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ABERDEEN CITY COUNCIL

To: Allan McIntosh, Convener; Craig Adams, Derek Murray, Gerard Rattray and George Wyatt (Representatives of Holders of Premises Licences/Personal Licences); Inspector John Soutar, Grampian Police; Sandy Kelman (Alcohol and Drugs Partnership); Sohail Faruqi (Education); Linda Smith (Health); Mark Donlevy, Ian Donaldson and Bob Westland (Community Safety); Mary Crawford, Ken Eddie, Councillors Martin Greig and John West (Representatives of Residents within the Forum's Area); Katherine Ross (Youth Representative) and Diane Sande (Licensing Standards Officer).

Town House,
ABERDEEN 21 July 2010

LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Town House on **THURSDAY, 29 JULY 2010 at 2.00 pm.**

JANE G MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

- 1 Welcome and Apologies
- 2 Minute of Forum Meeting held 10 June 2010 (Pages 1 - 6)
- 3 Contribution to Review of Statement of Licensing Policy
- 4 Alcohol Etc. (Scotland) Bill (Pages 7 - 16)

- 5 Proposal to Establish North of Scotland Regional Licensing Forum
- 6 Any Other Competent Business

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Should you require any further information about this agenda, please contact Fiona Gardiner, tel. (52)2864 or email fgardiner@aberdeencity.gov.uk

Agenda Item 2

ABERDEEN LOCAL LICENSING FORUM

Thursday, 10 June, 2010

Present: Allan McIntosh, Convener; Craig Adams, Mary Crawford, Mark Donlevy, Ken Eddie, Sohail Faruqi, Councillor Martin Greig, Sandy Kelman, Audrey Kirkpatrick (as substitute for Gerard Rattray), Derek Murray, Diane Sande, Inspector John Soutar, Councillor John West, Dr. Lesley Wilkie, and George Wyatt.

Apologies: Ian Donaldson, Conor McKay, Gerard Rattray (Audrey Kirkpatrick substituting), Katherine Ross and Bob Westland.

WELCOME

Allan McIntosh welcomed everyone to the meeting, especially Audrey Kirkpatrick who was attending as a substitute for Gerard Rattray.

MINUTE

The Forum had before it the minute of the meeting held on 22 April 2010.

The Forum resolved:-
to approve the minute.

FEEDBACK FROM JOINT MEETING WITH THE LICENSING BOARD

The Forum had before it the minute of the joint meeting with the Licensing Board held on 23 April 2010.

The Forum resolved:-
to approve the minute.

STATISTICAL INFORMATION

Inspector John Soutar advised that Grampian Police continued to work effectively with the licensed trade and the Licensing Standards Officer with regular liaison meetings taking place. Charges continued to be brought under the licensing legislation rather than the common law where appropriate. So far this year 245 licensing offences have been recorded compared to a total last year of 350. The Police and licensees are having some success in preventing would-be patrons already under the influence of alcohol from gaining entry to premises and ensuring that they are removed from the city centre rather than repeating attempts to gain entry to other licensed premises. On behalf of Unight, Mark Donlevy advised that members of the Unight Scheme have recently agreed joint initiatives with Grampian

Police. For example, use of metal detectors and swab machines to try to eliminate knives and controlled substances being brought into club premises. If staff detect unknown uncontrolled substances they are under instructions to contact Grampian Police. To date 23 patrons have been banned from premises which are members of the Unight Scheme and details are shared in compliance with Data Protection legislation with Grampian Police, the City Council and Safer Aberdeen.

During the World Cup licensees are participating in social responsibility campaigns and the ID campaign to reduce underage drinking continues to be successful following the launch with school pupils. The campaign has now reached the stage of targeting older siblings pointing out the consequences for them of allowing their passports or other ID documents to be used for this purpose.

The Forum resolved:-

to thank Inspector Soutar and Mark Donlevy for their updates.

UPDATE FROM LICENSING STANDARDS OFFICER

Diane Sande advised the Forum that she continues to attend monthly liaison meetings with Grampian Police and has worked with Noise Pollution Officers to investigate 14 noise complaints received between 25th February and 25th May, 2010. Seven cases have been closed but can be re-opened at any time if there are further problems.

The Forum resolved:-

to note the update from the Licensing Standards Officer.

LICENSING BOARD BUSINESS UPDATE

The Forum was concerned at the lack of statistical information from the Licensing Board, but accepted that the marked agendas provided some interim information on the volume of business transacted by the Board.

The Forum resolved:-

to request the Clerk to repeat the request for statistical information on a regular basis from the Licensing Board.

WORKPLAN

Inspector John Soutar and the Clerk advised the Forum of the limitations of the Forum's remit with specific reference to the review of the late hours catering guidelines by the Licensing Committee at its meeting on 2nd June, 2010. Inspector Soutar was of the opinion that the issue illustrates the need for a comprehensive approach and a wide-ranging debate involving input from the Forum and the Licensing Board. Provision of taxis would be another topic which could benefit from wider consultation as and when appropriate. Sandy Kelman advised that the Alcohol and Drugs Partnership found it could not participate fully in the consultation

process in relation to late hours catering guidelines due to a lack of evidence on the impact of changes in opening hours for late night catering premises in other Scottish cities.

In relation to Action No. (13) in the Workplan, the Licensing Board was asked to ensure that any future consideration of measures to clarify legislation in relation to irresponsible promotions including the option of requiring submission of alcohol pricing plans should also apply to the off-sales trade as well as the on-sales trade. Mark Donlevy of Unight advised the Forum of progress by members in developing a Charter and that regardless of policy guidelines they have voluntarily agreed not to encourage entry to their premises by free drink promotions as part of their efforts to encourage responsible practices by licensees. Premises not eligible to join Unight should continue to be encouraged to abide by Best Bar None standards. Participants in the Best Bar None Scheme in Glasgow have developed best practice on a range of issues such as agreeing on a minimum number of supervisors and use of plastic and glassware as appropriate bearing in mind the quality of the product and the particular circumstances such as students' Fresher Weeks. Generally there is support for discretion to be exercised by licensees on the use of plastic containers given their own knowledge of their patrons and commercial considerations.

An update was provided in relation to item (7) in the Plan on late night bus services and it was noted that a report on the outcome of the survey and work to improve the service will be reported to the Enterprise, Planning and Infrastructure Committee on 9th November, 2010. A more detailed update report will be submitted to the September meeting of the Forum and consideration was given to the travel needs of staff working in licensed premises.

The Forum resolved:-

to approve the undernoted actions –

- (1) to request that the Licensing Board reconsider the liaison arrangements between Conveners of the Licensing Board, the Licensing Committee and the Licensing Forum and also discuss this issue as part of the follow-up meeting on the night time economy which the Board are hosting later this year;
- (2) to request the Clerk to invite all members of the Forum to submit questions to her on the late night bus services project so that the officers concerned can respond and to ask them to involve a licensed trade representative in the consultation process (please note following the meeting the officer leading this work has agreed to attend the Forum meeting in September to take part in a discussion and respond to any questions); and
- (3) to request the Licensing Board to support an approach to the Scottish Government seeking clarification of the legislation in relation to irresponsible promotions as discussed at the joint meeting with the Board on 23rd April, 2010.

REVIEW OF THE STATEMENT OF LICENSING POLICY

The Forum was advised that a discussion paper would be circulated shortly with a request that members submit any comments for inclusion in a final paper to be discussed at the Forum meeting on Thursday, 29th July, 2010. The aim is to agree

on a response to the Depute Clerk to the Licensing Board during August, 2010, to assist in the review of the Statement of Licensing Policy as the new Statement requires to be approved by November, 2010.

The Forum resolved:-

to agree that the main item of business at the Forum meeting on 29th July, 2010, would be the contribution to the review of the Statement of Licensing Policy.

DRINKING IN PUBLIC PLACES

The Forum considered the enforcement of the byelaw on the prohibition of drinking alcohol in public places. Members of the Forum reported members of the public in the vicinity of the Sheriff Court had been seen drinking alcohol in recent weeks. Inspector John Soutar thanked members of the Forum for the information and indicated he would make enquiries and involve his colleagues as required.

The Forum resolved:-

to thank Inspector Soutar for his assistance.

