Health and Sport Committee

Stage 1 Report on Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill
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Health and Sport Committee

To consider and report on health policy, the NHS in Scotland, sport and other matters falling within the responsibility of the Cabinet Secretary for Health, Wellbeing and Sport, and measures against child poverty.

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Introduction

Overview of scrutiny

1. The Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill\(^1\) ["the Bill"] was introduced in the Scottish Parliament by Dr Richard Simpson MSP on 1 April 2015. The Health and Sport Committee was designated as lead committee for Stage 1 consideration of the Bill on 22 April 2015.

2. The Committee issued a call for views on the Bill on 14 May 2015 which closed on 24 June 2015. Fifty-four responses were received. The Committee also conducted an online survey on the Bill’s provisions. A total of 543 responses were gathered. A Memorandum setting out the Scottish Government’s position on the Bill was received on 2 November 2015.

3. The Committee took evidence on the Bill over four meetings in October and November 2015. It heard from a range of health and representative groups (on 6 October), a range of licensing experts and licensed trade representatives (on 27 October) representatives with an interest in advertising, followed by police, courts and social work representatives (on 3 November). At the final evidence session it took evidence from Maureen Watt, Minister for Public Health, followed by the member-in-charge of the Bill, Dr Simpson (10 November). Further information on these oral evidence sessions is list at Annexe A. The Committee also received four letters from Dr Simpson during the course of the Committee’s consideration of the Bill.

4. In addition to the formal evidence sessions the Committee conducted a fact-finding visit to Newcastle City Council and Northumbria Police to learn about a wide range of initiatives aimed at encouraging the safe consumption of alcohol in the Newcastle area. The visit included a site visit to the Denton area with a local police sergeant to discuss how some of the initiatives operated in the local community.


Committee Members with representatives from Newcastle City Council and Northumbria Police
6. The Committee would like to thank all those who contributed to the Committee’s scrutiny of the Bill at Stage 1.

Background to the Bill

Proposal for a Members’ Bill

7. On 13 March 2012, Dr Simpson lodged a draft proposal for a Members’ Bill to prevent and tackle various aspects of alcohol misuse. This was accompanied by the consultation document ‘Shifting the culture’ which explained that the proposed Bill aimed to tackle both health issues and revise the criminal justice system to properly focus on those whose drinking was causing problems for themselves and others. The consultation on the draft proposal ran from 13 March to 31 July 2012 and received 55 responses.

8. On 2 May 2014 a final proposal was lodged for—

   “a bill to promote public health and reduce alcohol-related offending through (a) restrictions on the retailing and advertising of alcoholic drinks; (b) changes to licensing laws; (c) obligations on Scottish Ministers to issue guidance and report on its alcohol education policy; (d) directing offenders towards treatment or restricting their alcohol consumption.”

9. Dr Simpson gained cross-party support from 42 MSPs and therefore secured the right to introduce a Members’ Bill to give effect to the proposal. He went on to introduce the Bill on 1 April 2015.

Alcohol misuse in Scotland

10. The Scottish Government commissioned research in 2010 to estimate the cost to society of alcohol misuse. The Societal Cost of Alcohol Misuse in Scotland for 2007 took into account health, social care and crime costs as well as lost productivity and quality of life due to alcohol-related factors. It also considered what the researchers called “intangible costs” such as pain and grief. ²

11. Given the difficulty in measuring all these factors, the Scottish Government cautioned that the final figure should be considered as indicative only. The researchers estimated the costs to society of alcohol misuse in Scotland to be between £2,893 million and £5,416 million per year (uprated to 2015/16 prices).

12. Figures for alcohol consumption in Scotland based on the volume of alcohol sold per adult (16 years or over) showed that there has been a general downwards trend in the volume of alcohol sold on premises (“on sales”) since 2004 and that alcohol purchased to be consumed off the premises (“off sales”) peaked in 2009 and has decreased each year since then. However, the combined sales were still sufficient in each year for every adult in Scotland to consume more than the recommended weekly limit for a man (21 units) every week. ³
13. Further information on the Scottish Government research and statistics on alcohol consumption is available in the SPICe Briefing *Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill* 4.

**Current policy and legislative framework on alcohol**

**Scottish Government Framework**

14. In 2009 the Scottish Government published *Changing Scotland’s Relationship with Alcohol – A Framework for Action* which sought to tackle alcohol misuse in Scotland. The Framework identified four areas for action: reducing alcohol consumption; supporting families and communities dealing with alcohol-related problems; building positive public health attitudes (to deliver positive health choices); and improving treatment and support.

15. Under these headings the Scottish Government identified a range of activities to supports its framework. These varied from legislation on irresponsible drinks promotions to supporting diversionary activities among young people. 5

16. The Scottish Government is currently reviewing its alcohol framework. The Scottish Government expects to produce the next phase of its framework in 2016. 6

**Current alcohol licensing regime**

17. There are a number of acts which support the delivery of the Scottish Government’s framework on alcohol and underpin Scotland’s alcohol licensing regime.

18. The Licensing (Scotland) Act 2005 7 [2005 Act] introduced a new system of alcohol licences and a number of innovations in relation to licensing policy. The Alcohol etc. (Scotland) Act 2010 8 [2010 Act] made further significant amendments to the licensing regime and was primarily designed to tackle so-called “irresponsible drinks promotions” which encouraged customers to purchase more alcohol than they may have initially intended.

19. The Alcohol (Minimum Pricing) (Scotland) Act 2012 9 legislated for minimum pricing in Scotland. The 2012 Act is yet to be brought fully into force. It is currently the subject of court action by the Scotch Whisky Association (among others). The Association alleges that the Act breaches European law on free trade between member states and is therefore outwith the legislative competence of the Scottish Parliament. On 23 December 2015 the Court of Justice of the European Union ruled that minimum unit price for alcohol could be justified on health grounds under EU law only where it is not possible to attain such objectives by measures which are less restrictive to trade. It is for the Scottish courts to decide, on the basis of evidence led, whether this is in fact the case.

20. The Air Weapons and Licensing (Scotland) Act 2015 10 made a number of technical changes to the alcohol licensing regime, the majority of which are yet to come into force.
21. Further information on the Scottish Government’s alcohol framework and the legislative regime is available in the SPICe Briefing Alcohol ( Licensing, Public Health and Criminal Justice) (Scotland) Bill\textsuperscript{11}.

The Bill: Overview of provisions and evidence received

Policy objectives

22. The Policy Memorandum states that “Scotland has a particularly difficult relationship with alcohol”, in relation to both the rate and the patterns of alcohol consumption.

23. The Policy Memorandum also states that the policy objectives of the Bill are to promote public health and reduce alcohol-related offending. In oral evidence to the Committee Dr Simpson said—

“The intention of the bill is, first, to tackle a number of areas where our experience shows that the legislation that we have passed needs tightening, and secondly, to address the problem of people who are beginning to get into difficulties with alcohol.”\textsuperscript{12}

24. The Bill contains ten broad proposals. The evidence the Committee received on each of these proposals is considered below.

Minimum pricing of packages containing more than one alcoholic product

25. The 2010 Act banned bulk purchasing discounts. This meant that it was no longer possible to sell bottles or cans in a multipack of alcohol for less than the price of one bottle or can of the same product. To give a practical example, it became unlawful for a shop to sell a 12-pack of beer for less than 12 times the cost of an individual can of that brand of beer.\textsuperscript{13}

26. However, the current restrictions on bulk purchasing discounts only apply where single cans or bottles are also for sale on the premises. The Policy Memorandum notes that currently if a retailer does not sell single cans of a particular beer, then it is not required to sell an eight-pack of beer for at least double the price of a four-pack of the same beer.\textsuperscript{14}

27. Section 1 of the Bill seeks to close what is described in the Policy Memorandum as this “loophole” in the legislation.\textsuperscript{15} The Bill proposals aim to prevent the sale at a lower price per item for larger multi-packs than for smaller multi-packs of the same alcoholic product, regardless of whether a single unit of the product was also sold.\textsuperscript{16} Where four packs and 12 packs of beer were on sale, the 12 pack
could not be sold for less per can than the four-pack. The provision would not apply to multipacks which also include non-alcoholic products.\(^\text{17}\)

**Views**

28. The Committee received mixed views on this provision.

29. Those who supported the provision described it as addressing a current loophole in the legislation and as a logical step which would provide a more coherent approach to volume discounting. It its written submission Alcohol Focus Scotland commented that extending the current ban on volume discounting would ensure that “the ban works even more effectively”.\(^\text{18}\)

30. Several respondents to the call for views noted that the provision would remove an incentive to bulk-buy larger packs of alcohol which were available at a discounted rate.\(^\text{19}\)

31. However, whilst many supported the provision in principle, some concerns were raised that there would be ways round the restriction.

