Aberdeenshire Licensing Board – North Division

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

Aberdeenshire North Divisional Board considered the draft Bill on the 24th June 2015 at their usual Meeting. They would like to extend their thanks to the Scottish Government for allowing them an extension to the deadline. Responses to the questions posed by the Health and Sport Committee of the Scottish Government are as follows:-

1. Do you support the Bill as a whole?

In general terms, the Board supports legislation to help promote the Licensing Objectives however the Board would question the effectiveness of the provisions of the Bill.

2. Do you support particular provisions in the Bill?

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

The Board were concerned that the minimum price of packages containing more than one alcoholic product section was limited in that it does not apply where there is a non-alcoholic item in the package. Otherwise the Board are in agreement with the spirit of the provision.

In relation to the container marking provisions in respect of off-sale premises the Board wish to point out that the alcohol could be legitimately purchased before being passed to child or young person (as this seems to be aimed at tackling children and young persons consuming alcohol).

The Board have particular concerns in relation to the proposed extension of the consultation period from 21 days to 42 days. This will create unacceptable and unnecessary delays for applicants as well as creating an unduly onerous process. The Board are unclear as to the benefit that this would bring to the process. The Board would also raise the point that Community Councils do not report to the Council and so we are not always informed as to whether they have been disbanded or where they are inactive. What is the definition of inactive? Some Community Councils meet monthly, others only a few times a year. It may be that there is no Community Council meeting during the period of consultation, would that mean that a 42 day period would be imposed?

It would be difficult and onerous for a member of an administration team to establish the status of each community council before beginning the consultation period. It would be difficult for applicants and their agent’s to obtain this information to have an understanding of how long the process may be. This also raises resource implications.

There are also concerns around the resource implications in the extension not only of the timescales involved but in the distance from a premises. Increasing the distance, where there is no or no active Community Council, to 50m would be a much more onerous task than that which is currently provided for in the legislation. In densely populated urban localities this may result in many
notifications being required, the costs of production and service would lie with the local authority. Will resources be provided or will there be an increase in the fee that will be chargeable for these licences? This would be unfair to penalise an applicant by charging them more for an application fee where there is no active community council than an applicant where there is.

Concerns were also raised by the Board in relation to the restrictions on advertising of alcohol both in relation to premises used by children and at sporting and cultural events. The Board are of the view that by hiding alcohol from children will incite further curiosity and experimentation rather than being open about alcohol as part of an education process. Members of the public must be allowed to have responsibility in their own community and legislators should step back and allow members of communities to manage their children and what they are exposed to. There is a similar argument in relation to sporting events in particular as many of the sponsors of these events or of sporting teams are alcoholic beverage companies or names. Some events require this sponsorship before they are able to go ahead. There should be a sensible approach employed. There are also enforcement issues with this, who is responsible for monitoring of this and will extra resources be made available for this?

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

The principles of the Bill tie in with the 5 Licensing Objectives, in particular the promotion and improvement of Health but the provisions will be difficult to monitor and enforce.

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

Yes, please see the answer to question 3 above.

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

The Board feel that there is a multitude of legislation relating to licensing and that there needs to be a consolidating Act to ensure that the legislation is clear and unambiguous.

The Board are of the view that throughout this Bill there are enforcement and resource issues. Where will the additional resources come from in order to enforce this legislation?

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