

## ABERDEEN LOCAL LICENSING FORUM

25 February 2010

### Alcohol Etc. (Scotland) Bill

The Health Committee of the Scottish Parliament will be considering the feedback received from a wide range of organisations and individuals now the deadline of 20<sup>th</sup> January, 2010 for comments on the Alcohol Etc. (Scotland) Bill is passed.

The main provisions of the Bill are:-

- (1) to introduce a minimum price of alcohol and a minimum price of packages containing more than one alcoholic product;
- (2) to extend to off-sales premises the restrictions on the supply of alcoholic drinks free of charge or at a reduced price and the restriction on certain irresponsible drinks promotions;
- (3) to introduce an age verification policy to be applicable in respect of premises, offsales and occasional licences. This would be a policy to ensure steps are taken to establish the age of a person attempting to buy alcohol if it appears to the person selling the alcohol that the customer may be less than 21 years of age or such older age as may be specified in the policy;
- (4) to impose a new duty on Licensing Boards to assess the impact of off-sales to persons under the age of 21. Each Licensing Policy Statement must include a statement referred to as "detrimental impact statement" as to the extent to which the Board considers off-sales to persons under the age of 21 are having a detrimental impact in its area or a locality within its area. Detrimental impact means any adverse effect on one or more of the licensing objectives. In preparing or reviewing a detrimental impact statement, the Board must consult the Local Licensing Forum for the Board's area and such other person as the Board thinks appropriate;
- (5) to enable Scottish Ministers by regulations to introduce a social responsibility levy. The Regulations would provide for exemptions from the charges, collection and enforcement arrangements, payments to be a condition of licences held by relevant Licence Holders which could include holders of occasional licences, street trader licences involving carrying out a food business, holders of Public Entertainment Licences and holders of Late Hours Catering Licences in addition to holders of Premises Licences. The Regulations could also make provision about the particular purposes to which income from charges may be applied.

Ken Eddie as a member of the Local Licensing Forum obtained the views of Lewis Macdonald, MSP, and Nicol Stephen, MSP on the proposal to introduce a minimum price for an unit of alcohol. Their views are summarised below.

Lewis Macdonald, MSP, advises that he shares concerns the scale of the problem of over-consumption of alcohol and believes enforcement of existing legislation is required in addition to radical new measures. He advises that the Shadow Health Secretary, Jackie Baillie, MSP, is setting up a commission led by Professor Sally Brown to consider a full range of measures to tackle alcohol abuse in Scotland including an examination of alternative pricing mechanisms. Lewis Macdonald, MSP, regrets that the debate so far has become polarised on the issue of minimum unit pricing even although there is no one measure that is a "silver bullet" in the fight against alcohol

abuse. He is of the view that although there is clear international evidence of a link between price, availability and consumption of alcohol, many health professionals acknowledge that those with severe alcohol dependency are likely to be least price sensitive. With statutory minimum pricing the money raised would go directly to the retailers and there is no opportunity to target the income at alcohol education or treatment or additional enforcement activity. He also points out that the Scottish Government's proposals only introduce an enabling power in relation to price and this would reduce parliamentary and EU scrutiny.

Nicol Stephen, MSP, replied setting out a statement of the position of the Liberal Democrats in the Scottish Parliament as put forward by Robert Brown, MSP, the Justice spokesman during a debate in the Scottish Parliament on 5<sup>th</sup> November, 2009. The Liberal Democrats support a ban on the sale of alcohol below the cost of duty plus VAT. They also support tackling irresponsible drinks promotions and a more rigorous enforcement of existing legislation with regard to irresponsible retailers, landlords and individuals who purchase alcohol for underage drinkers. They believe in the need to focus on education to warn people about the risks of alcohol abuse and welcome early intervention schemes to divert young people away from developing irresponsible attitudes to alcohol and developing bad alcohol consumption habits. Opening Council facilities in the evenings and supporting youth organisations would be practical measures to tackle the youth culture of drinking to excess. They support the Scottish Government's Youth Commission which was established to explore issues faced by young people in relation to the misuse of alcohol and they support a range of measures including brief interventions, arrest referral schemes and a zero tolerance approach to alcohol related violence and anti-social behaviour against public sector workers particularly emergency service workers. The Liberal Democrats also support improving access to specialist treatment services and calls for the Scottish Government to establish clearly if there is a legal basis for setting a minimum price of alcohol to avoid later lengthy and costly legal proceedings.

Attached to this note are the responses sent to the Scottish Parliament's Health Committee by NHS Grampian and the City Council on the proposals set out in the Alcohol Etc. (Scotland) Bill.

## CONCLUSION

The Local Licensing Forum is asked to note the current position regarding consideration of the Alcohol Etc. (Scotland) Bill and to note that further updates will be submitted.