32. In its written submission the Law Society of Scotland pointed out that the volume discounting provision could be easily circumvented by retailers not stocking smaller multipacks.\(^\text{20}\)

33. Several respondents to the call for written views believed that the provision could lead to the unintended consequence of retailers only offering larger multipacks for sale. The Scottish Grocers’ Federation felt that this could result in a continued trend for customers to ‘uptrade’ in relation to the volume of their purchases.\(^\text{21}\) In oral evidence Aberdeenshire Council highlighted that another way the provision could be circumvented would be for retailers to stock multipacks that included non-alcoholic goods.\(^\text{22}\)

34. Some argued that minimum unit pricing would be a more effective approach to address the issue of discounted alcohol than that proposed in the Bill. The British Medical Association Scotland stated in its written submission that whilst supportive of the measure in the Bill the promotion and sale of alcohol at cheap prices would be better regulated following the introduction of minimum unit pricing.\(^\text{23}\)

**Scottish Government**

35. The Scottish Government did not support the measure. It believed that it was difficult to determine precisely what impact introducing the measure would have on overall alcohol consumption.\(^\text{24}\)

36. The Scottish Government stated that the 2005 Act had been amended a number of times; that “any positive impact from this amendment would be relatively slight” and; that the proposed measure did “not feel proportionate”.\(^\text{25}\)
37. The Scottish Government emphasised that it remained committed to introducing minimum unit pricing. Its view was that any restriction on promotions would be more effective if minimum pricing was in place as this would set a floor price for all alcoholic products, including multi-packs.26

38. In response to questions on the volume discounting provision, the Minister said—

“If we can legislate on this when we refresh the next stage of the alcohol framework we will consider that. However, we believe that it should be incorporated in the alcohol framework, rather than in a bill with the other measures that you propose.”27

Member in Charge of Bill

39. Dr Simpson explained to the Committee that the 2010 Act had been effective in reducing the consumption of wine but it had not led to a reduction in beer and cider consumption. He told the Committee that the provision would introduce the same arrangements in volume discounting for beer and cider that had proved effective for wine under the 2010 Act.28

40. Dr Simpson acknowledged that the Bill’s proposals did “not totally sort out the situation”. However, he argued that the provision was a “principled element of the Bill” which sought to address how the retail industry had effectively circumvented Parliament’s wishes to end volume discounting. He told the Committee that even if the provisions on volume discounting did not lead to a major change in consumption they would deliver a clear message to the alcohol industry that the wishes of Parliament could not be ignored.29

41. Dr Simpson also responded to a concern raised by the Finance Committee’s report that the minimum package price proposal may result in significant costs for licensing boards, including costs as a result of changes to mandatory licence conditions.30 He told the Committee that, whilst some licensing boards had raised this concern, others had not viewed the proposals as being administratively burdensome. A letter from Dr Simpson to the Committee following his oral evidence session contained information from Glasgow City Council Licensing Board which supported his view. That Licensing Board described amending or updating mandatory licence conditions as not an “unduly onerous task”. 31

42. The Committee acknowledges the loophole in current legislation which can enable the ban on bulk purchasing discounts to be circumvented for beer and cider purchases. The Committee believe that the most effective route to closing this loophole is through the introduction of minimum unit pricing. The Committee notes the commitment from the Minister regarding consideration of volume discounting as part of its review of the Scottish Government’s alcohol framework.
43. A majority of the Committee have concerns that the provision in the Bill could have unintended consequences, including retailers circumventing the provision by only offering larger multipacks for sale. A majority of the Committee therefore believe that further consideration of volume discounting by the Scottish Government is the most appropriate approach to this issue and do not support the provision in Section 1 of the Bill.

44. A minority of the Committee believe that as minimum unit pricing has not yet been introduced, and remains subject to court action, this provision in the Bill should be supported as it will address the current loop-hole quickly.

45. The Committee recommends, whether this Bill progresses or not, that the Scottish Government continue to monitor and evaluate the retail and alcohol industry’s response to legislation relating to alcohol sales to ensure that the way measures are being implemented does not circumvent the purpose of that legislation, that is to reduce excessive alcohol consumption.

Alcoholic drinks containing caffeine

46. Section 2 of the Bill would ban “ready-mixed” drinks containing caffeine above a specified limit. Ready-mixed drinks are drinks which are supplied to the seller in a sealed container. A drink may also meet the definition of ready-mixed if it is supplied in more than one sealed container but is intended to be sold as a single item. A pre-mixed can containing alcohol and a high caffeine energy drink would meet the definition of a ready-mixed drink and so, have the potential to be banned under this proposal.

Views

Research base

47. The Policy Memorandum refers to a number of academic studies, including the McKinlay Report for the Scottish Prison Service which linked particular patterns of alcohol consumption (including of the highly caffeinated tonic wine Buckfast) with criminal behaviour.32 The Policy Memorandum states that the study for the Scottish Prison Service found that 43.4% of those who admitted drinking prior to committing their current offence had consumed a well-known brand of tonic wine, despite this drink accounting for less than 1% of total alcohol sales nationally.33

48. In oral evidence to the Committee, Alcohol Focus Scotland said that research showed that there was a a high proportion of young offenders who drank caffeinated alcoholic drinks and that there was some evidence that caffeinated alcohol can “exacerbate” alcohol-related offending. On that basis it indicated it would “advocate for a restriction to be considered and implemented”.34 However, Alcohol Focus Scotland described the evidence base for this provision as “indicative” and “not conclusive” and emphasised the importance of evaluating the results if a ban on caffeinated drinks was introduced.35
49. North Ayrshire Health and Social Care Partnership expressed a similar view—

“Although we are supportive of the ban as a step, we would like to see the research that shows whether the effect of caffeine augments the effect of alcohol and to have that considered more fully before we take decisive action on it.”

50. Dr Peter Rice, Chair of the Scottish Health Action on Alcohol Problems, also felt that the current research base, including the findings of the McKinlay Report, had limitations. Dr Rice detailed that the evidence that caffeine kept people drinking was “not powerful”.

Product focus

51. Some witnesses suggested that this provision in the Bill was seeking to target the product Buckfast. Some raised concern that it was not a proportionate response to focus on one particular type of alcohol product.

52. Aberdeenshire Council told the Committee that “the proposal seems to be a sledgehammer to crack a nut”. Aberdeenshire Council, along with some respondents to the call for written views suggested that the issue with caffeinated alcoholic drinks may be region specific, with it not being a problem in the North East of Scotland.

53. The Committee also received some evidence which argued that alcohol policies should focus on addressing issues regarding excessive consumption rather than targeting access to one type of alcoholic product. The Scottish Grocers Federation and the Association of Convenience Stores felt it was the wrong approach to target ready-mixed drinks with caffeine as they comprised less than 1% of total drinks sales.

54. The Wine and Spirit Trade Association and Scottish Retail Consortium also highlighted that under proposals in the Bill, consumers would still be able to purchase alcohol and caffeine in separate packaging to mix their own.

55. Dr Rice felt that the provision would draw the public’s attention further to caffeinated alcoholic products which might be detrimental. He explained that because caffeinated alcohol drinks had a certain reputation relating to disorder it became “a self-fulfilling prophecy […] if people are setting out to become intoxicated and expecting to become violent and disorderly as part of that, that will still happen”.

56. He also felt that the focus on one type of drink might be detrimental to addressing wider problems arising from the consumption of other types of alcohol. He commented that “some of our larger producers and large retailers are quite happy to see those products in the spotlight, because it suits them quite well”.

8
Caffeine level and EU notification

57. No specific caffeine limit appears on the face of the Bill. Instead, Scottish Ministers are required to set a limit via regulations. The Bill details that the first such regulations must be made within 12 months of the Bill receiving Royal Assent.

58. The Policy Memorandum states that this approach will allow Scottish Ministers to set an appropriate level based on its overall approach to problem drinking. It would also allow the level to be changed in the future.

59. The Law Society of Scotland was critical of this approach and called for the level of caffeine to be stated in primary legislation. The Law Society of Scotland told the Committee that “at present, we are discussing the issue in the dark, and the fact is that the level that was set would have a major impact on manufacturers and retailers.”