WEEKEND VISITS WITH GRAMPIAN POLICE

Councillor John West thanked Inspector John Soutar for arranging worthwhile and informative visits for members of the Forum and the Licensing Board to accompany police patrols to gain first hand knowledge of alcohol related issues in the city centre at the weekends.

MEMBERSHIP OF THE LICENSING FORUM

Dr. Lesley Wilkie advised that NHS Grampian had reviewed the representation on Licensing Forums in the North East. Dr. Wilkie advised that she would no longer be the health representative on the Aberdeen Local Licensing Forum and that she had arranged for Ms. Linda Smith, the Public Health Lead Officer with the Aberdeen Community Health Partnership to replace her.

The Forum resolved:-

to thank Dr. Lesley Wilkie for her attendance and contributions at meetings of the Aberdeen Local Licensing Forum and to accept Ms. Linda Smith of the Aberdeen Community Health Partnership as a member of the Forum.

ABERDEEN ALCOHOL STRATEGY

Sandy Kelman reminded the Forum that although the Alcohol Strategy is a 10 year strategy, there is a need to monitor progress towards achieving its objectives. This is being undertaken by the Alcohol Task Group chaired by Dr Lesley Wilkie and champions are being identified to take forward actions to operationalise the

strategy. The initiatives being taken by Unight and Grampian Police will be included in monitoring reports. Sandy suggested it would be of interest to the Forum to consider a presentation from his I.T. colleague who has developed a spreadsheet to capture updates on actions in the Action Plan.

The Forum resolved:-

to ask Sandy Kelman to arrange for a presentation on the Alcohol Strategy reporting mechanism at a future meeting.

DVD TRAINING RESOURCE

The Forum viewed part of a 30 minute training DVD produced by Alcohol Focus Scotland on the five licensing objectives.

The Forum resolved:-

to invite members of the Licensing Board to join them in an informal viewing and discussion of the DVD as some of the issues raised are relevant to both bodies.

ALCOHOL COMMISSION

George Wyatt, Vice-Convener of the Forum, advised members that two documents had recently been added to the Scottish Parliament's website which would be of interest in relation to the Alcohol Etc. (Scotland) Bill, namely the report by the Alcohol Commission chaired by Professor Sally Brown and a response to that report.

NEXT MEETING

It was confirmed that the next meeting of the Forum would be held on Thursday, 29th July, 2010 at 2.00pm and not 5.00pm as previously advised.

- **ALLAN MCINTOSH, Convener**.

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ABERDEEN LOCAL LICENSING FORUM

29 July 2010

Alcohol Etc. (Scotland) Bill

The Forum noted a briefing paper on the Alcohol Etc. (Scotland) Bill at its meeting on 25/2/10. This paper provides an update for information in light of developments. The closing date for comments on the consultation process launched on behalf of the Health and Sport Committee was 20th January, 2010. The response from the Aberdeen Licensing Board is attached to this note. The Licensing Board took no position on the proposal to establish a minimum alcohol sales price based on a unit of alcohol. The Board set out its views on the advantages and disadvantages as requested in the consultation document.

On 4/3/10, the City Council's Policy and Performance Committee agreed to "recognise and regret the continuing social and personal damage caused by the culture of alcohol misuse and that an action plan is drawn up which develops the work of the Council and its partners, mainly the Alcohol and Drugs Partnership, NHS Grampian and Grampian Police, in tackling alcohol related disorder in the city centre, expanding this to cover city wide issues in terms of the four key themes of prevention, intervention, enforcement and rehabilitation, and that this is done with reference to the recently launched Alcohol Strategy".

On 10/6/10 there was a debate in the Scottish Parliament on Stage 1 of the Bill based on the report from the Health and Sport Committee which had scrutinised responses to its consultation paper and had examined witnesses and undertaken fact finding studies. At the conclusion of the debate, the Scottish Parliament agreed the general principles of the Bill but called on the Government to move an amendment at Stage 2 to delete the section on introduction of a minimum price per unit of alcohol. During the lengthy debate Jackie Baillie MSP, Shadow Health Secretary, referred to the interim report from the Alcohol Commission chaired by Professor Sally Brown. The final report may be published during the summer. The interim report proposes a legal limit for the amount of caffeine in alcoholic drinks which would affect alco-pops and tonic wines. The final report will be available before the Stage 2 debate in the Scottish Parliament and it is anticipated new practical measures will be proposed including Alcohol Treatment and Testing Orders modelled on the equivalent Orders in respect of drugs.

