1. **Do you support the bill as a whole?**

MELDAP is wholly supportive of the aims of the Alcohol Bill, which are to 'promote public health and reduce alcohol-related offending'. It is supportive of the four broad measures set out:

- place restrictions on the retailing and advertising of alcoholic drinks
- make changes to licensing laws
- place obligations on the Scottish Ministers to publish, review and report on its alcohol education policy; and
- direct certain people whose offending or antisocial behaviour is attributable to alcohol consumption towards treatment or restrictions on that consumption.

1.1 MELDAP is broadly supportive of the ten areas of activity noted in the draft Alcohol Bill. Section 1.2 provides an overview of the areas of activity where MELDAP is fully supportive and those where some reservations exist. The reservations are described in more detail in Section 3.

1.2 The ten areas of activity are:

1. Minimum price for packages containing more than one alcoholic product (section 1) – this would close a perceived loophole in the existing law which prevents retailers selling multiple units of alcohol at a discount in comparison to the price of a single unit. *(Support)*

2. Alcoholic drinks containing caffeine (section 2) – this would place a restriction on the caffeine content of alcoholic drinks. *(Reservations)*

3. Age discrimination in off-sales (section 3) – this would prevent licensing boards banning sales to under-21s as a condition of a premises licence. *(Support)*

4. Container marking in off-sales (section 4) – this is better known as "bottle-tagging". It would allow licensing boards to require that bottles are marked with a code so that drink from underage drinkers can be traced back to specific licensed premises. *(Reservations)*

5. Applications for, or to vary, premises licence (section 5) – this would change the requirements to notify and publicise such applications with the intention of increasing community involvement. *(Support)*

6. Restrictions on advertising (sections 6 – 13) – these sections would limit alcohol advertising near places (such as schools) used by children and at events targeted at children. It would also limit alcohol advertising on retail premises. *(Support)*
7. Alcohol education policy statements (section 14) – this would require the Scottish Government to publish, and review, an alcohol education policy every five years. (Support)

8. Drinking banning orders (sections 15 – 29) – these sections would enable a court to impose a ban on drinking in specified places where a person is convicted of an alcohol-related offence. (Support)

9. Alcohol awareness training as alternative to fixed penalty notices (section 30) – this would allow police constables to offer training as an alternative to a fine when an offence is committed under the influence of alcohol. (Support)

10. Notification of offender’s GP (section 31) – this would require that an offender’s GP is notified by the courts where the consumption of alcohol has been a contributory factor in their offending behaviour. (Reservations)

2. Do you support particular provisions in the Bill?

2.1 MELDAP welcomes and endorses a number of the activities outlined in the Bill. These are:

(Section 1) Evidence from a number of studies both in the UK and abroad indicates that price is a crucial factor in reducing consumption and the ADP supported the Scottish Government’s approach to minimum pricing. The proposal related to minimum price for packages seems to be part of a coherent set of measures around pricing which seek to address the increasing affordability of alcohol are welcome.

(Section 3) MELDAP is not entirely clear why this was included as there is little evidence that this group was discriminated against. The removal of age discrimination is welcome as evidence would suggest more problematic drinking behaviours in older age groups. The 2014 report, Alcohol related Hospital Statistics Scotland 2012-13 noted that there was a ‘drop from 2008/09 to 2012/13 was particularly pronounced in the youngest age groups (under 25) with decreases between 30 and 40%. For females aged 35 to 39 the drop was only 1%, compared with 22% for males of the same age’. Measures which reduce the notion of alcohol misuse being a ‘young person’s problem are welcome’.

(Section 5) The new timescale in terms of length of time to respond to applications re changes to premises licence proposed seems more appropriate as does the decision to increase the size of ‘neighbouring land’ up to 50 metres.

(Sections 6-13) MELDAP is wholly supportive of measures to reduce advertising particularly advertising directed towards children and young people. The Science Committee of the European Alcohol and Health Forum concluded in 2009 that “alcohol marketing increases the likelihood that adolescents will start to use alcohol and to drink more if they are already using alcohol”.

Research from Alcohol Focus Scotland indicated that brand recognition for a
certain brand of lager was 95% among the 10 and 11 year olds surveyed.

The partnership believes the proposals while welcome are limited in the scope
of their ambition through an emphasis on ‘restricted areas’ in and around
schools, nurseries (private nurseries?) and play groups. The list of such
restricted areas could be significant, for example, leisure centres, community
centres etc that are used by families and children. One could argue that in
Scotland’s multi-faith society, advertising close to places of worship might be
seen as offensive and undermining.

Most children and young people are exposed to advertising from a number of
more ‘persuasive’ sources; TV, internet, social media, and sporting events. It
also seems anomalous that while advertising near a school is banned events
held in school may include the consumption of alcohol (cheese and wine) or
the award of alcohol (raffles, fund raising). MELDAP would welcome a
stronger more comprehensive approach to advertising and exposure to
alcohol in or around educational and early years establishments and events
aimed at young people.

Again, while welcome, the restriction of advertising of alcohol in supermarkets
to only areas where alcohol is sold is of limited value.