60. There is a legal duty to notify the European Commission and other member states where certain measures which would create technical barriers to EU trade are being considered. The Law Society of Scotland considered that the Bill could be seen as creating technical barriers to EU trade. The Law Society believed therefore that the European Commission should be made aware of this provision in the Bill.

Scottish Government

61. The Scottish Government did not support the proposal. It believed that there was little evidence that mixing alcohol and caffeine caused particular health problems or that it caused aggression. The Minister for Public Health told the Committee that the real problem was excessive consumption of alcohol—

“We do not feel that targeting one particular drink is effective or necessary. A lot has been said about one particular drink, but it is the amount that people drink rather than the type of drink that is the problem here.”

62. The Scottish Government believed that any restrictions would be difficult to justify in terms of EU law. The Scottish Government memorandum detailed that banning caffeinated alcohol products or limiting the amount of caffeine in alcohol products may require to be notified under the EU Technical Standards Directive. The Scottish Government also noted that the provision may interfere in EU rules on the free movement of goods unless there was sufficient evidence to justify interference on grounds such as the protection of public health.

Member in charge of Bill

63. In evidence to the Committee Dr Simpson argued that drinking alcohol in conjunction with caffeine created a greater risk of harm. He told the Committee that there was “considerable evidence” from the United States of America that caffeine at a particular strength mixed with alcohol resulted in “wired-awake
drunks, which puts people at greater risk and makes them more likely to be aggressive.\(^{49}\)

64. Dr Simpson responded to the Law Society of Scotland’s comments, that the provisions may require notification to the European Commission. He considered the Law Society’s view to be incorrect. He believed that as there was no maximum limit for caffeine prescribed in the Bill it would be the regulations, specifying the maximum limit, that would require notification at a later stage.\(^{50}\)

65. Dr Simpson detailed that within the EU, Denmark had effectively legislated to limit the caffeine content of pre-packaged alcoholic drinks to 150mg of caffeine per litre by requiring that such drinks can only be placed on the market provided that they are notified to the Danish Veterinary and Food Administration and that acceptance is granted.\(^{51}\)

66. Dr Simpson suggested that there may be merit in changing the requirement in the Bill for the Minister to introduce restrictions on caffeine in alcoholic drinks within a year.\(^{52}\) He provided further clarification on the reasons for changing this time limit in a written response to the Committee—

> “While I continue to be of the view that there is a link between alcoholic drinks with a high caffeine content and anti-social behaviour, I accept that further research would be helpful in confirming that view.”\(^{53}\)

67. Dr Simpson stated that he was prepared to accept the removal from the Bill of the 12 month time limit within which Scottish Ministers most set a caffeine limit for alcoholic drinks. He considered that this would allow an indefinite time period for further research to be carried out.\(^{54}\)

68. The Committee supports the comments made by the Member in charge of the Bill that further research would be helpful on exploring the link between alcoholic drinks with high caffeine content and dangerous behaviour. The Committee believes that further research would be helpful as there are currently different views on whether there is a link between alcoholic drinks with a high caffeine content and dangerous behaviour.

69. The Committee notes the position of the Scottish Government that to meet the requirements of EU law, it would be necessary to demonstrate that the measure was a proportionate way of protecting health. The Committee notes that the current evidence base on the effects of alcoholic drinks containing caffeine may not be robust enough to justify introducing this measure as a way of protecting health.

70. A minority of the Committee feel that the provision should be included in the Bill, but with the time limit on introducing the restrictions on caffeinated alcoholic drinks removed, to allow time for further research to be undertaken on their link to anti-social behaviour.
However a majority of the Committee believe that it would not be appropriate to introduce in any form, a provision for which there was not currently evidence that it would be effective. Accordingly a majority of the Committee does not support this provision.

Age discrimination: off-sales

Licensing boards have the power to impose a requirement to sell to only those who are 21 or over as a specific condition in individual licences. Section 3 of the Bill would remove this power. It would prevent licensing boards from imposing any licence conditions which would create a higher minimum age than 18 for off-sales purchases.

The Policy Memorandum states that the current power is “unhelpfully reinforcing stereotypes around youth and ‘binge drinking’ and that young people in the 18-20 age bracket are legally entitled to purchase alcohol and “the law should treat them as responsible adults”.

Views

Slightly more respondents to the Committee’s call for written views supported this proposal than did not. In contrast, participants in the Committee’s public survey did not support the proposal.

The Committee heard from some witnesses, including Aberdeenshire Council that the proposals would remove age discrimination and should therefore be supported. The Scottish Grocers’ Federation told the Committee “the proposals would seem to make things clearer and more consistent, so we would be happy to support it”.

The Law Society of Scotland questioned whether there was any issue with the current power and explained that it was usually only used where there had been evidence of under-age sales taking place. The Law Society of Scotland told the Committee that it knew of two occasions where restrictions on the age of people to whom alcohol could be sold had been imposed on licensed premises which had failed at least two test purchases. The restrictions had since been overturned and those premises had reverted to a minimum age of 18 for alcohol sales.

Dr Rice of Scottish Health Action on Alcohol Problems said that he did not think there would be any public health benefits from removing the option for licensing boards to have flexibility to vary the age limit to whom alcohol could be sold if circumstances demanded it.

A number of licensing boards including Shetland Licensing Forum suggested that the power was rarely, if ever, used by them. Several licensing boards argued that they would like to retain the flexibility to impose age restrictions on specific premises where there were particular problems arising from alcohol sales.
79. Renfrewshire Licensing Board had not needed to impose restrictions on selling alcohol to people aged between 18-20. However, it explained that this power could be useful in situations where a premise had a history of failing to properly implement age verification policies or had been involved in underage or agency sales. The measure could be used where these problems had arisen but the Board felt that it might not be necessary or appropriate to revoke or suspend a licence.  

80. Some organisations called for the law to go further, for example to raise the legal drinking age to 21.

Scottish Government

81. The Minister for Public Health told the Committee that the Scottish Government did not support the Bill’s proposal because it believed that it was appropriate that licensing boards should retain the power to restrict off-sales by age where there had been particular problems at specific premises.

Member in charge of Bill

82. In oral evidence to the Committee, Dr Simpson described the current powers as “discriminating against people who are under 21” and that his proposals would “remove that discrimination completely”. He considered that it was more likely to be those over 21 who would have problems with alcohol and that the current approach did not have “any significant rational basis”.

83. The Committee recognises that the provision is seeking to deal with an issue of age discrimination, however, it does not believe that this provision fits well with the other provisions in the Bill which seek to address problematic behaviour with alcohol.

84. The Committee believes that the current power for licensing boards to impose an age requirement on alcohol sales may be a useful tool to deal with problems arising from alcohol sales at particular premises. It is also a measure that licensing boards have indicated that they wish to retain. The evidence the Committee has received suggests that it is rarely used and then only as a temporary measure. The Committee does not therefore support this provision of the Bill.

Container marking: off-sales

85. Section 4 of the Bill would enable a licensing board to require off-sales shops to mark alcohol containers in such a way that would allow the premises selling the container to be identified. Licensing boards would be able to apply the requirement to all off-sales premises in their area or to specific categories of off-sales. It would also be possible to apply the requirement to all alcoholic drinks or specific types of drink only.
86. The Policy Memorandum states that this provision would be a tool in tackling under-age drinking and adults buying alcohol on behalf of a young person. The latter is also known as proxy purchasing.\(^6^5\)

**Views**

**Merits of scheme**

87. The Committee learnt during its fact-finding visit to Newcastle City Council how container marking could be used in a targeted and proportionate way. A voluntary container marking scheme in Newcastle provided intelligence on underage drinking which was used to plan further action by the Police.\(^6^6\)

![Signage to promote container marking scheme in Newcastle](image)

88. Chief Inspector Tim Ross in evidence to the Committee on behalf of North Ayrshire Health and Social Care Partnership commented on container marking schemes and explained that “the strength of the bottle-marking schemes is in developing intelligence to allow more targeted enforcement to take place”.\(^6^7\) However he expressed a view shared by many witnesses that there were limitations in the use of containing marking, primarily that finding bottles in the possession of underage drinkers was not sufficient evidence of an underage sale.

89. The Scottish Grocers’ Federation was more critical of the usefulness of container marking it described it as “a very blunt and ineffective instrument in trying to combat the issue of proxy purchase”.\(^6^8\)
90. Chief Inspector Ross suggested that the container marking schemes worked well where it had both the support of the local community and the premises that were introducing the scheme. The Committee received evidence on its fact-finding visit to Newcastle that bottle marking could be well received by licence holders as it could help vulnerable staff in licensed premises feel more confident to refuse to sell alcohol to underage young people (who were putting pressure on staff to sell them alcohol). The scheme in Newcastle ran on a voluntary basis.

