

Mr Ian Fairweather
National Licensing Forum Secretariat
The Scottish Executive
Area 3-H South
Victoria Quay
Edinburgh EH6 6QQ

22nd November 2005

Dear Ian

**LICENSING (SCOTLAND) BILL 2005 - NATIONAL LICENSING FORUM
CONSULTATION ON LICENSING STANDARDS OFFICERS**

Thank you for your correspondence of 5th October 2005 regarding the above.

The following comments are lodged on behalf of the Scottish Beer and Pub Association which was originally formed in 1906. Our members are Scotland's brewing and large pub companies representing the licensed trade industry in Scotland. The main aim of the Association is to contribute to the economic and social wellbeing of Scotland through employment, investment and training. Our parent association is the British Beer and Pub Association (BBPA). Our members account for 1,500 of the 5,200 licensed public houses in Scotland.

This submission is also lodged on behalf of the British Hospitality Association in Scotland. The BHA is the national association for the hotel, restaurant and catering industry and it has been representing the hotel, restaurant and catering industry for over 90 years. The BHA represents some 3,000 establishments in Scotland, across all sections of the industry – not just group-owned properties, but also hundreds of individually owned hotels and restaurants.

I would offer the following brief observations on the consultation paper:

- i) We note the comments in the section on smoking that ***“The majority of the Sub Group felt that an LSO would be able to police the Anti Smoking legislation providing appropriate training was to be given. One member of the Sub Group felt that would irreparably harm any relationship of trust between LSOs and the licensed trade.”*** We would concur with the minority opinion expressed on this issue. Given the timescales for the introduction of smoking restrictions in Scotland (in early 2006) and for the transition to the new licensing regime (post mid-2007) there is no need for LSOs to have any responsibility for policing any smoking restrictions. Indeed, we would argue to leave this possibility open risks LSOs being distracted from their primary responsibility in relation to licensing issues and the real importance of their being perceived as, and acting as, mediators. As such we would wish to have the Scottish Executive and National Licensing Forum rule out this possibility;
- ii) We note the comments in the section of gaming legislation namely that ***“The Sub Group did not feel it would be appropriate for LSOs to monitor Gaming premises as the legislation is so complex. They felt that specialist gaming officers should be engaged.”*** We would again dissent from this view given that the new gambling legislation is in many ways no more complex than that which will apply for licensing and that there is an opportunity to maximise efficiency and effectiveness having this activity undertaken by LSOs. As such we feel they should be involved in this function which can be readily undertaken (as at present) with the Gambling Commission Inspectorate;

- iii) We note the comments that ***“LSOs would require to be flexible and be prepared to work evenings and weekends if required. It was noted however that much of the role would be administrative and require dealing with licensees and others during the normal working day. It was not anticipated that an LSO would carry out enforcement matters otherwise than during the normal working day but would require to visit premises during unsocial hours only for information/evidence gathering purposes. It was considered that LSOs should not go alone to premises at night.”*** We would again dissent from this view and would suggest it is inevitable that LSOs will have to undertake activity outwith “normal hours” not least because that is the nature of the licensed industry in Scotland itself. We therefore feel this requirement and expectation needs to be explicitly made;
- iv) We note the intention of the “grade/salary” of LSOs being determined by individual local authorities. Given the similarity in the roles and responsibilities of LSOs across Scotland it would seem inconsistent not to have a nationally agreed grade and salary structure as applies in other local government positions. Indeed, not having such an agreed structure may act as a disincentive to LSOs seeking career progression within their field and could lead to the licensed industry bearing higher costs than might otherwise be the case;
- v) We note the “personal specification” for LSOs which we would suggest lacks clarity on a number of points, for example, in suggesting “experience of the hospitality industry” we would suggest there is a need for this to be changed to “of the licensed hospitality industry,” given that there are many aspects of the hospitality industry which do not involve licensed activities. Similarly, we would suggest given that part of the role will involve interpreting plans and permissions that some experience of this would be useful as part of the skill set, as would experience of “operating in a deadline driven statutory environment”;
- vi) We note that the paper does not touch on a number of what we would see as critical issues. For example the fact that workload of LSOs will initially be high during a transitional period to the new licensing regime which will then fall to a more routine level. There is no indication in the paper as to how this will be accommodated or what impact it will have on the activities or roles of LSOs. We would suggest this issue needs to be addressed and would specifically that the Scottish executive and National Licensing Forum take that issue forward, either as part of its remaining activity on LSOs or on any activity around transitional arrangements. Similarly, we are concerned that the paper does not give adequate weight to the activities which are already currently undertaken by local government officers working within local authority licensing activities and effectively attempts to “reinvent the wheel” rather than build on existing good practice. Particular regard should be had to the experience in South Ayrshire as offering best practice in this regard.

I trust that our comments are of use.

Yours sincerely

Patrick Browne
Chief Executive