Alcohol etc. (Scotland) Bill

Scotland’s Commissioner for Children and Young People (SCCYP)

As Scotland’s Commissioner for Children and Young People, my role is to promote and safeguard the rights of children and young people who are under 18 years of age, or under 21 if they have at any time been looked after by a local authority or in their care. In so doing, I may promote best practice by service providers and keep law, policy and practice under review with a view to assessing their adequacy and effectiveness. I must also raise awareness and understanding of children and young people’s rights. In carrying out these statutory functions, I must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC sets out the rights to which all children, without discrimination, are entitled and was ratified by the UK in 1991. The UK is thus committed to bringing its law, policy and practice into line with the Convention.

The Rights Framework

The following articles of the UNCRC are particularly relevant to this Bill:

Article 3(1): “in all actions concerning children, whether undertaken by public or private social welfare institutions, the best interests of the child shall be a primary consideration

Article 6(2): “States Parties shall ensure to the maximum extent possible the survival and development of the child”

Article 33: States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs (which includes the consumption of alcohol under the legal age limit)

I welcome the opportunity to submit evidence to the Committee on the important proposals in the Alcohol Bill. Tackling Scotland’s alcohol problem will improve the outcomes for the many children and young people whose lives are blighted by its misuse. I support minimum pricing as a significant step by the Scottish Government to reduce alcohol consumption and the impact that alcohol misuse has on our children’s lives. I believe that the consequences of Scotland’s alcohol problem impacts on the rights and lives of children and young people in three key ways:

Children affected by parental alcohol misuse

Misuse of alcohol by parents or carers can lead to abuse and neglect for children and young people. A recent survey\(^1\) by Childline found that a disproportionately large number of calls received by Childline from children concerned about a parent’s drinking came from Scotland. Our tolerant societal

\(^1\) Untold damage: children’s accounts of living with harmful parental drinking. SHAAP and Childline in Scotland, 2009.
attitude to alcohol means that services to children affected by parental alcohol misuse are underdeveloped and we underestimate the impact on children of parental drinking. Tackling adult alcohol misuse is a necessary step in reducing the harm to children.

**Foetal Alcohol Syndrome and Foetal Alcohol Spectrum Disorder**

In Scotland we severely underestimate the numbers of children born with Foetal Alcohol Syndrome or Foetal Alcohol Spectrum Disorder, with many children living with these conditions failing to be diagnosed or misdiagnosed and therefore going untreated. I am aware of Scottish Government actions to highlight awareness of the extent of the problem. We require a more thorough identification of the problem to ensure that mothers can be encouraged to take preventative measures and for those children affected, they receive additional support as early as possible.

**Young people’s drinking**

Excessive consumption of alcohol by young people can lead to behaviour that gets them into trouble. For instance through offending, early sexual activity that they may later regret or by causing direct harm to their health. The early onset of alcohol use among children suggests that current policies and implementation of legislation is not having the desired effect.

**Key Provisions**

I have focused my evidence on the Bill provisions that I believe are most relevant.

**Establishing a minimum alcohol sales price based on a unit of alcohol**

I support the proposal to set a minimum alcohol sales price as a targeted measure to improve public health. I am aware of the extensive evidence which illustrates the strong link between reducing alcohol consumption as a means of reducing alcohol related harm. I believe that to ignore this evidence will have adverse effects on Scotland’s children, their families and communities. I believe minimum pricing to be one of the most effective ways to reduce alcohol consumption by adults and an important step in minimising the abuse and neglect suffered by children and young people as a result of parents and carers’ harmful drinking.

Recent BMA research\(^2\) highlights a number of studies where price was found to have a significant influence on young people’s alcohol consumption. Young people themselves have commented on the fact that quite often it can be cheaper for them to obtain alcohol than to pay for activities at a leisure centre or to go to the cinema\(^3\).

\(^2\) Alcohol misuse: tackling the UK epidemic. BMA, 2008.
Justification for empowering licensing boards to raise the legal alcohol purchase age in their area to 21

I am pleased to see that the Scottish Government has reconsidered increasing the minimum legal age for purchasing alcohol in off-sales to 21 throughout Scotland. However I am sceptical of the impact of the current provision of the Bill (Section 8) which will enable a restriction on off-sales to those under 21 and effectively raise the minimum legal age for particular geographical areas. I believe that this provision could lead to uneven coverage across the country. In addition, I believe that raising the minimum legal age not only discriminates against the vast majority of 18-21 year olds but also gives the misleading impression that alcohol misuse is restricted to young people. I would therefore urge that considerable thought be given to the merits of implementing this proposal.

As a means of addressing under age drinking I believe that more assertive licensing and enforcement locally on the current licensing laws could be a more effective way to tackle this problem. Both retailers and Police need to take more effective steps to prevent people under the age of 18 from being able to obtain alcohol and consume it on the streets. Licensees need to ensure that all their employees selling alcohol receive the appropriate training, especially in verifying proof of age where there is any doubt as to whether a person is aged 18 and over. I support the increased use of test purchasing as one means to monitor licensed premises that sell alcohol to anyone under the minimum purchase age. Where a retailer does sell alcohol to anyone below the minimum purchase age I believe the Licensing Board should act assertively through the removal of licenses.

Duty to assess impact of off-sales to persons under the age of 21

Alcohol misuse has a significant adverse effect on communities in Scotland. I welcome the general ethos of a Detrimental Impact Statement as a means to assess the negative consequences of alcohol misuse in a community. The current proposal requires that an assessment be undertaken in relation to whether off-sales of alcohol to under 21’s has a detrimental impact. I would urge the Government to consider widening the scope of this duty, either as an amendment to the Bill or via the issuing of guidance, to look at the impact both off-sales and on-sales of alcohol is having on the health and wellbeing of all children and young people below the age of 21 in a community. This would require a thorough assessment of the public health impact that harmful parental drinking has on all children as well as looking at the negative consequences as a result of a child’s own drinking.

I would therefore recommend that the use of Detrimental Impact Statements are stand alone rather than linked to the proposals for off-sales to under 21’s as it is at present.

4 The WHO Expert Committee on Problems Related to Alcohol Consumption (2007) suggest that the most cost-effective means of enforcing under-age sales bans is to place the impetus on sellers who have a vested interest in keeping their business record clean and retaining the right to sell alcohol.
Drinks promotions

The provisions to restrict drink promotions (Sections 3 and 4) are a welcome complement to the minimum pricing of alcohol as a means of reducing alcohol consumption. A number of studies\(^5\) have found that alcohol advertising and promotion influence the onset, continuance and amount of alcohol consumption amongst young people. As emphasised by the World Health Organisation alcohol is no ‘ordinary commodity’ and its location and promotion should emphasise this with no encouragement to people to buy more than intended.

Summary

Children and young people in Scotland are affected by the harmful effects of drinking to varying degrees. We must address this problem and maximise their right to survival and development.

I welcome the introduction of minimum pricing of alcohol by the Scottish Government as one means to achieve this. I am more thoughtful about restrictions on off-sales purchases to under 21’s. I propose an expanded Detrimental Impact Statement to assess the impact of on-sales and off-sales on the health of all children and young people. I look forward to further initiatives as part of a wider strategy to effect societal change in our relationship with alcohol and lead to improved outcomes for children and young people.

Thank you for the opportunity to submit written evidence on this Bill. Should you require any further information, please do not hesitate to contact me.

Tam Baillie
Scotland’s Commissioner for Children and Young People
20 January 2010