91. Chief Inspector Ross also gave evidence to the Committee on behalf of Police Scotland, he discussed whether the statutory power proposed in the Bill was required or if such schemes should happen on a voluntary basis. He commented—

“The schemes could be useful. I would like to think that, in many instances, we can work in that way on a voluntary basis at the moment. With regard to whether it would be good to have a legislative power, there are occasions on which it might be helpful for us to be able to go to a board to ask it to impose bottle-marking conditions in a certain area because of a particular problem.”

Police role

92. The Bill proposes that the licensing board would only be able to impose a condition of container marking if requested to do so by the Police. The Police would be required to detail, in writing, which off-sales premises the requirement should be applied to and which types of alcoholic drink should be included. The Police would also be required to decide how the container mark should be applied.

93. Where a licensing board decides not to comply with a request from the Police to institute a container marker scheme, it would have to give the chief constable written reasons for its decision.

94. This approach was criticised by the Law Society of Scotland which was concerned it would undermine the power of licensing boards that had been entrusted to regulate the sale and distribution of alcohol. If the Police were given the power proposed in the Bill the Law Society of Scotland stated that “it will start to undo the fundamentals of the legislation whereby the boards are in control”.  

95. Similar views were held by Renfrewshire Licensing Board and Aberdeenshire Council. Renfrewshire Licensing Board said that it was not usual for licensing boards to be required to be accountable to the Police for their decisions.

Costs

96. The cost of the container marking scheme was a major concern raised in evidence to the Committee. In its written submission WM Morrison Supermarkets plc. stated that it would have significant cost implications for its business. Its written submission detailed that if a national container marking scheme was introduced it
would require additional staff training and time to mark every bottle in its 60 supermarkets in Scotland. WM Morrison Supermarkets plc. estimated this would require the equivalent of two and a half full-time staff per store spending their time marking bottles and cost the supermarket £3.3 million per year.  

97. The Financial Memorandum to the Bill assumes that licensing boards would pay for the equipment needed by retailers to implement the container marking scheme. However, at present the cost of complying with licence conditions is normally met by the licensee.

Scottish Government

98. The Scottish Government acknowledged that there had been specific bottle marking initiatives that had worked well on a short, time-limited and voluntary basis. However the Scottish Government was concerned that widespread use of bottle marking would be a disproportionate response to the problem of underage drinking.

99. The Scottish Government’s Memorandum stated that “we remain to be convinced that national legislation is currently required in this area.”

100. Maureen Watt the Minister for Public Health noted the evidence the Committee had received from WM Morrison Supermarkets plc. on the projected costs of introducing the provision. She also told the Committee that there were other measures in place, including the Challenge 25 Scheme to tackle under-age and proxy purchasing. She summed up the Scottish Government’s view—

“We believe that it would impose considerable burdens on the trade and would not provide evidence that any offence had been committed.”

101. The Scottish Government also commented that it was “unusual” for licensing boards to be accountable to the Police in the way proposed by this provision in the Bill.

Member in charge of Bill

102. Responding to the Scottish Government’s view, Dr Simpson told the Committee—

“The measure is intended to be short term rather than permanent, and that the scheme would not be national but would be focused where the Police want to gather intelligence.”

103. Dr Simpson described the scheme as a focused approach that “targeted drinks, targeted times and targeted premises”.

104. He told the Committee that much of the evidence on the cost of the proposal was based on “the false supposition that the scheme would be national and permanent, with all alcohol in Scotland being bottle marked all of the time.”
105. In response to the concerns from the Finance Committee regarding the information on the Financial Memorandum he noted that Newcastle’s Alcoholwatch Scheme had put costs between £200-£240 per licensed premise.  

106. Dr Simpson noted that there was both a preventive and identification aspect to the container marking schemes. He told the Committee that it would strengthen staff resolve not to sell alcohol to underage or proxy purchasers. It would also “amplify Police intelligence” enabling them to focus test purchasing and place licensed premises under surveillance.

107. In a response to the Committee on 17 September Dr Simpson noted that underage drinking and associated anti-social behaviour were likely to be raised initially with the Police, so it was reasonable for the Police to take the initiative in seeking a container marking scheme, with the final decision being left with the licensing board. He added “however I would be open to re-consider the details of this at Stage 2”.

108. The Committee explored with Dr Simpson whether legislation on container marking was necessary or if existing powers could be used to encourage more voluntary schemes. He responded that legislative support was required for these schemes. He referenced a voluntary scheme in Dundee that had been stopped because it was too difficult to continue if a licensee refused to participate. Whilst he envisaged that on the whole schemes would be voluntary he stated—

“...The legislation provides the back-up: it means that if the police are concerned about a particular area, they are able to impose the scheme with the consent of the licensing board unless the board feels that it is not appropriate, in which case it has to give its reasons for it not happening.”

109. The Committee believes that container marking schemes can be a useful tool to enhance intelligence on under-age and proxy purchasing. This can allow more targeted enforcement of these offences to take place.

110. The Committee notes concerns expressed by retailers regarding the potential costs of container marking but believes figures cited by some retailers relate primarily to the introduction of a national scheme which is not how the member in charge intends the provision to operate.

111. However, there is a difference in views amongst Members of the Committee regarding whether container marking should be placed in statute.

112. A majority of the Committee believe that there is strong and compelling evidence that container marking schemes can work on a voluntary and partnership basis, and that there is not a need to place container-marking schemes in statute. These Members have concerns about how the scheme would work in practice, such as with the new role the Police would have in...
requesting that licensing boards impose container marking as a licensing condition.

113. Other Members of the Committee consider container marking a useful provision which would be strengthened by it being placed in statute. They believe that if the Police were concerned about a particular area in relation to under-age sales and/or proxy purchasing then the provision in this Bill will enable a licensee to be compelled to participate in a container marking scheme.

Applications for, or to vary, premises licence: consultation and publicity

114. The Policy Memorandum states that Section 5 of the Bill aims to enhance local people’s ability to influence alcohol licensing decisions. In particular, it seeks to strengthen the consultation arrangements in relation to applications for a premises licence or a major variation to such a licence.87

115. The first proposal is that, where there is no community council for the area or the community council is inactive, written notification of the application must be given to all neighbours in a 50m radius of the premises. The current requirement is that neighbours within 4m of the premises must be notified of the application.

116. The second proposal is to double the public notification periods for licences, from 21 to 42 days.

Views

117. Some responses to the Committee’s call for written views, including that from NHS Health Scotland, believed that there was potential in strengthening community input into the licensing regime and supported the Bill’s provisions on this subject.88

118. Whilst Aberdeenshire Council told the Committee that it understood the principle behind the proposals and the benefits of community empowerment, it considered the proposal to extend the radius for the neighbour notification requirement to be “excessive” and “totally out of proportion”.89 The Council suggested that, in a built-up area with high-rise flats, it would be a “nightmare for licensing clerks and Licensing Standards Officers” to administer.90

119. Renfrewshire Licensing Board along with several other licensing boards also felt that it would have “massive implications” with regards to administration and would likely result in removing Licensing Standards Officers from enforcement duties. It also questioned whether the requirement in the Bill to notify a large neighbouring area of a low impact major variation, such as a slight increase in the capacity of an off-licence premise, was proportionate.91

120. The Committee received mixed views on whether the public notification period for licences should be extended from 21 to 42 days.
Several witnesses were content for the time period for public notification of licences to be extended. Aberdeenshire Council told the Committee that as community councils often ran on a four-week cycle the current 21 period did not always enable community councils to consider all applications. It did not feel that an extension to 42 days was particularly onerous for people applying for a licence.

In contrast the Law Society of Scotland was not supportive of the extension. It argued that there were already considerable delays in the processing of applications which affected businesses and their development. It provided examples of applications that were still being considered over nine months after they had been lodged. The Law Society also suggested that its practitioners did not find that people were currently slow to object within 21 days. The Law Society also highlighted that current timescales corresponded with the lead-in time for objections in the planning process.

The Scottish Government detailed in its Memorandum that the relevant provisions on neighbour notification and the period for notification were already included within secondary legislation, in the Licensing Procedure (Scotland) Regulations 2007. The Government stated that these provisions in the Bill therefore did not require primary legislation, and could be updated at any time via secondary legislation.