The debate in the Scottish Parliament shows there is a lack of consensus on the need for a minimum price of alcohol but also shows consensus on a range of other proposals in the Bill. For example, the extension to off-sales premises of the restrictions placed on the on-trade on the supply of alcoholic drinks free of charge or at reduced prices and the restriction on irresponsible promotions. The introduction of an age verification policy is widely supported. There continue to be calls for more details on the proposed social responsibility levy and for the proposed minimum price to be specified in order to judge the merits of these proposals including their legality. Nicola Sturgeon, Health Secretary, following the vote in the Scottish Parliament, indicated the Scottish Government would continue to pursue minimum pricing at Stage 2 of the Bill.

During the debate in the Scottish Parliament it was suggested to the Health Secretary that she await developments in Westminster but she declined to do so. The relevant development being the publication of the UK Government's Policy Statement "The Coalition – Our Programme for Government" the document addresses plans for alcohol policy as follows:-

"We will ban the sale of alcohol below cost price

We will review alcohol taxation and pricing to ensure it tackles binge drinking without unfairly penalising responsible drinkers, pubs and important local industries"

Jeremy Beadles, Chief Executive of the Wine and Spirit Trade Association commented on the UK Government's policy statement by indicating his Association supports "A ban on selling alcohol below the level of duty plus VAT on the basis that these are both consumer taxes and therefore the cost should be passed on to the consumer. Whilst the Association remains opposed to minimum pricing, we are keen to work with Government on the issue of below cost selling to ensure any future legislation does not discriminate against any particular section of the drinks industry.

However we do not believe that alcohol pricing and taxation provide the solution to alcohol misuse, what is needed is education and rigorous enforcement of laws to address misuse and related antisocial behaviour."

CONCLUSION

The Local Licensing Forum is asked to note the current position regarding consideration of the Alcohol Etc. (Scotland) Bill and that a further update will be submitted as the Bill progresses through the Scottish Parliament.

Alcohol etc. (Scotland) Bill

Aberdeen City Council

Introduction

The Scottish Parliament's Health and Sport Committee has called for written evidence seeking views from interested parties on the general principles of the above Bill. The evidence received will inform its consideration of the Bill at Stage 1.

The main purposes of the Bill are:-

- 1 Introduce a minimum sales price for a unit of alcohol (s.1&2 of the Bill).
- 2 Introduce a restriction on off sales regarding the supply of alcoholic drinks free of charge or at a reduced price (s.3)
- 3 Make provision in law with respect to the sale of alcohol to under 21s (s. 8).
- 4 Restrict the location of drinks promotions in off sales premises (s.4)
- 5 Introduce a requirement for licence holders to operate an age verification policy (s. 5).
- 6 Make provision in law for a social responsibility levy on licence holders (s.10 & 11).

The details of the consultation were received after the Licensing Board's meeting of 15 December and, with Christmas intervening, there has not been time to arrange another meeting to discuss the Licensing Board's response to the Bill with the Elected Members. The Board does not meet again until 9 February, after the consultation period has finished. As the Bill contains a number of proposals which are politically controversial this is regrettable.

This response is also given from the perspective of the Board as an autonomous body from the Council and as a quasi judicial body.

The main questions raised in the consultation are as follows:-

Q1 - The advantages and disadvantages of establishing a minimum alcohol sales price based on a unit of alcohol

This is a difficult question to answer as it is political in nature. There is also a question over the legality of the proposal under European competition law. That aside, is there documented evidence that raising the price of a product such as alcohol actually reduces its consumption? The nearest obvious example is smoking and anecdotally, increasing the price of cigarettes did not apparently reduce consumption markedly. Other measures were required eg the ban on smoking in public places, before there was a demonstrable effect on public health.

Advantages : Those bodies which represent the health interest are the most suited to respond to this question. Several articles have been written outlining

the advantages of minimum pricing. The idea behind a minimum price scheme is to ensure that the price of the cheapest alcohol, which significantly contributes to health risk, is raised to a level which discourages purchase and consequent abuse. If this route is chosen the price will have to be set at a high enough rate to ensure that it does have an effect.

Disadvantages: these appear to be voiced by those who consider that a free market should decide what the price of any commodity should be without any imposition from the state. There is also the legal question of the legality of price fixing to be resolved.

It is important that, should the Government impose minimum prices, the method by which the price is set must be clear and unambiguous and there should be no ambiguity as to when the minimum price should be applied. Currently there is confusion surrounding the mandatory conditions on premises licences concerning irresponsible promotions and we would not wish to see this repeated. Clear drafting of the provisions is essential. Moreover, provision should be made to facilitate updating the minimum price whenever that is necessary. It is suggested that a system of regular monitoring should be introduced to calculate the effects of the provision. It may be of assistance in monitoring if it was compulsory for a licensee to display his/her price tariff prominently on the premises. This would also be useful in monitoring to ensure that the price of alcohol was consistent over the 72 hour period required in the mandatory conditions on irresponsible promotions. (Paragraph 7 Sched 3 Licensing (Scotland) Act 2005)

Q2 - The level at which such a proposed minimum price should be set and the justification for that level

Again, information from health interest groups is most appropriate here. The price should be set at a level sufficiently high to achieve its aim. We are not in a position to suggest what level that might be.

Q4 - The rationale behind the use of minimum pricing as an effective tool to address all types of problem drinking

Again, information from health interest groups is most appropriate here. Experience of trying to overturn public opinion in any matter does suggest however that a package of measures works better than one measure operating alone.

Q5 - Possible alternatives to the introduction of a minimum alcohol sales price as an effective means of addressing the public health issues surrounding levels of alcohol consumption in Scotland.

Raising the age nationally from 18 would be one way to address these issues. Given that it is accepted that many of the problems associated with alcohol misuse occur around anti-social behaviour on weekend nights and that many of these people “frontload” at home by drinking at home before going out because it is cheaper, it would seem sensible to include off sale licensed

premises in control measures. Also a lot of under 18s obtain their alcohol from small local off licensed premises then cause problems in their local communities and it would make sense to price alcohol out of their financial reach.

Q6 - The advantages and disadvantages of introducing a social responsibility levy on pubs and clubs in Scotland

The money raised is intended to reimburse local authorities for the costs of dealing with the adverse effects of alcohol misuse. Those who profit from the sale of alcohol are expected to fund this reimbursement. The examples given are extra policing or street cleaning or furthering the licensing objectives.

This proposal gives rise to more questions than answers:

1) What criteria should be used to determine the types of premises (or specific premises) which would be subject to the levy? Are there any types of premises which may be excepted from the general rule? What about those premises that are well managed and uncontroversial in their operation? Are they expected to contribute to the levy?

2) How is the levy to be determined? A sliding scale based on rateable value? An assessment of the amount of antisocial behaviour emanating from a particular premises? Right across the Licensing Board area or in parts only? How will premises which are not included be brought within the ambit of the levy if they become problematical?

3) Is the calculation of the levy to apply equally to liquor licence holders and civic government licence holders (late hours catering, public entertainment and street traders licences). How is it justified bringing these latter licence types into this legislation? These latter licences are not subject to the licensing objectives so why are they being subjected to a levy in furtherance of the objectives? Whilst we would agree that late night catering licence holders operate during the period of the night time economy, street traders do not. Most public entertainment licence holders operating at night also have alcohol licences. Are they to be subject to a double levy for the 2 licences?

The Committee describes the premises which are to be subject to the levy as "pubs and clubs". However, the Licensing (Scotland) Act 2005 and the Bill do not distinguish types of premises. The Bill defines relevant licence holders as "holders of premises licences or occasional licences granted under the 2005 Act". This therefore will include all different types of operation ranging from large noisy nightclubs open late to small specialist fine wine selling delicatessens which close no later than 22.00. Should this levy be imposed on everyone who holds a premises licence? If not, the law must be clear on who must pay this levy and why. What is to be covered by "social responsibility"? Anti social behaviour by customers of liquor licensed premises? How are we to distinguish which premises have generated the anti social behaviour? Some behaviours and the reasons for them may be perceived as more anti social and/or serious than others, eg sales of alcohol to people who are obviously inebriated or glass assaults and should be the subject of more

intensive enforcement action. Will they attract a larger levy?

A condition banning the sale of alcohol in glass receptacles or allowing people to drink from the bottle would cut a big percentage of glass assaults at a stroke and be a huge benefit (ie compulsory use of plastic glasses).

It is a concern that there is no mention of individual responsibility in the Bill. Some of the polluters are the people who get drunk and act irresponsibly. How are they to contribute to the levy?

Advantages: Money is made available from premises licence holders to local authorities to assist in dealing with the effects of alcohol-fuelled anti social behaviour such as littering. This measure will no doubt be welcomed by Local Authorities in contributing to the cost of clearing litter and other detritus caused by late night revellers. Licence holders may be more vigilant in ensuring that their customers do not become intoxicated. Are the police and health services included in qualifying for a share of the levy? The definition of "Local Authority" in the Bill may need to be expanded.

Disadvantages: It is noted that the Scottish Government is holding discussions with stakeholders in order to develop further the detail of the levy, including the parameters of the arrangements. This is important as it is difficult to envisage how a levy can be set to be fair to all concerned given the complexity of apportioning responsibility for anti social behaviour problems to specific licence holders. The other suggested approach "polluter pays" where only those licensees breaching the 2005 Act pay, may not adequately achieve the intended goal due to the time and cost factors in gathering evidence, holding hearings and determining blame. Who is to take on this responsibility? What appeal provisions have been built into the Bill for those who wish to appeal.

Whichever approach is finally decided, it is essential that the system can be administered easily. The levy is to be paid to the Local Authority but what is the levy to pay for and who gets the money? Who sets the figure? If it is up to the Local Authorities to fix the figure this will introduce a layer of bureaucracy and it will therefore be necessary to provide clear guidelines to achieve consistency across Scotland.

If there are to be exemptions from payment those categories must be clear. Is there a standard figure or are there different levies depending on the different types of premises? The imposition of a standard national levy is easiest to administer but does not take into account the differences in licensing board areas around the country.

A levy on top of all the other expenses a licence holder may face may well have a serious effect on some businesses especially the smaller ones. Premises licence holders already pay an annual fee to Licensing authorities and this levy will be in addition to that. If a levy is to be imposed the reasons for doing so must be clear and unambiguous. The levy must also be justified and fair among all liquor licence holders.

What measures will be introduced to ensure a burden is not imposed on local authorities collecting the levy on behalf of other agencies eg police, health services.

Q7 - The justification for empowering licensing boards to raise the legal alcohol purchase age in their area to 21.

It is quite simply not practical or desirable to have differing ages at which it is legal to buy alcohol in different areas of a small country like Scotland. It is for the government to set the age and for local areas to enforce it. There should be no distinction between on and off sales premises.

This provision also requires Boards to include a “detrimental impact statement” within their licensing policy statements regarding the effect of off sales to those under 21 and whether this is having a detrimental effect on one or more of the licensing objectives in the whole or part of the Licensing Board’s area. This will rely heavily on the police collecting evidence from test purchasing schemes. Again this can be addressed largely by including off licensed premises in the other control measures.

Should licensing boards be given this power, it would be helpful if clear guidelines were provided as to the criteria boards should consider to assist them in a) deciding if an area justifies this status and b) formulating their “detrimental impact statement”. If the provision is ratified it may be more flexible to give licensing boards the option to have a detrimental impact statement rather than make it compulsory.

Also it will be far too confusing and unworkable to have part of a Board area with a “21 policy” therefore this provision, if adopted should apply to the whole Board area. In essence we already have such a “policy” as the law as it stands is age 18 and there is evidence that it is not adhered to or enforced so it is not clear why raising the age to 21 will fare any better. If the main problem is underage drinking this can be addressed by other means as stated above and by applying more rigorous enforcement.

The provision in the Bill in respect of the requirement for licence holders having an age verification policy should be a significant step in preventing problems provided of course it is correctly followed by licensees.

Importantly, this should involve a more active approach by Procurators Fiscal when considering cases brought to them by the police. Too often the PF does not take action on the statutory offences in the current legislation. We repeat this should be a national requirement rather than a local one.

Q8 - The role of promotional offers and promotional material in encouraging people to purchase more alcohol than they intended

Section 3(2) of the Bill has the effect that “quantity discount” and similar promotions would not be permitted for off sales. This measure is to be

welcomed as it assists in levelling out the approach to irresponsible alcohol promotions between on and off sales premises. Promotions can take many forms. The Act deals with certain known promotions. In trying to be specific, the way is open for promoters to seek alternative ways to promote alcohol sales which may be irresponsible in practice but which are not covered by the legislation. "Grey areas" should be avoided. It is suggested that the legislation should provide a "catch all" provision to meet the development of irresponsible promotions. If the wording of the Act is unclear Licensing Boards may interpret the provisions differently leading to a lack of uniformity throughout the country.

Q9 - Any other aspects of the Bill

Section 4 - Off sales : location of drinks promotions

This proposal is to be welcomed.

Section 9 Premises licences : variation of conditions.

This proposal is welcomed and will be potentially useful.

FINANCIAL IMPACT

The 3 proposals identified by the Scottish Government as having a significant financial effect (ie £0.4m pa once implemented) are

- introduction of minimum price for a unit of alcohol;
- introduction of a restriction for off sales on supply of alcoholic drinks free of charge or at a reduced price;
- provision in respect of sale of alcohol to under 21s.

The financial impact will fall mainly on the government through loss of VAT revenue.

If adopted, these significant proposals will add considerably to the workload of the Licensing Standards Officer however, the Scottish Government has considered that the additional work is small and therefore costs are likely to be marginal. This is confirmed by COSLA and the position will be reviewed around a year after implementation. We would disagree with this. In particular if a 21 policy is implemented in part of a Board's area monitoring will be a big task as is the whole irresponsible promotions issue.

Eric Anderson
Depute Clerk to the Licensing Board
Aberdeen City Council
20 January 2010

RESPONSE TO CONSULTATION ALCOHOL ETC (SCOTLAND) BILL

Introduction

The Scottish Parliament's Health and Sport committee called for written evidence from interested parties on the general principles of the above Bill. The evidence was to be submitted by 20 January 2010.

Unfortunately, due to a number of factors, Aberdeen City Licensing Board was unable to submit a response within the time allowed. A response was however sent timeously by the Licensing Board Officials.

The Licensing Board Members, however, whilst approving the terms of that response, also wished to supplement the response with the following,

Q1: The advantages and disadvantages of establishing a minimum alcohol sales price based on a unit of alcohol

Advantages –

(a) If minimum prices were applied to both on and off sales it may reduce the practice of “frontloading” where customers consume cheaper alcohol from off sales premises, consume this at home, then go to on sale premises to finish consuming alcohol at the higher prices at these premises.

(b) Cheaper alcohol leads to the destruction of communities but minimum pricing may be seen as an insufficient measure if applied alone. It would have more of an impact as part of a package of other measures such as a properly constructed national education programme about the effects of alcohol on society with special emphasis on the dangers of irresponsible alcohol consumption.

(c) Cheaper alcohol may provide a better business platform for everyone connected to the licensed trade with licensees profits being better protected. It will also assist public services with the expected aim of reducing alcohol fuelled antisocial behaviour and have a less detrimental impact on the NHS.

Disadvantages –

(a) Lower wage earners who consume alcohol responsibly may be unfairly penalised.

(b) Unless applied to all alcohol irrespective of the type of premises supplying it, this measure will lead to more people consuming alcohol at home rather than in controlled licensed premises.

Q2: The level at which such a proposed minimum price should be set and the justification for that level

No change from previous response.

Q3 The rationale behind the use of minimum pricing as an effective tool to address all types of problem drinking

See answer to Q1.

Q4 Possible alternatives to the introduction of minimum alcohol sales price as an effective means of addressing the public health issues surrounding levels of alcohol consumption in Scotland

No change from previous response.

Q5 The advantages and disadvantages of introducing a social responsibility levy on pubs and clubs in Scotland

No change from previous response.

Q6 The justification for empowering licensing Boards to raise the legal alcohol purchase age in their area to 21

No change from previous response.

Q7 The roll of promotional offers and promotional material in encouraging people to purchase more alcohol than they intended. No change from previous response.

Q8 Any other aspects of the Bill. No change from previous response.

G/Apps/Eric/ response to consultation alcohol etc (scotland) bill (2)