

## **Response to Consultation on Improving Scotland's Relationship with Alcohol South Edinburgh Public and Patient Forum – September 2008**

### COMPLETE LIST OF CONSULTATION QUESTIONS

Within this discussion paper, we invite views on the following policy areas:

*This is an important consultation document which is, in effect, seeking to change the **culture** surrounding alcohol use in Scotland. However, the adverse effects of current drinking patterns are now so serious that the proposals must be taken very seriously. The proposals will generate considerable discussion when they become more widely known and it is to be hoped that the Scottish Government will ensure an effective social marketing programme to ensure their wide acceptance.*

*We are suggesting that we need proper enforcement of existing legislation and consideration of a return to the rules and regulations that have been relaxed over the past few years. For example a common closing time for pubs would allow the patrolling of the streets to be undertaken by police and thus law and order enforced.*

#### Irresponsible promotions and below-cost selling

We invite views on whether regulations should be made, under the Licensing (Scotland) Act 2005, to:

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

\* put an end to off-sales premises supplying alcohol at a reduced price on the purchase of one or more of the product, or of any other product, whether alcohol or not.  
*Definitely YES. However, it has been pointed out that chains such as Marks and Spencer – who offer an inclusive meal + wine for £10 – would be illegal in Scotland but not in England. And as ever the responsible consumer would be penalised.*

\* prevent the sale of alcohol as a loss-leader.  
*Definitely YES.*

Also, that these measures should, subject to Parliamentary agreement, take effect from 1 September 2009 as conditions of the premises licence. A breach of the conditions would result in action being taken by the Licensing Board and could result in a licence being suspended for any period, or revoked.

#### Minimum Retail Pricing

We invite views on the proposed principles on which a minimum pricing scheme for alcohol products should be established.

*YES. This is an interesting concept which may help to address the use of cheap alcohol by those with very severe alcohol dependence. However, such people have serious dependency problems and it may simply push them further into financial difficulties – or into a cycle of petty thefts to feed their alcohol habit with consequential extra pressure on the criminal justice system. For people who are imprisoned for theft/burglary where their alcohol dependence has been a prime factor, there needs to be effective treatment available in prison to help them address their alcohol-related problems. On a more positive note minimum pricing will helpfully reduce the risk of new generations of people slipping into heavy dependence on alcohol.*

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*The suggested principles are sound, except that the level should be determined independently of Ministers – possibly by the Joint Ministerial Advisory Committee referred to in para 174.*

### Information for parents

We will review current advice to parents and would welcome views on what particular information parents and carers would find helpful.

*Information for parents needs to take account of:*

- a) the inevitable desire for young people to explore 'forbidden fruits';*
- b) the susceptibility of many young people to 'celeb' culture' and the media;*
- c) the importance of learning 'sensible drinking' at home with good examples from parents and suggestions for 'safe' limits at different ages e.g. a half pint of beer or cider at age 14; and*
- d) it would be helpful to issue parents/guardians with a guide or list of the number of units of alcohol in each beverage – ideally this information should be prominently displayed on the labelling of any alcohol product.*

### Minimum legal purchase age for alcohol

We invite views on whether we should raise the minimum age for off-sales purchases to 21 in Scotland.

*There is a certain theoretical attraction in raising the minimum age for off-sales purchases to 21, but it seems that this proposal is really aimed at making very sure that the 16 – 18 age group cannot get hold of alcohol from off-sales. Raising the age to 21 does not deal with the fact that it is often those over the age of 21 who cause trouble, and it also heavily penalises the law-abiding young person (be it married persons, soldiers, working people) who may well use alcohol responsibly. We would wish to see proper and strict enforcement of the law that prohibits the sale of alcohol to under-18s or to those who are already intoxicated. This enforcement should not only extend to those buying alcohol under age, but also to those who sell it.*

### Social Responsibility Fee

We invite views on the following aspects of a 'social responsibility fee':

\* What criteria should be used to determine the types of premises (or specific premises) that should be subject to the fee? (e.g. late opening premises, or premises in a particular area) or conversely what criteria should be used to consider exemptions from the fee.

*Where there is a realistic expectation that 'nuisance' will be created. We are also suggesting that the scale of fee should be national – although where on the scale the premises should be placed should be a local decision.*

\* How should the fee be determined? (e.g. based on rateable values, alcohol sales turnover) *Alcohol sales would seem to be the most relevant criterion. RV is irrelevant.*

\* Should a fee be applied to Occasional Licences as well as Premises Licences? *Suggest this should be determined locally.*

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\* Should a similar fee be applied to other premises licensed under separate legislation? If so, what types of premises should be subject to a fee?

*Possibly – if they are considered to create a nuisance (e.g. some 'saunas').*

\* Are there any other comments you would like to make on the operation of a social responsibility fee?

