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

x Yes

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

x Yes

☐ No

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

☐ Personal

x Professional

☐ Commercial

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

x 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
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?

The Institute notes that the abolition of the theatre licensing requirement would suggest that existing theatres should seek a public entertainment licence instead. This will only apply where the relevant local authority has resolved to license public entertainment and where that local authority has added “theatres” as a form of licensable public entertainment. It appears to the institute that most if not all of the local authorities in Scotland will not currently have a resolution that covers theatre as a form of public entertainment because of the very existence of the separate theatres licensing regime. This will require Councils which are affected by this to introduce new resolutions or amend the existing resolutions and this may take time and will require public consultation or advertisement.

The Institute suggests that a suitable transitional period should be adopted and that the Scottish Government should endeavour to advertise those requirements directly to the theatre industry.

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

See answer to question 47
49. How should licensing authorities integrate their current fee charging structure into their public entertainment regime?

The Institute is aware that the fee structure for theatre licences may not be sufficient to adequately cover the work and time taken in processing those licences. The Institute therefore broadly welcomes the proposal to revisit the fees for public entertainment licences for theatre. However the Institute also notes that in doing so local authorities would have a requirement to have regard to the EU services directive and the recent decision in Hemming v Westminster City Council. The Scottish Government should be aware of the obligations placed upon public bodies such as licensing authorities under the EU services directive regulations, and should also be aware of the outcome of the Hemming case. Any law in respect of the fees applicable to theatre licences under the new public entertainment proposal will therefore have to have regard to this.

The Institute also notes that this proposal does not appear to have broadly considered the interplay between theatre licensing and alcohol licensing. The Theatres Act currently requires a theatre licence to be in place even if there is also an alcohol licence. On the other hand the 1982 Act exempts premises from the requirements to hold a public entertainment licence if there is an alcohol licence in place. This suggests to the Institute that where theatres are licensed for alcohol regardless of any change to the law or resolutions for local authorities, the theatre licence could not be replaced with a public entertainment licence because of this exemption. The Institute therefore suggests to the Scottish Government that this issue is reconsidered.