Introduction
The City of Edinburgh Licensing Board (“the Board”) welcomes the opportunity to comment on the Alcohol etc. (Scotland) Bill as follows:-

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

The Board was generally of the view that a minimum alcohol sales price based on a unit of alcohol was the appropriate way forward, provided it was accepted as only one initiative amongst many aimed at reducing alcohol consumption. The Board asks the Committee to continue pressure on the Government to explore additional alternative avenues to address issues including inequitable alcohol duty arrangements. Doubts were expressed whether the minimum price would truly target cheaper alcohol.

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

The Board had no concluded view on this issue, but felt that the example provided by the Government in the explanatory notes, where the minimum price per unit was set at 40p, produced minimum prices that were still too low to act as a deterrent to consumption. It was recognised that a Government could find setting a higher level per unit a difficult decision to make in the face of trade opposition.

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

The Board was satisfied with the rationale provided by the Government on the basis that other measures were also required, in particular measures designed to prevent sales of alcohol to persons under 18.

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

The Board was satisfied with the discussion on alternative approaches contained in the Government’s policy memorandum. No further alternative approaches were proposed.

The advantages and disadvantages of introducing a Social Responsibility Levy on pubs and clubs in Scotland

The Board identified disadvantages arising from this proposal as currently drafted. Any Local Authority imposing a Social Responsibility Levy would
have to take great care that this was not an additional fiscal burden which may have the effect of closing businesses down. There are also disadvantages inherent in administering a levy of this nature and in calculating how the levy is to be arrived at. An levy might be restricted to premises where there is a clear social cost (in terms of policing, street cleaning etc) and that these might be the larger, later-opening premises.

There was a feeling that the proposal as drafted reflects a confusion over the respective roles of the Licensing Board and the Local Authority. Licensing Boards are composed of members who have undergone training including training in respect of the licensing objectives and are in a position to determine what initiatives and activities will further the licensing objectives. A Board will have adopted statements of policy indicating how the objectives are to be supported in a particular local government area. In arriving at these, there will have been consultation with the local Licensing Forum. In any event there is also a requirement for ongoing consultation between Forum and Board. In all probability it is the Board in the first instance that will be aware of what is creating an adverse impact on those objectives. These are not matters that the Local Authority can fully judge, given that they have no training in or experience of working with the licensing objectives. Similarly, there is further confusion generated by the introduction of certain licences issued under the Civic Government (Scotland) Act 1982, whose holders will have no knowledge or understanding of the licensing objectives created by the 2005 Act. This aspect requires to be completely reconsidered. At the very least, would it not be sensible to require Boards and Local Authorities to work together and jointly consider the need for and purposes of a particular levy?

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

It was recognised that some Licensing Boards may wish to take action in particular areas.

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

The Board supported the proposals to extend and amend the current definition of irresponsible promotions and the new provisions regarding display areas in premises.

Other matters arising from the Bill

In Section 5 of the Bill a provision should be introduced to provide that the age verification policy will be set down by the licence holder in writing so as to be capable of inspection by Licensing Standards Officers.
Other matters generally

The Board also wished to suggest that the Bill provides an excellent opportunity to address ongoing difficulties in the operation of the Licensing (Scotland) Act 2005. It will correspond further with the Government in this connection but at this stage would suggest that the opportunity should be taken to clarify the provisions of Section 123(5) of the 2005 Act. The Board is defending eight appeals against decisions to refuse licences for petrol stations relying on their status as excluded premises under the 2005 Act. Whilst the Board has been successful in the first two of these before the Sheriff Principal, further appeals have been taken from sheriff court decisions to the Court of Session. The Sheriff Principal expressed the view that there is a genuine problem of interpretation arising from the section such that it can only be properly interpreted by reference to Scottish Ministers’ Guidance issued under section 142(1) of the 2005 Act. This is taken as giving an indication of the intention of Parliament. An amendment could reinforce the position anticipated in the Ministerial Guidance by clearly stating that petrol stations are not excluded if a majority of persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of petrol or groceries. Whilst such an amendment would have no immediate effect on current appeals it would greatly assist Boards in determining their future policy both for appeals and for the upcoming revisions to policy statements.

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