The Scottish Government explained that the regulations had not been updated since their introduction in 2008 and it had therefore committed to review the regulations to “properly evaluate the likely costs and benefits of any change to neighbour notification requirements”. In oral evidence to the Committee the Scottish Government added that it was open minded on the issue of updating the regulations and wanted to ensure that they were workable and proportionate.

Dr Simpson told the Committee that one of the motivations behind the provision was to ensure the consultation process for licensing decisions reached people in deprived communities where community councils were more likely to be inactive or did not exist—

> “there is much more availability of licences in deprived areas than in other areas. We need to give those communities the best possible opportunity to object.”

In oral evidence to the Committee he emphasised that his aim was to extend the current 21 day time limit and that although 42 days for the notification period had been prescribed in the Bill this could be reduced. He gave 35 days as a possible example.
127. Following his oral evidence session, Dr Simpson clarified his position with regard to the distance to which neighbours should be notified of an application. He explained that he had listened to the concerns which had been expressed by some licensing boards about the additional expenses, and the administrative burden which could be created by the extended notification requirements. As a result he supported a change to the distance proposed in the Bill—

“While I remain convinced about the need to increase community involvement, I am persuaded that a lesser increase than the 50m (perhaps 20 or 25m) might be more workable.”

128. The Committee believes that community involvement in licensing decisions is important. The Committee recognises that this engagement can be harder to achieve in deprived communities and is supportive of ensuring that appropriate steps are taken to foster this engagement.

129. The Committee notes the commitment of the Scottish Government to review the regulations which contain the licence application notification requirements and that the Scottish Government would not require primary legislation to deliver changes in the approach to consultation on and publicity of alcohol licensing decisions. A majority of the Committee agree with the Scottish Government that there should be a detailed review and consultation on changes to these regulations before any alterations are made. A majority of the Committee therefore do not support this provision in the Bill.

130. Other Members of the Committee support this provision in the Bill as it enables those who may not currently have a say on alcohol licensing provision in their local area to be better able to participate. These Members note the willingness of the Member in Charge of the Bill to consider further modifications to the specific consultation timescales and notification distances in the Bill if it progresses to Stage 2.

131. Irrespective of whether this Bill progress to Stage 2 the Committee asks the Scottish Government to provide further information on the proposed timescales and approach to its consultation on the licence application notification requirements. The Committee requests that this information is provided in advance of the Stage 1 debate.

Restrictions on Advertising of Alcohol

132. Sections 6 to 13 of the Bill (and its schedule) would create restrictions on the location of alcohol advertising. The Bill would introduce three forms of restriction:

- Alcohol advertising would be banned within 200 metres of schools, nurseries and children’s play parks. In this context, advertising would only cover “fixed”
adverts, visible to the general public, such as billboards, A-frames and window displays of alcohol containers.

- Alcohol advertising would be restricted to the licensed areas of off-sales premises.

- Alcohol advertising would be banned at sporting and cultural events principally targeted at those under the age of 18. In this context, advertising would also include event staffs clothes branding.

Views

Current regulation

133. Much of the focus of the Committee’s consideration of the Bill’s provisions relating to advertising and sponsorship centred on the effectiveness of the current self-regulatory regimes.

134. Representatives of the advertising and sponsorship industry were supportive of retaining the current regime. They considered the current self-regulatory regime of alcohol advertising run by the Advertising Standards Authority (ASA) and The Portman Group of major alcohol producers (via its Code of Practice on Alcohol Sponsorship) provided effective regulation of advertising and sponsorship of alcohol.

135. The ASA explained to the Committee that it did not believe that further restrictions on advertising were required. It argued that alcohol advertising was already more strictly policed than advertising for many other products and described the current regulatory regime as “comprehensive”, “effective” and “robust”. It explained that there were placement restrictions that prevented alcohol adverts from being targeted at those under 18 and content restrictions which ensured that alcohol adverts did not appeal particularly to young people. It also referred to the voluntary step the outdoor advertising industry had taken to prohibit alcohol advertising within 100m of a school front gate.

136. The Portman Group believed there were adequate protections for children in relation to exposure to alcohol sponsorship. It described its Code of Practice on Alcohol Sponsorship as containing strict, detailed rules preventing alcohol companies from sponsoring individuals, activities, teams, events, tournaments, competitions, bands or celebrities which had a particular appeal to, or are primarily aimed at, under-18s. It stated that the code ensured drinks companies promoted responsible drinking as part of their sponsorship agreements and there were clear sanctions for companies that breached the rules.

137. Industry representatives like the ASA also argued that evidence suggested that alcohol advertising had a limited impact on alcohol consumption. The Portman Group stated “there is no clear evidence that marketing bans and restrictions drive reduced consumption”.
138. The Institute of Practitioners in Advertising emphasised the contribution of advertising and marketing firms to the Scottish economy. It argued that the restriction on advertising proposed by the ban could result in less work for Scottish business but would not deliver health benefits for children.\textsuperscript{105}

139. In contrast to the views held by industry representatives, several witnesses argued that there was evidence of a link between exposure to alcohol marketing and drinking behaviour. Salvation Army Scotland said “the majority of longitudinal studies show that increased exposure to alcohol marketing leads to increased consumption”.\textsuperscript{106} Salvation Army Scotland believed that the current restrictions on advertising and sponsorship of alcohol should be strengthened. It commented that “the point is that alcohol marketing normalises alcohol consumption among young people and the aim of Dr Simpson’s Bill is to denormalise it”.\textsuperscript{107}

140. Alcohol Focus Scotland believed that making some of the current voluntary agreements enforceable through legislation would be a more effective approach than the current regime.\textsuperscript{108}

141. Dr Rice, Chair of the Scottish Health Action on Alcohol Problems, considered the Bill to be “a move in the right direction”.\textsuperscript{109} However, Dr Rice felt that restrictions on alcohol advertising and sponsorship should go much further than proposed in the Bill.

142. Dr Rice called for an end to the self-regulation of advertising. He also explained that he was opposed to corporate sponsorship of major sporting events by alcohol firms. He believed that there should be a greater focus on children’s exposure to marketing.\textsuperscript{110}

143. This view was supported by several witnesses including the Salvation Army Scotland who called for a wider ban on any public advertising which young people may view. It argued that the restrictions proposed by the Bill did not acknowledge the combined impact that alcohol marketing has through a range of other channels that young people use, such as digital marketing (including through phones, on demand TV and social media).

**Ban on advertising near places used by children**

144. Several practical concerns were raised regarding the ban on advertising near places used by children. The Law Society raised concerns around the enforceability of the provisions and believed that there was a need to ensure that people were not unfairly criminalised as a result of this measure. It provided the example of people placing posters in their windows for sporting events which featured the logos of alcohol products or existing premises being affected if a nursery moved into their area.\textsuperscript{111}

145. The Institute of Practitioners in Advertising argued that the ban on advertising near places used by children would amount to a total ban on alcohol advertising in urban areas. In contrast the Salvation Army Scotland believed that this ban would
not be effective in protecting children from alcohol advertising and that more research was necessary into what distance should be set for any ban on alcohol advertising around places used by children.\textsuperscript{112}

**Restrictions on advertising in retail premises**

146. The Scottish Grocers’ Federation believed restrictions on advertising in retail premises were already quite strong.\textsuperscript{113} Many respondents to the Committee’s call for views highlighted potential duplication between this provision and existing restrictions in the Licensing (Scotland) Act 2005. The 2005 Act only allows alcohol to be displayed in a designated area. In addition, no alcohol promotions connected with the shop can occur within 200m of the premises.

147. The Law Society raised an issue with the wording of the provision which in its present form presumes the whole of the premises is not licensed. However, usually entire supermarkets are licensed and form part of the licensed premise so the provision would not be effective in relation to them.

148. The Scottish Beer and Pub Association suggested that the Bill’s provisions may prevent consumers from receiving relevant information, such as suggested food and alcohol pairings. It also raised concerns that there may be unintended consequences, such as restrictions on what adverts could appear on the front covers of magazines.

**Ban on advertising at sporting and cultural events**

149. Organisations such as Youth Link Scotland raised concerns that the Bill’s proposal to ban alcohol advertising at sporting and cultural events principally targeted at those under the age of 18 would mean fewer opportunities for young people to participate in sporting activities if funding from sponsorship deals with alcohol companies was restricted.

