Scottish Parliament Stage 3 Debate: Air Weapons and Licensing (Scotland) Bill.

This briefing paper is designed to inform and support MSPs participating in the Stage 3 debate on the Air Weapons and Licensing (Scotland) Bill. It relates only to Part 2 of the bill on alcohol licensing.

Benefits of the bill

Alcohol Focus Scotland (AFS) supports the Air Weapons and Licensing (Scotland) Bill, as it relates to alcohol licensing.

Alcohol harm has been estimated to cost Scotland £3.6 billion a year in health, social care, crime, productive capacity and wider societal costs. Alcohol licensing serves an important public purpose by mitigating the risks of harm associated with alcohol consumption through managing and controlling the availability of alcohol. The bill strengthens the existing legislation in a number of ways, including:

- Closing a loophole whereby the definition of a ‘child’ within the Licensing (Scotland) Act 2005 means that young people aged between 16 and 17 are unprotected within the licensing objective ‘protecting children from harm.’
- Clarifying that a licensing board, when assessing overprovision, may determine that the whole board area is a locality. This flexibility will help ensure that the licensing system is responsive to the considerable changes in alcohol consumption, purchasing and retail patterns that we have seen over recent decades.
- Giving licensing boards the ability to consider licensed hours, and any other matters it thinks fit, within its assessment of overprovision. Opening hours can expand the supply of alcohol in an area, and so licensing boards should be able to include them within this assessment.
- Extending the period of time a statement of licensing policy is in force from three years to up to five years. This extension will allow for more detailed monitoring and review of the policies implemented, thereby better informing future licensing practice.

These changes were recommended within AFS’ report ‘Rethinking alcohol licensing,’ published in 2011.

Amendments at Stage 3

- **Amendment 12 (Annual functions report)**

  Alcohol Focus Scotland strongly supports this amendment. We believe requiring licensing boards to produce an annual functions report will have an important and positive impact on the licensing system. Such reporting would improve transparency and accountability in the process, key to building public trust and supporting stakeholder engagement. It would bring licensing boards in line with the reporting requirements of most public bodies, including other quasi-judicial bodies such as planning boards.

  However, it is essential that the annual functions report provides local communities and other key stakeholders with the information required to enable proper scrutiny of how the licensing board is undertaking its functions and serving its public interest purpose. We therefore urge the Scottish Government to bring forward regulations giving more specific direction on the information that should be provided by licensing boards within these reports. For example, it must be ensured that the data reporting requirements lead to an increase in the amount and type of licensing data made available by licensing boards, not simply be a replication of the limited data currently available from existing sources. To enable proper scrutiny of the licensing system, these reports should contain information not just about numbers of on- and off-sales licences held/decisions made but further high-level summary information.

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2 Alcohol Focus Scotland (2011) *Rethinking Alcohol Licensing*, Glasgow: Alcohol Focus Scotland
on location of premises, type of premises (i.e. large supermarket, off-licence, convenience store, pub, restaurant, night club), capacity, type of event (for occasional licences), numbers of objections/representations made to licence applications and associated outcomes, for example.

- **Amendment 14 (Register of alcohol premises licences and personal licences)**

Alcohol Focus Scotland supports the intention behind this amendment, which will create a national alcohol licensing register. Ensuring communities have access to comprehensive information on licensed premises will help their participation in the licensing process, particularly in relation to overprovision. Collating and publishing such information centrally could ensure it is much more accessible to local communities. While licensing boards currently have to keep a public licensing register, Alcohol Focus Scotland was recently able to locate only 16 publicly available registers covering 19 of the 40 licensing board areas. The form and content of the information provided within these registers is variable, and not all registers are available electronically.

Alcohol licensing registers are a potentially valuable tool for communities and other stakeholders to make use of in order to support their involvement in the licensing process. However, there is a need to consider the form in which they are produced to ensure they are as accessible and helpful as possible. There is currently a national register for tobacco outlets in Scotland, which is available online, and can be searched by local authority area, by postcode, and by type of premises. Mapping tools, such as that produced by [Lambeth Council](#), or the new website showing alcohol and tobacco outlet density for small neighbourhoods across Scotland, created in partnership between the Centre for Research on Environment, Society and Health (CRESH) at Edinburgh University and Glasgow University, AFS and ASH Scotland, offer other examples of possible approaches.

**Looking ahead: next steps required**

While we support the Air Weapons and Licensing (Scotland) Bill, there are a number of subsequent steps required to ensure the ongoing effectiveness of the alcohol licensing process:

- As highlighted above, we would urge the Scottish Government to bring forward regulations giving more specific direction to licensing boards on the information that should be provided within the annual functions report.
- It is essential that the guidance on the Licensing (Scotland) 2005 is updated as a matter of urgency. This guidance has not kept abreast of developments in licensing policy and is now significantly out-of-date. The Scottish Government has committed to updating this guidance and we would welcome a firm commitment on the timeframe for undertaking this work.
- We welcome the commitment the Scottish Government made at Stage 2 to review the licensing procedure regulations. We urge the Scottish Government to have particular regard during this review to ensuring the accessibility of the licensing process for communities and other stakeholders. A review of these regulations should be undertaken as soon as possible and efforts should made to consult widely with the full range of licensing stakeholders with an interest in these issues, particularly local communities.

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**About Alcohol Focus Scotland:**

Alcohol Focus Scotland (AFS) is Scotland’s national alcohol charity, working to reduce alcohol harm to individuals, families, communities and Scotland as a whole through the implementation of effective alcohol policies and legislation. We recognise that to reduce harm, a significant reduction in population-level consumption of alcohol is required and we prioritise our efforts in those areas where the evidence is strongest - reduced affordability and availability, and regulated marketing of alcohol.

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