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

The Board is in agreement with minimum pricing in that it is an aid to discouraging the purchase of cheap alcohol, particularly for or by young persons and that it requires to be mandatory in order to be effective.

The measures must apply both to on and off sales in order to be effective.

The Board believes, however, that, minimum pricing, as an isolated measure, will not solve the problems of excessive drinking of alcohol, nor of young people drinking alcohol, and must be taken in conjunction with other measures aimed at educating both young people and adults alike in drinking responsibly and raising awareness that alcohol is a commodity different to other products. It may have a small impact on “pre-loading” or drinking at home, but the Board believes that this practice will continue, with the majority of younger people drinking quantities of alcohol in the home, in an unsupervised environment, with no real idea of the quantities being consumed or the effect that it has on their health.

The Board does not agree that establishing minimum prices will alleviate the problems faced by the minority section of our society who are very heavy drinkers or persons that are addicted to alcohol. Such persons will purchase alcohol, regardless of the price, because their need for alcohol outweighs the cost of alcohol.

The biggest problem that has to be tackled is in getting the majority of adults to accept that drinking large quantities of alcohol is a problem. People are in denial. They all perceive themselves to be “sensible drinkers”. They don’t see drinking alcohol to be a problem and usually see it as something that always happens to someone else and not to themselves.

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

The Board feels that setting the minimum price at 40p, as set out in the examples provided with the Bill, is not high enough to have a major impact. Most wines and spirits are sold well above those prices and will not be impacted on at all. The increase to the cheaper products is not high enough to impact on the majority of people financially.

The Board is of the view that a minimum price of at least 80p would be more effective.
The rationale behind the use of minimum pricing as an effective tool to address all types of problem drinking

As outlined above, the Board does not believe that minimum pricing is an effective tool to address all types of problem drinking, but that, if set at the correct levels, it is a useful tool to discourage young persons from drinking alcohol and from drinking excessive quantities of alcohol, simply because they can’t afford to do so.

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

The Board agrees that introducing minimum pricing, combined with a tightening of the conditions related to promotional offers and materials is the best solution to introduce at the current time. However, this has to be supported by a range of diversionary activities for young persons and education and awareness-raising for everyone.

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

The Board does not agree that the on sale trade and late hours catering outlets should pay a levy to police the night-time economy. The Government itself has acknowledged in its policy memorandum on the alcohol bill that the bulk of consumption of alcohol takes place within the home before people go out to pubs and clubs, in other words pre-loading. The pubs and clubs are left to deal with the problem of already inebriated people and the resulting impact on the community in which they are attempting to run their businesses.

If a levy is to be raised, powers should be given to the Police to impose on the spot fines for the people that are the cause of the problem and not the businesses trying to deal with the problem as best they can. The Board is of the view that the on trade, and some of the smaller off sale retail outlets, have really raised their game with the introduction of the licensing objectives and are trying very hard to run their premises responsibly in line with the licensing objectives.

A system of fines may make individuals think twice about their behaviour. Individuals must take responsibility for their actions and the impact of their actions on others. Such fines would be appealable to the Sheriff Court in the same way that a smoking fine or dog-fouling fine can be.

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

The Board are of the view that this is to be welcomed as a general principle, but should only be used as a last resort. This is borne out by the fact that Boards will have to carry out an impact study and incorporate this into their
Policy Statement. The Board is also of the view that to be truly effective, this policy has to apply to both on and off sales.

In conjunction with this, it does not make sense for licence holders to have an age-verification policy for under 21 years of age, where the Board has not raised the legal alcohol age to 21. This should be for under 18 years of age, or, where the Board has raised the legal alcohol age to 21, for under 21 years of age.

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

This restriction is to be encouraged. However, the bill does not go far enough as many householders are targeted with flyers for supermarkets, often with promotional offers on alcohol. Also, television adverts for supermarkets often lead with promotional offers on alcohol. The bill does not address these issues. The measures will not be truly effective unless the whole problem is tackled.

**Any other aspects of the Bill**

**Occasional licences**

The proposed changes to occasional licences are not sufficient where they relate to applications made by voluntary organisations. The whole point of the proposed changes is to tackle excessive consumption of alcohol and to promote responsible drinking.

The holders of personal licences require to undergo mandatory training courses. Equally, a premises licence must have a designated premises manager who holds a personal licence and thus has been trained.

Part of the training course for a personal licence holder covers alcohol and its effects on people and how to act to prevent serving people who are drunk, are underage or are potentially purchasing on behalf of someone who is drunk or underage. There is currently no equivalent provision for a voluntary organisation to have a personal licence holder or to undergo training.

Voluntary organisations are licensed to sell the same alcoholic products as on sale and off sale premises are. However, they are not subject to the same scrutiny or training as on and off sale premises licence holders or for personal licence holders.

The Board is of the view that there should be a mandatory condition to the effect that someone should be present for the duration of an event, which is the subject of an occasional licence granted to a voluntary organisation, who has undergone and passed the same training course that a personal licence holder requires to undertake. Equally, there should be a mandatory condition that all staff should undergo the staff training requirements prior to the event taking place.
Such a training requirement would provide voluntary organisations with a better knowledge base of the law, the effects of alcohol on a person and what signs to look for, how to comply with the 5 licensing objectives and that, combined with the proposals in the alcohol bill would assist in the better operation of such events.

**Power to vary a licence**

While the Board welcomes the power to be able to vary a licence, it has concerns about being able to vary a licence without giving licence holders an opportunity to be heard.

The Board would prefer to have some form of consultation with premises licence holders if the Board are proposing to vary the terms of all licences. Where only certain licences are to be varied, it is only right that the Board has power to hold a review hearing to allow the licence holder to be heard in respect of the proposals, even if that is by means of written submission, before the variation is applied. The Board is not convinced that the proposals as they stand are ECHR compliant.

**Irresponsible Promotions**

The Board is firmly of the view that, as well as the proposed changes in the bill, there needs to be clear national guidance on what does or does not constitute a promotion and in relation to which promotions affect solely on sales or off sales premises and those which affect both.

The Board is being inundated with complaints from licence holders and members of the public alike about the fact that supermarkets appear to be completely ignoring the current legislation in relation to irresponsible promotions, and intend to continue doing so. There is no clear steer from the Government on this issue and the Board is reluctant to take local action which would then tie them up in Court, at great expense to the taxpayer, on issues that are deemed to be local because there is currently no clear national guidance on this issue.

Fiona M Stewart  
Depute Clerk to the Board  
North Aberdeenshire Divisional Licensing Board  
20 January 2010

**Amendment - 5 February 2010**

Further to the Board’s submission to you dated 20 January 2010, the Board discussed minimum pricing further at their Board meeting on 29 January 2010.
The Board wishes to revise their submission in relation to the level of minimum pricing for alcohol.

The Board advised that they were of the view that the minimum price should be 80p, however, having carried out some calculations, they are now of the view that the minimum price should be set at a minimum of 50p. Their reasoning for this is that the price of spirits in particular would be raised at a level that would increase shops’ own brands, such as Tesco or Asda own-brand whisky but would not affected the branded malt whisky upon which areas such as Aberdeenshire rely on as part of the tourist industry for the trade.