Alcohol etc. (Scotland) Bill

Falkirk Council

Falkirk Council responded to the consultation ‘Changing Scotland’s Relationship with Alcohol: A Discussion Paper on Our Strategic Approach and would maintain this position in response to consultation on the Alcohol Etc. Scotland) Bill which proposes to:

- Introduce minimum price for a unit of alcohol
- Restriction on off sales on supply of alcoholic drinks free of charge or at a reduced price
- Make provision in law with respect to the sale of alcohol to under 21’s
- Restrict the location of drinks promotions in off-sales premises
- Introduce a requirement for licence holders to operate an age verification policy
- Make provision in law for a social responsibility levy on licence holders

Minimum retail pricing

- the scheme should apply equally to all premises selling alcohol;
- prices should be determined with reference to the alcoholic strength of the product rather than any other factors, such as the type of product;
- minimum prices should be set independently of those connected either directly or indirectly with the manufacture, retail, supply or distribution of alcohol products or any other connected activity;
- it should be straightforward to vary the levels at which prices are set;
- arrangements should be as straightforward as possible to minimise the burden on the licensed trade and to ensure compliance

Comments:

The above proposals complement the regulation changes to bring an end to irresponsible promotions and below-cost selling and at the same time help to ensure that the various sectors of the licensing trade are treated equally. We believe this to be a sensible and much needed change if we are to see a move away from the culture of inappropriate and binge drinking. We also support the notion that these changes should be managed in a way that is straightforward and causes the least aggravation or disruption for the licensed trade. The monitoring and enforcement of such proposals would be accommodated by the Licensing Standards Officer’s, and should have no significant financial impact on the service, but this would be subject to periodic review of budgetary and resource provisions.
Social Responsibility Fee

- What criteria should be used to determine the types of premises (or specific premises) that should be subject to a ‘social responsibility fee’? (e.g. late opening premises, or premises in a particular area)?
- What criteria should be used to consider exemptions for the fee?
- And how should the fee be determined? (e.g. based on rateable values, alcohol sales turnover)?

Comments:

The adverse consequences of over consumption such as anti-social behaviour etc. place a heavy burden on our public services. Whether the most effective way of dealing with this is by introducing a social responsibility fee or not may be debatable. We would be concerned that by agreeing to the introduction of a fee amounted to acceptance that the consequences of over consumption were inevitable and therefore an acceptable outcome to be met simply by the payment of an agreed fee.

If the required outcome is to reduce the heavy burden then the main focus needs to be on reducing the adverse consequences of over consumption. Perhaps one way of doing this would be to apply graded fees that were related to the number and seriousness of events in and around individual licensed premises. This would have the effect of placing the responsibility for drunkenness back on to those who were serving individuals who clearly had drunk too much.

Social Responsibility Fee should be applied to Occasional Licences and Premises Licences as well as other premises under separate legislation.

Comments:

Falkirk Council Licensing Forum (including members of trade and small traders) did not support the idea of a social responsibility fee feeling that it would be unworkable and could not be targeted at irresponsible licensees. Consideration should be made to invoking the law in respect of premises known to contribute to irresponsible behaviour and bringing them before the Licensing Board for sanction.

Minimum legal purchase age for alcohol

Comments:

Falkirk Council notes that people under the age of 21 are not exclusively responsible for alcohol problems and has some concerns about the proposed regulations that raises the legal purchase age from off-sales outlet. While there is strong evidence to suggest that early-age experimentation with alcohol is a factor in the development of later problem drinking behaviour and that this can be exacerbated when the experimentation involves binge drinking. We are aware that the consumption within on-sales premises will be
more closely monitored and inappropriate drinking controlled via existing legislations. We are of the view that off-sales purchases can also be monitored and regulated via existing regulations and have some concerns about how the proposed minimum age changes to legislation will be policed. For example we believe it will be quite difficult to monitor and control the compliance of on-line sales, for example internet web-sales and supermarket online shopping? We are also concerned that these proposed age changes will lead to confusion and resentment amongst young people between the age of 18 and 21 who will still be served alcohol in on-sales premise. The monitoring and enforcement would be accommodated by the Licensing Standards Officer’s under there current duties and responsibilities with no significant financial impact on the service delivery.

Irresponsible promotions and below-cost selling

To put an end to off-sales premises supplying alcohol free of charge on purchase of one or more of the product, or any other product whether alcohol or not

- put an end to off-sales premises supplying alcohol at reduced price on the purchase of one or more of the product, or any other product whether alcohol or not
- prevent the sale of alcohol as a loss-leader

Comments:

_Falkirk Council welcomes the above proposed regulations as it could assist in a reduction in consumption levels, bringing the cost of alcohol back to more realistic levels and in particular tackling the irresponsible selling of alcohol as a “loss-leader”. We believe that the unrealistic and in some cases irresponsible pricing of alcohol has been a key factor in the phenomena of inappropriate and binge drinking that has plagued our communities. The monitoring and enforcement would be accommodated by the Licensing Standards Officer’s under there current duties and responsibilities with no significant financial impact on the service deliver, although this would be subject to review._

Promotional material in licensed premises

Do you agree that regulations under the Licensing (Scotland) Act 2005, to extend the existing regulations to;

- Prevent the display on licensed premises of promotional material relating to alcohol in a way visible to persons outside the premises;
- Prevent the use on licensed premises of any special display designed to promote sales of alcohol for consumption off the premises;
- Prevent on licensed premises any other promotional activity to induce the sale of alcohol for consumption off the premises
Comments:

Support for this measure if considering super markets as opposed to small convenience stores that are limited due to floor space and may advertise that they indeed sell alcohol. There is a need to curtail alcohol advertising but more discussion/consultation needs to take place to form a workable solution for all. The monitoring and enforcement would be accommodated by the Licensing Standards Officer’s under there current duties and responsibilities with no significant financial impact on the service deliver, although this would be subject to review.

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