150. Questions were also raised regarding the broad definitions in this provision. The Salvation Army noted that the Bill did not explain how to work out if an audience consisted “principally” of those under 18. It assumed that the threshold would be 50%. It argued that alcohol sponsorship would achieve its desired effect if a much smaller percentage of under-18s were exposed to it.\textsuperscript{114}

151. The Portman Group noted that its code of practice bans alcohol sponsorship of events where 25% or more of the audience are under 18.\textsuperscript{115}

**Scottish Government**

152. In its Memorandum to the Committee the Scottish Government stated—

> “There is good evidence of the impact of advertising on children and young people’s alcohol consumption and as a number of responses to the Call for Evidence have highlighted, current practice in the marketing and promotion
of alcohol does not adequately protect children and young people from exposure to alcohol advertising.”

153. Whilst the Scottish Government was sympathetic to the aims of the provisions on advertising and sponsorship in the Bill it believed they were “too limited” and would “present enforcement difficulties, which means the Bill may do little to protect children and young people from exposure to alcohol advertising.”

154. The Scottish Government highlighted that the control of advertising was part reserved to Westminster, and as a result it could not tackle issues relating to advertising and alcohol consumption fully on its own.

155. In oral evidence the Minister said that the self-regulatory regimes for alcohol advertising were not adequate and had limitations. The Minister stated that the Scottish Government would examine advertising controls further as it developed the next phase of its Alcohol Framework. The Minister said that the Scottish Government was at the initial stages of determining how sport would be affected if the ability for alcohol companies to advertise and promote its products was restricted further.

156. The Scottish Government did not support the specific provision on advertising within licensed premises as it believed that the Bill’s proposals would not add anything to the existing restrictions on promotions in the 2005 Act.

Member in Charge of Bill

157. Dr Simpson told the Committee that he did not think that the current voluntary bans on advertising were adequate.

158. Dr Simpson acknowledged that some aspects of alcohol policy were reserved to Westminster, however, he felt that some action could and should be taken—

“We do not have the powers to limit advertising in the way we might wish to. However, that is not an argument not to use the powers we have.”

159. He added—

“Any step that it would be legitimate for us to take within the powers that we have to reduce the exposure [of children to advertising] is a step worth taking.”

160. In relation to whether the Bill’s proposals were too limited, he explained that one of the reasons for not proposing a total ban on advertising at all sporting events in Scotland was the concern, as highlighted by other witnesses, about the impact this might have on funding for sport.

161. Dr Simpson commented that if a total ban on alcohol advertising was to be introduced, the purpose “would be to denormalise alcohol and stop it from being ubiquitous across society”. He referenced the series of measures the French had
taken to tackle the issue, including the restrictions on alcohol advertising contained in the Loi Evin. He noted that there was some dispute over the impact of these measures, however, he believed they had played a role in the reduction of alcohol problems in France.124

162. A letter from Dr Simpson to the Committee following his evidence session clarified his position on the specific provision on advertising within licensed premises. He stated that the provision should be taken out of the Bill—

“I am content that there is a large degree of overlap between the provisions in Section 8 of my Bill and those in paragraph 13 of Schedule 3 to the 2005 Act. I would therefore have no objections to this section being removed from the Bill.”125

163. The Committee supports the concerns raised by some witnesses regarding whether the current self-regulatory regimes go far enough in protecting children and young people adequately from exposure to alcohol advertising. The Committee believes that advertising and marketing play a role in determining children’s current and future relationship with alcohol.

164. The Committee believes regardless of whether this Bill progresses or not, the time is right to give further consideration to the regulation of alcohol advertising and sponsorship in Scotland. The Committee notes that the control of advertising is part reserved to Westminster and therefore asks the Scottish Government to give consideration to the areas within its jurisdiction where it can deliver changes. The Committee welcomes the comments from the Minister that the Scottish Government is at the initial stages of determining how sport would be affected if the ability for alcohol companies to advertise and promote their products was restricted further. The Committee asks for further information on this work including the timescales for reporting its outcomes and how this research will feed in to the Scottish Government’s alcohol framework.

165. A majority of the Committee believe it would be more appropriate for the issue of alcohol advertising and marketing to be considered in the context of Scottish Government’s alcohol framework and informed by work on advertising and sponsorship in sport already underway. A majority of the members do not therefore consider that these proposals in the Bill should be progressed.

166. Whilst a minority of the Committee believe that these provisions should be supported given some of the evidence the Committee received that alcohol marketing can lead to increased consumption. They believe there is a need to act now.
167. The Committee notes that Dr Simpson has confirmed that he has no objections to section 8 of the Bill being removed given its overlap with provisions already within the 2005 Act.

Alcohol education policy statements

168. Section 14 of the Bill would place a duty on Scottish Ministers to publish a statement on its policy on the provision of public information and education about alcohol consumption every five years. The first statement would be required to be published within 12 months of the Bill receiving Royal Assent.

169. Scottish Ministers would be required to lay the statement before the Scottish Parliament. In addition, the Bill would require them to review the effectiveness of the previous education policy statement and report any conclusions arising from this review before the publishing and laying of new statements.

Views

170. Alcohol Focus Scotland had reservations about introducing such a provision as it was unsure of its purpose. Dr Rice was cautious about the prioritisation of an assessment of education as he considered “education is only a drop in quite a big ocean” in terms of factors influencing alcohol consumption.126

171. In its written submission NHS Health Scotland raised a similar point that whilst there was a role for information and education programmes in providing the public with access to reliable and accurate information about alcohol, there was now sufficient evidence that this did little to effect behavioural change. It therefore felt that the requirement to publish statements such as those proposed in the Bill should not detract from more effective measures to reduce alcohol harm and consumption.127

Scottish Government

172. The Scottish Government stated in its Memorandum that it did not support the proposal. The Minister told the Committee that “the proposal on alcohol policy statements would increase bureaucracy and the statements would not make a meaningful contribution to reducing alcohol-related harm”.128

173. The Minister highlighted that its alcohol strategy was already evaluated through the NHS Health Scotland Monitoring and Evaluating Scotland’s Alcohol Strategy programme.

174. The Scottish Government argued that it would be disproportionate to put in place a statutory regime for providing public information and education as these were only two aspects of a comprehensive package of measures in its Alcohol Strategy. It argued that on their own there was little evidence to show that education and information programmes led to a sustained change in behaviour.
In evidence to the Committee Dr Simpson suggested that there was not currently enough ministerial accountability in relation to the Scottish Government’s provision of public information and education about alcohol consumption. He emphasised that his proposals would give the Parliament an additional role to scrutinise the work of the Scottish Government in this area.  

Dr Simpson told the Committee that parliamentary scrutiny was important because education initiatives were recognised by the WHO as one of the less effective ways of tackling alcohol consumption and there was a need to ensure that money spent in this area was proving to be effective. 

Dr Simpson did not feel that the provision would be particularly onerous as the statement would have to be produced only once a parliamentary session. He acknowledged that monitoring and evaluation of the Alcohol Framework for Action already took place, however, he argued that this indicated that the Bill’s requirements would not represent a disproportionate burden.

The Committee believes that it is important that accurate and reliable information about alcohol and its effect on health is available so that people can make informed choices about alcohol consumption. The Committee also recognises that whilst education and information programmes are important they are just a component of a number of initiatives and activities which the Scottish Government undertakes as part of its Alcohol Strategy Programme.

The majority of the Committee notes that there are already a number of ways in which MSPs can hold the Scottish Government to account in Parliament for its performance in reducing alcohol consumption. The majority of the Committee is not therefore convinced that there is a need for a new parliamentary procedure requiring a dedicated statement to be laid before Parliament on two elements of the Programme. As a result the majority of the Committee does not consider that this provision is required.

The provision is, however, supported by a minority of the Committee, who consider that it would be beneficial for the Parliament to be regularly updated on the effectiveness of public spending on alcohol related education and public information programmes and to have a further opportunity to scrutinise these areas of the Government’s alcohol strategy.

**Drinking banning orders**

Sections 15 to 29 of the Bill would create a framework for “drinking banning orders” (DBOs). These would place restrictions on the behaviour of people who engage in criminal or disorderly conduct when under the influence of alcohol for up to two years. The restrictions could include being banned from licensed...
premises. The length of a DBO could be reduced if the individual completed an approved course relating to alcohol education.

Views

182. In oral evidence to the Committee, Social Work Scotland echoed the views of many witnesses when it expressed reservations about what DBOs would be able to deliver. It considered that DBOs would not add anything further to current anti-social behaviour legislation or post-conviction measures such as the community payback orders.132

183. Some witnesses’ interpretation of the Bill was that DBOs would only apply to on-sales premises. The Committee received evidence from Dr Rice and other witnesses which questioned the merit of this approach. Dr Rice pointed out that the majority of alcohol related problems occurred as a result of alcohol sales at off-sales premises.133

184. Unlike many witnesses Police Scotland felt that the introduction of DBOs could provide a “really useful tool”. Police Scotland felt that DBOs were aimed at a slightly lower level of problematic behaviour associated with alcohol consumption than other enforcement measures. It felt that DBOs could prevent a small number of individuals from engaging in repeated drinking and could stop further alcohol-related disorderly or criminal behaviour.

