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: John Watson
Organisation: ASH Scotland
Address 1: 
Address 2: 
City/Town: 
Postcode: 
Country: 
Email address (if no email leave blank): 
Phone Number: 

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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:

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?
No. We note that the principal policy objectives of this Bill are “to strengthen and improve aspects of locally led alcohol and civic government licensing in order to preserve public order and safety, reduce crime, and to advance public health”.

As the independent Scottish charity taking action to reduce the harm caused by tobacco use we will focus on the need to advance public health through adequately regulating the supply of tobacco. Our submission highlights what we feel is a large and unwarranted gap in the existing licensing regime – an anomaly which this Bill is well placed to address.

That there is a comprehensive licensing regime regulating who is able to sell alcohol and how they are able to do so is well known. There are also licensing schemes in place to govern a range of other activities, such as having people staying in a caravan on your land, felling trees, exhibiting performing animals and placing tables or chairs on the pavement outside your premises (full details are available from www.gov.uk/licence-finder)

It is a failure in the current licensing regime that the supply of the product which is far and away the greatest cause of preventable ill health and death is not subject to such restrictions. Everyone is legally entitled to sell tobacco – and while many retailers voluntarily restrict this to over-18s, there are no required skills, training or qualifications.

Tobacco has been a priority area for health improvement under successive Scottish administrations. Recently we have seen legislation to remove retail tobacco displays and to ban unstaffed vending machines. We have comprehensive legislation to prohibit advertising and of course a ban on smoking in enclosed public areas. Yet at the same time the sale of tobacco remains a very open and liberal market.

The Scottish Government has set a key national outcome that we will live longer, healthier lives and has adopted an ambitious target of making Scotland free from tobacco by 2034. Yet the ubiquity of supply presents tobacco as a normal, everyday consumer product, just as the tobacco companies wish us to see it. We know that growing up in an environment where tobacco use is the norm makes children more likely to take up smoking themselves.

At a societal level, nearly two thirds of smokers who regularly smoke report that they buy tobacco from shops, and while 15-20% of “test purchases” result in a retailer selling tobacco to an underage customer (from http://www.scotss.org.uk/reference/etsep2014.pdf) only two individuals have been banned from selling tobacco. The order applies to the person and not the premises so in one of these cases the shop has since been leased to another person, who has continued to trade.

- There are no entry requirements to being on the tobacco retailers register. So that while 1% of the Scottish population (52,000 individuals) is licensed to sell alcohol (http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/PubLiquor/LiquorLic2012-13), everyone except the 2 individuals in receipt of banning orders can sell tobacco.

The retail register does give us new information regarding the nature and the extent of the tobacco retail trade in Scotland. As of 29th September 2014 there are 9859 entries listed on the register – suggesting a tobacco retailer for every 400 adults (or 100 smokers) in Scotland.

The end result is that, 50 years after the publication of the US Surgeon General’s report “The Health Consequences of Smoking”, which categorically established the damage smoking causes to health, there are retail outlets selling tobacco in every High Street and in every community in Scotland, from A and A Caldwell to Z Distribution.

Yet each year, tobacco use is associated with over 13,000 deaths (around a quarter of all deaths) and 56,000 hospital admissions in Scotland. Smoking is a leading cause of cancer and death from cancer. It causes cancers of the lung, oesophagus, larynx, mouth, throat, kidney, bladder, pancreas, stomach, and cervix, as well as acute myeloid leukemia. Smoking also causes heart disease, stroke, aortic aneurysm, chronic obstructive pulmonary disease (COPD), chronic bronchitis and emphysema, asthma, hip fractures and cataracts. Smokers are at higher risk of developing pneumonia and other airway infections.

A pregnant smoker is at higher risk of having her baby born too early and with an abnormally low birth weight. A woman who smokes during or after pregnancy increases her infant’s risk of death from Sudden Infant Death Syndrome (SIDS). At a societal level, nearly two thirds of smokers start before they are 18 and most now indicate that they want to stop. The smoking rate in the poorest communities is 4-5 times higher than in the richest, making smoking a huge cause and effect of health inequalities.

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The new alcohol licensing scheme explicitly introduced a new policy objective “to protect and improve public health”. We propose that extending licensing arrangements to cover sales of tobacco would provide a significant opportunity to pursue the improvement of public health through enabling the setting of local health goals and regulating the supply of tobacco accordingly and generating an enforcement regime with real teeth, helping to reduce the supply of tobacco to young people and tackling the problem of illicit tobacco.

In considering whether a licensing scheme could make a significant contribution to regulating the supply of a harmful product, we ask the Committee to consider whether it would back removing the requirement of a license to sell alcohol, allowing anyone to do so. We suggest that such a move would make the regulation of alcohol in support of public health goals more difficult, and hence that this is not something the Committee would be likely to support.

We would be happy to develop these ideas in oral presentation to the Committee.
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?