue premises. This could mean that a premises operating under a cap of say two or three premises and has had its licence renewed without issues suddenly finding its licence automatically revoked as a result of the change to the cap because of the political vote of the local authority.

**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?**

No comment

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

The Institute notes that historically licensing boards in Scotland have dealt with licensing of sexual entertainment venue premises through the alcohol licensing regime and therefore have the institutional knowledge on premises of this nature. The Institute takes the view that licensing boards will be the correct authority to deal with sexual entertainment venue premises licensing due to this experience and not the licensing committee which is a function of the council.

## **55. Civic Licensing**

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

No comment