Dundee City Licensing Board ("the Board") welcomes the provisions of the Alcohol etc. (Scotland) Bill ("the Bill"). The proposals for the minimum pricing of alcohol and the introduction of "off-sale specific" restrictions on promotions are particularly needed to deal with the issues which have been a continuing problem for a number of years caused by the cut-price sale of alcohol both in on- and off-licensed premises.

Advantages/Disadvantages of a Minimum Price

The Board, in common with some other areas, had its own minimum pricing policy (copy attached), but this required to be discontinued following the decision of the Court of Session in the judicial review by Mitchells & Butler Retail Ltd. v. Aberdeen City Licensing Board in 2005 which ruled that such schemes were ultra vires under the provisions of the Licensing (Scotland) Act 1976 ("the 1976 Act"). This was based upon the quantity and type of drink, rather than alcohol content and was attached as a condition to regular extensions for on-sales premises only. This was the only condition-making power available to the Board under the 1976 Act and, therefore, it did not apply to off-sales or to any on-premises before 11.00 p.m.

The Board was, of course, disappointed at the outcome of the Aberdeen case. It therefore is supportive of any provisions which would give the legislative backing for minimum pricing previously lacking under the 1976 Act. The local scheme was introduced as a direct result of a number of cases being reported to the Board involving the sale of alcohol at ridiculously low prices, e.g. "10p a nip", "29p a nip", etc. As can be seen from the local scheme, as well as minimum pricing, the Board also sought to introduce restrictions on promotions because it felt that one initiative had to be accompanied by the other, i.e. any attempt to introduce curbs on promotions could not really be effective without an element of minimum pricing. This applies equally to the provisions in Schedule 3 to the Licensing (Scotland) 2005 ("the 2005 Act") covering irresponsible promotions in on-sales premises and to the proposed provisions in Clause 3 of the Bill for off-sales premises. Without minimum pricing, there is a real danger that off-sales premises in particular could comply with the requirements of Clause 3, whilst selling alcohol at the same low prices as they are currently doing. For example, they might just lower the unit price and continue to sell multiple units at the same discounted prices as at present.

The Board would, however, suggest that consideration is given to some form of levy on the producers/suppliers of alcohol to offset the increased revenues they would likely receive from the introduction of minimum pricing. It seems unfair if they are going to end up with a boost to their profits as a result. The proceeds of any levy could then be put towards further measures to tackle alcohol misuse, possibly even supplementing (or making up part of) the
proceeds of the proposed "social responsibility levy" in Clauses 10 and 11 of the Bill.

**The Level at which the Minimum Price should be fixed**

The Board would support the suggested level of 40p per unit of alcohol, at least. This is based upon the evidence in the ScHARR Report. The Board is of the view that to set the minimum price at 25p, 30p or 35p would be of so little effect (again based upon the ScHARR data) as not to be worthwhile. The Board would not like to see the implementation of a rate much above 50p per unit since the ScHARR data indicated that this begins to have an increasingly disproportionate effect upon those identified as "moderate drinkers" and it seems unfair to punish that group for the wrongs of others.

**Introduction of Social Responsibility Levy**

In its response to the White Paper, "Changing Scotland's Relationship with Alcohol!", the Board supported the concept of the "social responsibility levy" and this remains the case. At that time, it suggested that the best way to calculate the levy in each individual case would be to base this upon rateable value. If the scheme was to be based upon turnover, it is difficult to see how the Licensing Board (or the local Council) could ascertain what the level of turnover is for each individual business in order to calculate the amount payable.

**Empowering Licensing Boards to raise the legal purchase age for off-sales to 21**

The Board does not see the need for this. If it is to be introduced, then it should be done on a national basis and not left to each Board to decide. The proposals also seem to envisage some areas within the Board's jurisdiction possibly being subject to a minimum age of 21, whilst other areas are left with the minimum age of 18. This can lead to absurd results, e.g. shops in close proximity to each other with different requirements, and surely any potential purchasers would just go to premises in the areas where the minimum age was 18.

**Role of Promotional Material/Offer in encouraging purchase of more alcohol**

The Board welcomes any proposals which would restrict the level of promotional activity since this could only reinforce the existing provisions in Schedule 3 to the 2005 Act and the proposals in Clause 3 of the Bill.

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Dundee City Licensing Board
20 January 2010