185. Police Scotland also considered that an important aspect of the approach in the Bill was that an individual could have the length of a DBO reduced by completing an alcohol education course. Police Scotland felt that this would provide an opportunity for an individual to consider their future behaviour and relationship with alcohol.134

186. The Scottish Courts and Tribunals Service (SCTS) raised several concerns regarding the practical and financial impact that introducing DBOs would have on their work.

187. Under the proposals on DBOs, a Sheriff would be required to give reasons in open court if they chose not to make a DBO where someone had been convicted of an offence committed under the influence of alcohol. The SCTS estimated that around 53,000 cases a year would fall under this requirement. It estimated that even if only 2 minutes was spent on providing such explanations in court, this would require an additional 350 court business days per annum. The SCTS estimated that this would equate to annual additional costs of £376,000. The SCTS highlighted that this was a cost that had not been included in the Financial Memorandum.135

188. The SCTS also referred to the provision in the Bill that where a court did apply a DBO, it would have to explain to the individual concerned its effect and the consequences of not complying with it. The SCTS felt that it would not be appropriate for its staff to provide such advice as it could be considered to be legal
advice. The SCTS believed that there would need to be clear parameters regarding what advice staff would be required to provide for this approach to be appropriate.\textsuperscript{136}

Scottish Government

189. The Scottish Government believed that there were already sufficient methods available to deal with alcohol related offending and DBOs were not required.

190. In its Memorandum to the Committee the Scottish Government provided details of a number of measures which it considered all served the same function as that proposed by DBO. This included anti-social behaviour orders (ASBOs) and exclusion orders from licensed premises which were available under the Licensing (Scotland) Act 2005. It also referred to Community Payback Orders (CPO) and made specific reference to an Alcohol Treatment Requirement (ATR) within a CPO as providing the court with the option to require an individual with an alcohol dependency to undertake alcohol treatment.

191. The Scottish Government believed it was unclear what additional benefits DBOs could provide especially as it felt there was insufficient information to determine the cost implications of implementing DBOs.

192. In oral evidence to the Committee the Scottish Government explained that ASBOs could be used to ban people from licensed premises if the sheriff deemed such a measure to be necessary. However, it explained that information on the number of ASBOs which had been used to ban people from licensed premises was not held centrally but by local authorities.

193. Following its oral evidence, the Scottish Government explained in a written answer to Dr Simpson that it had written to all Scottish local authorities to obtain figures on the number of ASBOs, which included a ban from licensed premises or their immediate vicinity.

Member in charge of Bill

194. Dr Simpson indicated that he did not believe that DBOs would duplicate current mechanisms used in situations where individuals had committed criminal or disorderly behaviour whilst under the influence of alcohol.

195. Dr Simpson argued that a DBO was in line with other provisions in the Bill as it was an intervention that could be provided at an early stage where an individual may be at risk of developing a dependency on alcohol, and could assist in preventing the situation from progressing.\textsuperscript{137} He did not believe that ATRs provided the same function as that proposed by DBOs as he considered ATRs to be targeted at individuals who have an alcohol dependency problem.\textsuperscript{138}

196. He told the Committee that a DBO provided an opportunity for an individual’s problem to be identified and addressed as being specifically related to alcohol. He suggested that an ASBO might not provide the same focus.\textsuperscript{139}
197. Dr Simpson said that it could not currently be determined whether ASBOs were being used to ban people from licensed premises because data was not available on the number of ASBOs used for this purpose. He added—

“I would welcome sight of statistics which would illustrate how often ASBOs have in fact been used for the purposes for which a DBO is specifically intended. In the event that there is evidence that they do in fact serve the same purpose, I would accept that there may be a case for removing the DBO provisions from the bill.”

198. Dr Simpson also responded to concerns raised by SCTS on the significant costs of implementing the requirement to state in open court where a DBO was not being made. He stated that he would be prepared for that specific provision to be removed from the Bill.

199. Dr Simpson did not agree with the view expressed by some witnesses that DBOs would only apply to on-sales premises. He told the Committee that the Bill had been deliberately drafted in broad terms to prohibit any relevant behaviour, including banning an individual from entering off-licences.

200. The Committee recognises that alcohol is a contributing factor in a significant level of disorderly, anti-social and criminal behaviour. It is important that mechanisms are in place which protect society from those individuals causing such behaviour but that steps are also taken to support change in those individuals future relationship with alcohol.

201. The Committee believes that mechanisms used by the Scottish Government to address individuals’ behaviour and protect society from harm caused by alcohol should be monitored closely. The Committee notes the commitment made by the Scottish Government to obtain from Scottish local authorities figures on the number of ASBOs which include a ban from licensed premises, so an assessment can be made on whether the use of ASBOs is currently being deployed in the way proposed by DBOs. The Committee requests that the Scottish Government provide these figures in advance of the Stage 1 debate.

202. A majority of the Committee believe that there are already a number of tools, including anti-social behaviour orders, exclusion orders under the Licensing (Scotland) Act 2005 and alcohol treatment requirements which operate effectively to address individuals’ behaviour and protect society from harm caused by alcohol. They do not therefore support the need for DBOs to be introduced as part of this Bill as it is not clear that they will deliver any additional benefits over and above existing initiatives.

203. A minority of the Committee believe that DBOs should be introduced. They consider them a useful additional mechanism targeted specifically at low
level alcohol related harm, albeit Dr Simpson acknowledged that this provision could be removed if statistics demonstrated that DBOs served the same purpose as ASBOs.

Fixed penalty offences involving alcohol: alcohol awareness training as an alternative to fixed penalty fines

204. Section 30 of the Bill proposes to introduce the option of alcohol awareness training as an alternative to a fixed penalty notice for alcohol-related antisocial behaviour.

205. The Policy Memorandum details that this proposal follows a recent pilot project in Fife. The Bill would require Scottish Ministers to set up a pilot project in an urban area to test the approach of providing alcohol awareness training. This project would be evaluated by an independent person. If the evaluation contained a recommendation that alcohol awareness training schemes should be made available across Scotland, Scottish Ministers would be required to make provision for this to occur within three years of the report being laid before Parliament.

Views

206. As part of its fact-finding visit to Newcastle, the Committee received evidence on Northumbria’s alcohol awareness course ‘Alcohol Behaviour Change’. Under the Northumbria scheme, those arrested for drunk and disorderly behaviour who fit the eligibility criteria for a Fixed Penalty Notice are given the opportunity to pay a reduced fine if they attend an alcohol awareness course. The fine is used to fund the costs of delivering the training. The half day course covers understanding units of alcohol; binge drinking; the physical, psychological and social harms created by alcohol; links between alcohol and offending; and the impact having committed an offence can have on future restrictions to travel and employment. A six month evaluation of the course found that the number of participants who were re-arrested for being drunk and disorderly was half that of those who had declined to attend the course.144

207. Some witnesses thought there were merits in adopting such an approach in Scotland. Chief Inspector Ross welcomed the idea of training being offered as an option for those arrested. He believed that education and awareness raising could be more effective than fixed-penalty notices in seeking to influence people’s behaviour and relationship with alcohol. He said that “a fine is quite often punitive for the people whom we deal with and does not assist them in their situation”.145

208. Alcohol Focus Scotland thought there was potential merit in alcohol awareness training, however, it questioned how effective such measures would be if people only accessed training to avoid paying a fine rather than the individual actively seeking to change their behaviour.146
209. NHS Health Scotland’s concerns went further. It questioned the effectiveness of alcohol awareness training in either changing drinking behaviours or acting as a deterrent for serious or violent crime. It felt that other, better alternatives were available.

