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: Cath King
Organisation: The Highland Council
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Country: Scotland
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Phone Number: 01463 702502
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: Care and Learning Service

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?

We do not believe that the current legislation adequately protects the health of children and young people, specifically in relation to street traders and mobile food vendors in the vicinity of schools.

The Scottish Government has recently published 'Beyond the School Gate' (BTSG). It highlights that 14 authorities have placed a condition/restriction on trader’s licences to restrict their operation in the vicinity of schools under section 39 of the Civic Government (Scotland) Act 1982 (which require amendments in accordance with the statutory process detailed in section 9 of the Act in order that a new condition can be attached to the licence). Restrictions have been introduced in respect of the area and/or times that street traders can operate and, in effect, means there can be an exclusion zone in place around schools within which street traders are not allowed to trade (usually during certain times/days). The document states that the degree of any condition/restriction is determined by local circumstances and varies between local authorities.

We believe that any restrictions under the current legislation would be ultra vires and challengeable.

The Highland Council does not currently use licensing powers in this manner. We are pleased that the introduction of BTSG advocates the restriction of licensing for mobile food vendors in the vicinity of schools but The Council’s legal advice is that to be competent, any move to introduce exclusion zones around schools for street traders requires to be supported by changes in primary legislation. The Air Weapons and Licensing Bill provides an opportunity to address this important issue in relation to the health of our children.
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 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?
The Highland Council and its partners have been working to improve the school food environment through an officer/member stakeholder group.

One of our major challenges is the availability of unhealthy food in the vicinity of our schools. We believe that any move to introduce exclusion zones around schools for street traders requires to be supported by changes in primary legislation. The Air Weapons and Licensing Bill provides an opportunity to address this important issue in relation to the health of our children.
55. Civic Licensing

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

As noted at 3. General Licensing Issues, The Highland Council and its partners have been working to improve the school food environment through an officer/member stakeholder group. One of our major challenges is the availability of unhealthy food in the vicinity of our schools. We believe that any move to introduce exclusion zones around schools for street traders requires to be supported by changes in primary legislation. The Air Weapons and Licensing Bill provides an opportunity to address this important issue in relation to the health of our children.