MELDAP wholly supports the inclusion of restrictions on advertising and
sporting and cultural where the majority of participants are under 18. MELDAP
considers there is still scope for further restrictions, for example, advertising
alcohol brands on team football kits many of which are worn by children and
young people.

(Section 14) MELDAP supports the proposal that the Scottish Government, ‘to
publish, and review, an alcohol education policy every five years’ in principle.
However, there is a need to further develop what exactly this provision relates
to and what an education policy covers.

(Section 30) MELDAP is aware of the proposed approach being piloted in a
few areas across Scotland. It is reasonable to assume that an evaluation of
this approach has proved successful, hence the wish for a national approach.
The option of training as an alternative to a fixed penalty notice is both
welcome and sensible.

3. Do you have concerns about particular provisions in the Bill?

3.1 As stated previously MELDAP has some reservations about certain
aspects of the Bill. These are:

(Section 2) This measure seems directed towards one particular brand and its
link to anti-social behaviour in certain areas of Scotland. There is certainly an
issue of the use of caffeine in drinks whether added or ready mixed. The use
of added caffeine to prolong periods of drinking is something that needs to be
tackled. Banning a single brand would not prevent young people creating their
own ‘caffeine cocktails’ possibly increasing the level of harm nor would it
prevent the switch to other low cost high ABV alternatives. It may be more appropriate to seek to develop local solutions to local issues and raise licensee’s and public awareness of the effect of mixing caffeine and alcohol. MELDAP is aware of the use of caffeine drinks whether alcoholic or not by young people and would support a review on their sales.

(Section 4) Action should where possible be based on evidence of what works. Is there a strong evidence base of evidence to indicate that container marking is a successful, cost effective intervention? In the absence of such evidence the MELDAP would have reservation about both the impact and the management/administration of the scheme. Underage drinkers may obtain alcohol in a number of ways, from home being the most common source. Establishing a direct causal route from shop to consumer may be difficult.

(Section 15-19) The partnership supports any initiative, which reduces the level of risk to the public and to staff working in licensed premises caused by individuals whose anti-social/violent behaviour is linked to the misuse alcohol. However, there is concern that the proposed introduction of Drinking Banning Orders (DBOs) adds yet another layer to the criminal justice system where existing measures already exist to deal with this type of anti-social behaviour. Evidence of why existing measures have failed to address this area of concern has not been made clear. DBOs were introduced in England and Wales (Violent Crime Reduction Act 2006). It would helpful if we had a better understanding of the impact of this specific measure from the experiences of law enforcement agencies in England and Wales.

(Section 15-19) The partnership supports any initiative which reduces the level of risk to the public and staff related to the misuse of alcohol. However, there is concern that the proposed introduction of Drinking Banning Orders adds yet another layer to the criminal justice system where existing measures already exist to deal with this issue. DBOs were introduced in England and Wales (Violent Crime Reduction Act 2006). It would helpful if we had a better understanding of the impact of this specific measure from the experiences of law enforcement agencies in England and Wales.

(Section 31) There are a number of questions associated with this particular section of the Bill. Will this apply to all offences involving alcohol, for example drink driving offences? Will this apply to first offenders or repeat offenders or the severity of the crime committed? Will the GP referral be made alongside the alternatives to fixed penalty notices? Would the compulsory nature of this requirement undermine the therapeutic relationship between client and GP? Are there alternatives to GPs who could be involved? Would ABIs undertaken closer to the time of the offence be more appropriate?

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

4.1 As an Alcohol and Drug Partnership (ADP) MELDAP are involved in a number of ways in terms of responding to the use and misuse of alcohol. Broadly, the proposed measures in the Bill would fall into a number of areas
which help structure the work of the partnership and its commissioned services. These are:

- Education, prevention
- Treatment and recovery
- Children Affected by Parental Substance Misuse (CAPSM)
- Community safety including licensing.

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

5.1 MELDAP does not anticipate any increased financial resources arising from the implementation of the Bill. The partnership through its representation on Licensing Fora is aware that there may well be additional costs to the councils in relation to Section 5, increasing the length of time for consultation and the size of the neighbouring land. The latter will increase the number of people the councils will have to trace and contact.

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

6.1 MELDAP welcomes the Scottish Government’s continued commitment to tackle health and social problems linked to the misuse of alcohol. A number of the proposals will we believe support the positive changes in terms of the reduction in alcohol related harm that have occurred over the last 5 years. We particularly welcome the proposal around the minimum price for packages, the increase in the length of time available for consultation and the use of education as an alternative to fix penalty fines.

6.2 We believe the proposed measures around advertising have the capacity to reduce the exposure to alcohol advertising experienced by children and young people but don’t go far enough and should be more ambitious. How we respond to the areas of internet advertising and social media and how we might regulate advertising through these platforms should be explored further as data shows that among 12-15 year olds time spent on the internet now surpassed that spent on watching television.

**The Midlothian and East Lothian Drugs and Alcohol Partnership (MELDAP)**

**References**

1. Scientific Opinion of the Science Group of the European Alcohol and Health Forum (2009), ‘Does marketing communication impact on the volume and patterns of consumption of alcoholic beverages, especially by young people? – a review of longitudinal studies’