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: Jon Morgan
Organisation: Federation of Scottish Theatre
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
Federation Scottish Theatre

Name/Organisation:

1. 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?

No comment

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?

No comment

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

No comment
16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?

No comment

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.)?

Very few theatres use live air weapons in performances, most preferring to use dummy or ‘prop’ weapons. Where they do use air weapons, it would be helpful to clarify if they will need to have a licence even if they are hiring from a licensed supplier for a defined period (as opposed to owning and keeping an air weapon permanently on their premises) or whether it is sufficient to apply for a temporary police permit. We understand the proposed exemption is for the individual performer handling a weapon in performance and not for the theatre management who may have to store a hired air weapon overnight between performances.

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

No comment

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.)?

No comment

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

No comment

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

No comment
6. 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?

Whilst welcoming the simplification that this rationalisation of the licensing regime would create, we would ask that all licensing authorities and licensed premises are given sufficient time and guidance in advance of the transition to make any necessary adjustments in order to comply with the change in licensing arrangements. We would also propose that licensing authorities allow licensees to transfer to the new licensing regime at the end of their current license period in order to avoid both a backlog of license renewals all at the same time and any additional expense for the licensee by effectively having to renew their licence before the old one has expired.

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

It is hard to predict if there will be additional costs for theatres as licensing authorities do not necessarily set the same charges for their PELs as for their Theatre Licenses. This would require further research. Some venues because of the nature of their operation hold both a PEL and a Theatre Licence and for these venues we anticipate a saving in both time and money.

49. How should licensing authorities integrate their current fee charging structure into their public entertainment regime?
We would certainly expect that licensing authorities do not increase their current fees for PELs as we understand that the cost is determined on a self-funding basis and we would see the simplification of the licensing regime for theatre as, at worst, cost neutral for licensing authorities and, at best, cost beneficial.
7. 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'

We believe the definition as currently composed runs the risk of both vexatious complaint and potential self-censorship of artists for fear of falling within the scope of the legislation. We would propose the removal of the word ‘any’ from the definition as this leaves open the potential for vexatious complaint and the removal of the word ‘verbal’ which might then include any dialogue of a sexual nature.

We would also like to see included in the Bill an explicit statement that this is not intended to include ‘artistic performances whose primary purpose is artistic, creative or educational’ and an exemption for ‘arts venues and venues taking part in an arts festival.’

We would also expect any accompanying guidance to local authorities to emphasise the intention of the act not to limit or censor artistic performance so that local authorities, venue programmers and artists are clear about the purpose and scope of the legislation.

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?

No comment

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?

No comment

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?

No comment

55. Civic Licensing

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

No comment