East Renfrewshire Licensing Forum

Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill

Introduction

East Renfrewshire Licensing Forum met on 9 June 2015 and discussed the proposed Bill. The comments of the Forum are as follows;

Question 1

Do you support the Bill as a whole?

East Renfrewshire Licensing Forum generally supports the aim of the Bill and recognises that it seeks to tackle the issue of alcohol misuse on multiple levels. The Forum is of the opinion that further consideration will be required in assessing the practicalities of implementing the Bill in its current form. The Forum recognise that there could be significant financial implications incorporating the Bill in its present form but do recognise that after initial implementation that the Bill has the potential to generate significant savings, specifically in Public Health, Policing and Criminal Justice.

Question 2

Do you support particular provisions in the Bill?

In considering the Bill the Forum are supportive of the following provisions;

Minimum price for packages containing more than one alcoholic product (Section 1)

The Forum recognises that this provision seeks to close the loop hole introduced in the wording of the Alcohol etc (Scotland) Act 2005. The Forum is supportive of this provision as it seeks to tackle the issue of the incentive to buy in bulk and enhances paragraph 8(2)(e) of Schedule 3 to the Licensing (Scotland) Act 2005.

Alcohol drinks containing caffeine (Section 2)

The Forum is aware that there is mixed evidence in relation to the impact such products have when consumed by individuals. The Forum is supportive of this provision but feel further thought and investigation must be placed into the maximum level of caffeine and indeed if such a provision is lawful given the potential to be challenged under EU competition law.

Age Discrimination: Off Sales (Section 3)

The Forum supports this provision as it is clearly known that the age for purchasing alcohol is 18. The Forum does not see the benefit of the Board being able to implement Section 27 and 27 A of the 2005 Act. The Forum feels that such measures could have a detrimental impact on those who are under 21 and drink responsibly and use the affected premises.
**Applications to vary premises licence (Section 5)**

The forum supports the general principle of this provision in so far as that the community should have a greater role and involvement in the licensing system.

**Alcohol Education Policy Statements (Section 14)**

The Forum supports this provision. The Forum is aware of the many prevention based education methods used by East Renfrewshire Council and has seen the impact these have had in recent SALSUS data. We believe instruction and periodical information reporting to the Scottish Parliament would be beneficial.

**Question 3**

**Do you have concerns about particular provisions in the Bill?**

The Forum has the following concerns relating to the following provisions;

**Container marking in Off Sales (Section 4)**

The Forum has been a key contributor to local voluntary bottle marking schemes within East Renfrewshire and has evaluated the data collected during the pilot schemes. The Forum considers that such schemes are ineffective. Data collected by the Forum and its partners in East Renfrewshire identified that the problem in East Renfrewshire is that the majority of youths consuming alcohol do so by taking it from their own homes.

The Forum also have also identified that there can be multiple problems relating to the quality of evidence with such schemes.

A final consideration of the Forum is that there would be financial implications to such a scheme. The financial memorandum mentions that the costs for such a scheme would be paid for under current licensing fees. The Forum feels this is not the case and that the current fee system would have to be reevaluated to incorporate this provision.

**Applications for, or to vary, Premises Licence (Section 5)**

The Forum is of the opinion that the current neighbour notification of 4 metres as stated in Section 21 of the Act is insufficient. However the Forum feels that the increase to 50 metres from the Boundary of the premises is too far. The Forum feels that increasing to 50 metres would place a significant burden on Licensing Boards and support staff. The Forum suggests that a compromise should be reached and this issue looked at in further detail.

The Forum is not supportive of raising the site notice period from 21 days to 42 days. The Forum feels that the current notice period is sufficient and any increase would have a negative impact on the time taken to process a licence application.
Restrictions on advertising (Sections 6-13)

The Forum is not supportive of this provision as it feels there could be unintended consequences for smaller traders and also incidental issues due to location i.e. shops near schools. The Forum feels the definition of advertising contained in the Bill is too wide-reaching and further consideration is required.

Drinking Banning Orders (Sections 15-29)

The Forum has concerns regarding this provision, specifically who would be responsible for delivering the approved courses and the financial implications of running such a scheme. The financial memorandum states commercial entities would be responsible for this with the fee to be paid by the attendee. The Forum does not consider this to be viable and are concerned that the burden to operate such courses would fall on the local authority or Police Scotland and result in a draining of resources. The Forum questions what benefits this system has over an Anti-Social Behaviour Order.

Fixed Penalty Order involving alcohol, Alcohol Awareness Training (Section 30)

The Forum is concerned as it is unclear as to whom will deliver this training, either local authority or Police Scotland? Whilst the Forum recognises the benefits of early intervention training it also realises that a generalist approach does not benefit anyone. The Forum feels that further investigation should be taken in relation to this objective.

Notification of Offenders GP (Section 31)

The Forum feels this provision is irrelevant as it does not require/compel the GP to take action. The Forum is unsure as to what benefits this could bring.

Question 4

How will the particular provisions in the Bill fit with your work, or the work of your organisation?

The Forum feels that certain aspects of the Bill will lessen the impact alcohol has on communities and improve the Licensing system.

Question 5

Will the Bill have financial or resource implications for you or your organisation?

The Licensing Forum does not see any financial implications for itself; however does see an impact on the Licensing Board and also on Forum members in East Renfrewshire Council and Police Scotland.

Specifically Sections 1, 2, 3 and 4 of the Bill would see an increase in administrative expenditure for Licensing Boards and local authority support
staff. It is unclear to the Forum if the provisions laid down in the financial memorandum will be sufficient to cover these administrative costs as detailed above.

With regard Section 5 the Forum considers that this provision would have a higher administrative cost than the sections 1-4. The Forum having discussed sections 41 to 49 of the financial memorandum feel that the cost to cover the implications of this provision has been understated and requires immediate reconsideration.

Question 6

Do you have any other comments or suggestions relevant to the Bill?

East Renfrewshire Licensing Forum have no further comments or suggestions.

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