

Response ID ANON-EPZH-WXXV-M

Submitted to **Update of The Licensing (Procedure) (Scotland) Regulations 2007**

Submitted on **2018-05-23 15:00:33**

Questions

1 Should the provisions in the current Licensing (Procedure) (Scotland) Regulations 2007, specifically relating to neighbour notifications, be updated?

Yes

Are the current provisions relating to neighbour notifications fit for purpose? In what way should parts relating to neighbour notifications be amended? What would be the likely impact for local communities, the trade and the public?:

Licensed premises have an impact on citizens and communities much wider than the current definition of 'neighbour' within the regulations. The impact of this on the wider community (rather than the immediate physical neighbours of the property) is particularly relevant given the concept of 'overprovision': it is now much more about the availability of alcohol within communities and less about issues relating to noise and other antisocial behaviour and crime that may be associated with licensed premises (though clearly the latter does remain a relevant issue too).

We think that the definition of 'neighbour' for the purpose of notification should be widened to substantially more than 4m on either side of the premise and be much more flexible to consider the whole community. This could be prescriptive in terms of using X metres or within a defined geographical boundary such as a datazone or postcode or have a more flexible approach that assesses the definition of 'neighbour' on an application-by-application process. We would favour one of/a combination of the latter two options.

The widening of the definition of 'neighbour' may slow down the application and decision-making process but will ensure that the impact of licensed premises and subsequent alcohol availability is given proper due consideration and involves wider citizen participation.

2 Should any of the provisions in the current Licensing (Procedure) (Scotland) Regulations 2007, other than those specifically relating to neighbour notifications, be updated?

Yes

Are the other provisions fit for purpose? In what way should any of the other provisions be amended? What would be the likely impact for local communities, the trade and the public?:

We also think – and a natural consequence of changing the definition of 'neighbour' - is on the definition of 'notifiable interest'. Those with 'notifiable interest' should be more than individuals that "occupy that land".

In order for citizens and communities to become more engaged with this process and for the process to be more transparent than it currently is, the provisions around 'publicity' (Section 6) need to be altered. We would welcome a) much wider notification areas in line with the new definition of 'neighbour' and b) wider means of publication for example on a central database, social media, notification to community groups such as community councils. This will place an additional burden on the licensing Boards / applicants / licensing forums / Local Authority officers but we think this is outweighed by the positive impact on communities and the whole licensing process.

3 Do you have any additional concerns regarding the Licensing (Procedure) (Scotland) Regulations 2007?

Yes

If yes, please provide details below.:

In order to get more community participation in the whole licensing process we think that the process and regulations should be more accessible. We would welcome a plain English guidance document for communities and citizens on how the process works, their rights within the process and what they can expect from the process. In particular an easy to understand flow diagram (or similar) showing each step and timescale within the process would be welcome.

We would be keen to know whether specific questions have been asked to understand whether the notice periods and representation periods are fit for purpose for communities to formulate a response. And for community experiences of making representations to the Board.

4 Are you aware of any examples of good practice relative to the Licensing (Procedure) (Scotland) Regulations 2007?

No

If so, please provide details below.:

Not specifically, however Aberdeen CPP and East Ayrshire have come up recently in conversations as areas of interest.

About you

What is your name?

Name:

Hannah Dickson

What is your email address?

Email:

hannah.dickson@scsn.org.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Scottish Community Safety Network

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

It was challenging to navigate between the consultation document and the legislation / guidelines that the consultation concerned. We feel that if this was difficult for an organisation like ours, it would be very difficult for citizens and communities to undertake the consultation. which is ironic given the subject matter. Clearer reference to the specific regulations within the consultation document and questions themselves would make the consultation much more open and transparent.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: