Alcohol etc. (Scotland) Bill

West Dunbartonshire Council

On behalf of West Dunbartonshire Council and West Dunbartonshire Licensing Board the following comments are made:-

1. Introduction of a minimum sales price per unit of alcohol.

On 16 December the Council considered the issue of minimum pricing and resolved as follows: -

This Council is disappointed that some national politicians have chosen to play party politics with the very serious issue of alcohol abuse.

Council instructs the Chief Executive to write to all our constituency and regional list MSPs and all Scottish party leaders to urge them to consider all options including minimum pricing.

West Dunbartonshire has one of the highest levels of alcohol abuse in Scotland and this Council believes that none of the proposals in the Bill should be ruled out before medical and other evidence is given proper consideration.

This resolution was passed by a majority vote of the Council. The minority view of members was as follows: -

Council recognises that there is a link between alcohol price and over-consumption, and that radical measures are required to tackle Scotland’s heavy drinking culture.

Council notes that the SNP’s Alcohol Bill does not enjoy the support of the Scottish Parliament and believes that in order to move forward a genuine consensus across the chamber must be delivered.

Council therefore calls on MSPs to put aside political differences and work together on legislation that Parliament can support and which best reforms Scotland’s heavy drinking culture for the benefit of the Scottish public.

2. Introduction of restrictions for off-sales on supply of alcoholic drinks free of charge or at a reduced price (Section 3).

West Dunbartonshire, along with Glasgow City and Inverclyde has the highest figures for Scotland (and thus Europe) in relation to alcohol related discharges from general hospital and alcohol related deaths. The alcohol statistics Scotland published in 2009 showed that people in the most deprived areas were almost six times more likely to be admitted with an alcohol related diagnosis than in the least deprived areas, and five times more likely to die of an alcohol related death.
These statistics also showed that in 2007 persons over 18 spent an average of £5.97 per week on alcoholic drinks. A number of areas of West Dunbartonshire have high levels of deprivation. The figures demonstrate that:-

a) Persons in West Dunbartonshire are more likely to be admitted with an alcohol related diagnosis and die an alcohol related death.

b) Given that areas of West Dunbartonshire are of high deprivation, a significantly higher proportion of income is spent on alcohol by those who can least afford it.

c) There is evidence that with alcohol abuse comes problems of anti-social behaviour, violence and domestic abuse. The fact that West Dunbartonshire has high levels of recorded domestic abuse and high levels of alcohol abuse is almost certainly related.

It is of the view of the Council and Board that over the last 20 years there has been a significant shift in drinking patterns. The low price of alcohol in off-sales, particularly supermarkets, has led to increased consumption at home. Evidence from a seminar organised for the licensed trade by the Council/NHS Alcohol and Drug Action Team and the Licensing Board was to the effect that persons are drinking at home to a much greater extent. Drinkers often go to the pub already preloaded through consumption of cheaper alcohol from off-sales. In addition the volume of cheap alcohol now bought and retained in homes makes it difficult for adults to monitor the amount of alcohol that their children are taking. Such consumption at home also contributes to domestic abuse and has a negative impact on the night time economy by reason of a detrimental impact on the on-trade premises. The evidence of the ADAT/Board/Licensed Trade seminar was that the major health and anti-social behaviour problems arising through alcohol were not largely due to the on-trade whose activities were largely transparent and heavily regulated. Instead, the key issue to address was the low cost sale of alcohol by off-sales, particularly the major supermarkets.

Against this background the Council and the Board welcome the provision that off-sales will now be subject to the irresponsible promotion rule restricting supply of alcoholic drinks free of charge or at a reduced price.

It is also noted that the Alcohol etc. (Scotland) Bill intends to remove another irresponsible promotion which presently applies to off-sales, namely:-
“e) encourages or seeks to encourage a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume”.

While there has been criticism that this provision was imprecise and that it would be difficult to get sufficient evidence to substantiate this if challenged by a major supermarket, it is felt that this should remain applicable to off-sales. Otherwise there will be nothing to stop off-sales from selling alcohol at extremely low, loss leader prices. An example which was given to the ADAT/Board seminar was that on 2 September Tesco were providing vouchers with receipts which entitled the customer to buy for £5, 14 440ml cans of cider or 18 bottles of beer.

It is also likely that the major supermarkets in particular will identify ways around the legislation. One argument which has been put to Boards is that paragraph 7 of Schedule 4 of the 2005 Act only applies to “drinks promotions”. The argument is that the provisions of 2(a) to (h) only apply if these offers are being promoted. The opportunity could perhaps be taken to kill off this argument.

The supermarket trade in particular will be innovative in finding loopholes in the legislation. Accordingly it is extremely important that the Scottish Ministers regularly use their power under Section 7(4) of Schedule 4 of the 2005 Act to add further descriptions of drinks promotions to the list of irresponsible promotions.

3. Make provision in law with respect to the sale of alcohol to under 21s (Section 8).

The principle of this is agreed. One particular point requires to be borne in mind. Certain areas may have particular problems of anti-social behaviour either because they are at the boundaries between two gang territories or are a commonly used area for groups of youths to accumulate. There is evidence that youths will not necessarily acquire alcohol in off-sales nearby to the locality where the anti-social behaviour occurs. Instead they are likely to buy the alcohol at the “softest touch” premises and then travel to the locality where the anti-social behaviour occurs. The reference to the locality in section 8 needs to ensure that this issue can still be addressed.

4. Restricting the location of drinks promotions in off-sales premises (Section 4)

The principle that drinks promotions should only be in a single area of the premises agreed with the Licensing Board or a drinks tasting room is agreed.

However, the reference in Section 4 to a “drinks promotion” will again face challenge over what is a promotion. The argument will again be made that sale of alcohol within the restricted categories is legal as long as it is not being explicitly promoted.
5. Introduce a requirement for licence holders to operate an age verification policy (Section 5).

This reflects good practice and is already in place as a condition of the licence of off-sales in West Dunbartonshire who wish to trade after 8 p.m.

6. Make provision in law for a social responsibility levy on licence holders (Section 10 and 11).

The principle of this is agreed but there is very little detail in the section as such detail will be provided in regulations. The difficulty will arise over the requirement under 10.3(b) that such levies can only be made where there is evidence that the particular premises are having a direct or indirect adverse impact on the licensing objectives. This needs to be looked at in Stage 2 to ensure that such levies can actually be used.

7. Variations of Licence Conditions (Section 9).

While this is not included in the consultation the Council and the Board greatly welcome the inclusion of this section which allows variations to be made to licences without the need for a formal variation hearing for each premise. Premises licences will now continue in perpetuity and without this provision enforce it would effectively be impossible to implement changes required under a Licensing Policy Statement or required as a result of developing best practice.

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