Alcohol (Minimum Pricing) (Scotland) Bill

North Lanarkshire Licensing Board

As Clerk to North Lanarkshire Licensing Board I have liaised with the Convener of the Board and I would offer the following comments on the Bill:

I feel I require firstly to point out that I have some reservations as to whether the proposed measures contained in the Bill contravene European Competition Law. Notwithstanding this reservation I would comment as follows:

The research thus far undertaken appears to suggest that cheaper alcohol (relative to its strength) tends to be bought more by people who fall into the category of “harmful drinkers”. If this research is sound there is a degree of logic in introducing a provision stipulating a minimum price of alcohol in order to reduce alcohol consumption by “harmful drinkers” and hence reduce alcohol related problems.

It seems to be generally accepted that alcohol misuse has a negative effect on the country’s social and economic growth and estimates are this costs over £3 billion each year.

The findings of the School of Health and Related Research at Sheffield University were that there was strong and consistent evidence suggesting that price increases have a significant effect in reducing demand for alcohol.

I note it has been considered that if the costs of implementing minimum pricing in the long term were found to increase the workload of Licensing Standards Officers there is scope for having a review of fee income in order that the additional costs are recovered by the Licensing Boards in line with the relevant Statutory Instrument (SSI2007 No. 553).

I note that the effect of the introduction of minimum pricing on moderate drinkers is assessed as being marginal since they drink less and also tend not to drink cheaply priced alcohol. It therefore seems to me that the proposed legislative measure targets specifically the “harmful drinkers”.

I note that various alternative approaches (like taxation, self regulation etc) have been explored but not ultimately considered for various reasons to be as effective as the introduction of minimum pricing.

It seems to me as Clerk to North Lanarkshire Licensing Board that the advantages of establishing a minimum alcohol sales price based on a unit of alcohol have been thoroughly researched and there is a groundswell of support for the view that it will target “harmful drinkers” and result in them consuming less alcohol. The measure therefore seems sound but I would welcome sight of a Counsel’s Opinion on whether the proposed Bill, if enacted
as it stands, is compatible with European Competition Law. The legal opinions I have heard to date suggest that there are doubts about this.

I have no criticisms of the methodology narrated in the Bill for calculating the minimum price of alcohol and I feel the insertion in premises licences of the additional mandatory conditions narrated should bring it home to every person involved in selling alcohol the mandatory legal requirements in relation to minimum pricing.

I do not feel it appropriate that I suggest a level at which such a proposed minimum price should be set since I am not in possession of the necessary empirical data on this issue and I am not convinced that it is appropriate for a Clerk to the Licensing Board to express a view on this.

Clerk to the Licensing Board
North Lanarkshire Licensing Board