*Licensing Boards should be required to publish fees levied and how they have been used to overcome the potential 'nuisances'.*

*Bringing in a social responsibility fee should be part of the conditions of the License – already some areas have conditions attached to the License and this would be another.*

### Promotional material in licensed premises

We invite views on whether regulations should be made, 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.

*YES.*

\* Prevent the use on licensed premises of any special display designed to promote sales of alcohol for consumption off the premises.

*YES.*

\* Prevent on licensed premises any other promotional activity to induce the sale of alcohol for consumption off the premises.

*YES – but excluding wine tastings.*

*In relation to the promotional material we noted that it used to be the case that pubs had opaque glass windows – or curtains – which made it difficult for anyone outside to see what the activity was inside the pub. Perhaps this could be re-instated?*

*We suggest that a way of overcoming the problem of some of the promotional issues would be to ban the sale of certain types of alcohol above a certain strength or only in small size bottles. This would overcome the problems of the strong ciders which are usually sold in litre (or more) bottles.*

### Separate alcohol checkouts

We invite views on the desirability of creating separate checkouts for alcohol sales to help emphasise that alcohol is not an ordinary commodity. Also, the particular criteria that should be applied in determining which types of premises should be subject to any such arrangements; and whether there should be a requirement for alcohol checkout staff to be at least 18 years old.

*This is a very important proposal to reduce the spontaneous purchase of alcohol while undertaking 'routine' shopping. There is suggestive evidence that the rise in alcohol related ill health, including (but not only) liver disease, has followed the steady increase in supermarket sales of alcohol. Many other countries (Canada, Australia etc) operate separate stores – not just separate tills.*

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*The separate tills might be allowed also to sell crisps and nuts (as in dedicated off-sales stores).*

*The criteria should relate to the actual volume of alcohol sales p.a. and could be determined by the same independent group as the price per unit.*

*Staff at the separate tills should be at least 18 – and there would be logic in requiring them to be 21 if sales are restricted to those over 21.*

*These points were not unanimously agreed by our group – it was regarded as impractical especially for the consumer who may wish to buy the odd bottle of sherry for example. There may be merit in making other arrangements for beer/lager/cider or simply large amounts of alcohol – but would require supermarket co-operation.*

### **ADDITIONAL COMMENTS**

#### ***Inadmissible promotions***

1) *It would be helpful to add in relation to licensed premises – the pavement “A-boards” which advertise “Student promos” and “Ladies nights”. These are usually aimed at the student population.*

#### ***Labelling***

2) *In relation to labelling – it would be useful to add the calorie content of the drink as well as the units of alcohol. This would be an added incentive to those seeking to control their weight and who are unaware that alcohol is a source of calories.*

#### ***Brief Interventions***

3) *In relation to ‘Brief Interventions’ it would be important to ensure that Occupational Health staff are included in the training programme. Also whilst 'brief interventions' are most welcome, it is well known that serious alcoholism can be a response to chronic stress. Brief interventions can't deal with this kind of problem: longer-term psychological counselling is needed. There should be a counsellor available in every GP surgery and in every school.*

#### ***To be added to the strategic framework***

4) *The most important step for ‘ordinary drinkers’ who are drinking at levels that can injure their health is to acknowledge how much they are actually drinking. Self completion ‘alcohol diaries’ should be available at all off-sales check outs and staff should be encouraged to invite customers to take one.*

*We also suggest that there should be psychological counselling available to health care professionals, including doctors – without stigma – for their own alcohol problems.*

5) *We need some joined-up thinking as regards the provision of sporting facilities to give the young something to do at the weekend rather than drink. Edinburgh must drop its daft scheme to sell off Meadowbank.*

*In this connection, drinks cans say 'Don't drink and play sport' (or words to that effect). And yet it has been observed that frequently people are seen trailing round Bruntsfield Links in Edinburgh with a drink in one hand and a golf club in the other. Not only does it spoil their stroke: it is against local by-laws, and can also turn a golf club into a lethal weapon.*

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*Unfortunately no official has been seen to remonstrate with these golfers. Can the Council give powers to park keepers etc. to enforce the by-laws?*

***Internet Purchases***

6) *If this law came into being there is nothing to stop a person over 18 obtaining supplies through the internet which by its very nature this legislation will not be able to control. For example it is possible to go on line and order wine from Waitrose, and although there are 2 in Edinburgh which would be governed by the legislation, the wine would be supplied from outwith Scotland and the legislation would not apply.*

***General points***

7) *We have noted above where there were some differing views in our own group on how to deal with the evident alcohol problems we have in Scotland. This ranged from complete disagreement to a slight divergence. It is a very difficult issue and like other western countries we are grappling with a problem of multiple causes and even more difficult solutions. We welcome this paper and our opportunity to comment.*

South Edinburgh Public and Patient Forum  
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