210. In its report on the Bill’s Financial Memorandum, the Finance Committee believed there was a need for clarity on who would have responsibility for funding and delivering the alcohol awareness training courses. Similar issues were raised in evidence to the Health and Sport Committee. West Lothian Licensing Board believed that the introduction of alcohol awareness training could lead to a potential loss of income for local authorities from fixed penalty notices if an individual opted for awareness training rather than a fixed penalty. West Lothian Council also had concerns regarding the funding and provision of resources if the responsibility for delivering the training was placed on local authorities.\(^\text{147}\)

Scottish Government

211. The Minister did not support this provision “because we have alternatives that are working here in Scotland”. In its Memorandum the Scottish Government detailed that it already provided support through the use of Alcohol Brief Interventions and funding to local authorities for support with alcohol-related offending such as arrest referral schemes. The arrest referral schemes provide those with alcohol dependency problems with access to treatment services.\(^\text{148}\)

212. The Scottish Government raised concerns that the provision would bind it to rolling out a scheme nationally if this was recommended as a result of an evaluation of the pilot. The Scottish Government felt that it should ultimately be a matter for the Scottish Parliament to decide whether this was an appropriate approach. The Scottish Government explained that the approach proposed in the Bill to introducing a national scheme could result in a situation where the Parliament may not wish to make legislation for this purpose but the Scottish Government would be breaching the statutory duty in the Bill if it did not.\(^\text{149}\)

213. The Scottish Government also raised concerns that the approach to alcohol awareness training proposed in the Bill “could prove very resource intensive and it is unclear what additional value they would offer”.\(^\text{150}\)

214. The Scottish Government suggested that alcohol awareness training may be an idea that could be considered as part of its broader look at what might work in a new alcohol strategy.\(^\text{151}\)

Member in charge of Bill

215. As with other provisions in the Bill, Dr Simpson argued that this measure was aimed at tackling those with low level issues with alcohol before they progressed to having more serious problems. He felt that giving people access to awareness training would tackle an individual’s future behaviour with alcohol and was an improvement on what was currently provided—
“We need incentives for such individuals in order to ameliorate the current situation, in which they simply get a sentence or other disposal and that is the end of the matter.”\textsuperscript{152}

216. Dr Simpson also suggested that engagement in such training could result in individuals being less likely to reoffend.\textsuperscript{153}

217. He considered the Bill’s proposal to pilot the training first represented a cautious approach. He argued that this approach would enable an assessment to be conducted of the effectiveness and costs of delivering alcohol awareness training before a decision had to be taken on whether to roll it out.\textsuperscript{154}

218. The Committee supports the aim of delivering behavioural change in individuals’ relationships with alcohol. The Committee notes that some witnesses commented that there is evidence that alcohol awareness training can foster change in individuals future behaviour towards alcohol. This seems to have been the case in relation to the alcohol awareness training scheme in Northumbria.

219. The Committee notes, however, that some witnesses believe that alcohol awareness training as proposed in the Bill is not required as there are other more effective measures which are currently available to tackle people’s relationships with alcohol.

220. A majority of the Committee note that primary legislation is not necessary in order to provide alcohol awareness training, the pilot project in Fife and the Northumbrian alcohol awareness course had both operated without primary legislation. A majority of the Committee believes that the appropriate route to consider the wider use of alcohol awareness training is to examine this training alongside other potential measures to address problem drinking. The majority of the Committee therefore recommends that the Scottish Government include an assessment of the merits of such an approach as part of its current review of its alcohol strategy.

221. The minority of the Committee supports the approach proposed in the Bill and believes that a pilot project should be conducted and that primary legislation would be necessary to enable it to be rolled out nationally if it is evaluated as being an effective approach.

**Offences involving alcohol: notification of offender’s GP**

222. Section 31 of the Bill would place a requirement on the courts to notify an offender’s GP where alcohol was a factor in their offending behaviour.

223. The Policy Memorandum details that its purpose is to alert the GP to a potential health issue so that they can take appropriate action. The Policy Memorandum
states that this can only increase the likelihood of a patient receiving treatment. However, there is no requirement in the Bill for the GP to act upon receiving such a court notification.

**Views**

224. The Committee received some evidence that introducing a requirement to notify a GP may increase referrals for treatment and may aid early intervention. However, the majority of responses to the Committee’s call for written views on the Bill did not support the Bill’s proposal. The public survey on the Bill and witnesses at the Committee’s oral evidence sessions also did not support this proposal. Concerns were raised by the medical, legal and social work sectors who would be required to implement the provision.

225. In oral evidence to the Committee, Dr Maule of BMA Scotland felt that the provision was not necessary and that as a GP “more often than not, I am absolutely aware that a patient has issues with alcohol”.  

226. BMA Scotland also raised concern that the doctor-patient relationship may be affected if information about a criminal offence was held on a patient’s medical record. BMA Scotland highlighted that consideration would have to be given to how this information was stored and who could have access to it.

227. BMA Scotland noted that the Bill did not require a GP to do anything if they were notified that alcohol had been a factor in a patient’s offending behaviour. However, BMA Scotland believed that a GP’s professional obligations may require them to act, regardless of what was contained in the Bill.

228. The SCTS questioned the proportionality of the GP notification provision, as it considered it would have significant cost implications but may not achieve the desired outcome if the GP did not have to act on receipt of the notification.

229. The Scottish Courts and Tribunals Service (SCTS) also questioned how a court would establish if an offender was registered with a GP. The SCTS believed that it could result in delays to court business and even possible court adjournment until the information was obtained.

230. The SCTS also noted there would be significant technical problems with providing notification to GPs. It explained that the current systems would not necessarily make mention of alcohol being involved in the crime. The SCTS anticipated that there would be very high costs in relation to establishing a new, secure notification system which would take into account all relevant data protection issues.

**Scottish Government**

231. The Scottish Government believed there was widespread opposition to the provision and reiterated the concerns with the measure raised by witnesses including BMA Scotland and the SCTS. The Scottish Government did not believe
that requiring compulsory notification of alcohol related offences to GPs was a proportionate or appropriate measure.\footnote{161}

**Member in charge of the Bill**

232. In his oral evidence session with the Committee Dr Simpson acknowledged that in relation to the provision there was “fairly outright opposition from all sides”.\footnote{162}

233. In a follow up letter after his evidence session Dr Simpson detailed that he remained convinced of the benefits of the provision as he considered it would provide a stronger focus for Alcohol Brief Interventions. However, he acknowledged that the lack of support for the provision, including from those who would be involved in its implementation, meant that he would accept the section’s removal from the Bill.

234. The majority of evidence the Committee received did not support the proposal. The Committee is particularly concerned that those who would be tasked with implementing the notification scheme do not consider it an appropriate, workable or proportionate measure. The Committee therefore welcomes and supports the Member in charge of the Bill’s position that he would accept the removal of this provision from the Bill.

**Consideration by other Committees**

**Finance Committee**

235. The Finance Committee published its report on the Bill’s Financial Memorandum on 30 October 2015. Some of the issues raised have been explored in the body of this report.

236. The Committee notes the Finance Committee’s report.

**Delegated Powers and Law Reform Committee**

237. The Delegated Powers and Law Reform Committee (DPLRC) report on the Bill was published on 4 November 2015. The report comments on Section 2(3) and (4) (inserting paragraph 8A(1) of schedule 3, and paragraph 7A(1) of schedule 4, to the Licensing (Scotland) Act 2005 – Alcoholic drinks containing caffeine.

238. The DPLRC notes that these powers would enable the Scottish Ministers to prescribe either the same amount or different amounts as a maximum caffeine level in alcoholic drinks containing caffeine which may be sold on premises, depending on whether the premises have a premises licence or an occasional licence.
239. Dr Simpson explained to the DPLRC Committee that his expectation was that regulations would set a maximum level which would apply to both types of licence.

240. The DPLRC report stated that it was content with these powers in principle, and that the affirmative procedure should apply to the exercise of the powers. However it drew them to the attention of the Health and Sport Committee as the powers would enable either the same or different levels to be set, depending on the type of licence which applies to premises.

241. DPLRC went on to note that it would be equally possible in principle, and were it to be demonstrated to be an appropriate policy, for section 2 to be amended at Stage 2 to provide that the same maximum caffeine level must apply, as a mandatory condition in relation to both types of licence.

242. The Committee notes the Delegated Powers and Law Reform Committee’s report and would welcome clarification from Dr Simpson of whether he will seek to amend this provision should the Bill progress to Stage 2.

Role of legislation

243. A recurring theme raised during the Committee’s scrutiny of the Bill was whether the current legislative landscape in relation to alcohol licensing was already too cluttered and that the Bill would just add further complexity.

244. Concern was raised about the volume of the current legislation dealing with licensing. In oral evidence to the Committee the Scottish Grocers’ Federation told the Committee “there is a case to be made for Parliament taking a step back to evaluate the impact of existing legislation before we go any further and enact yet more licensing law”.163

245. Some witnesses went further and felt that there should be a consolidation act for licensing law. Aberdeenshire Council said that the “the whole system has become so piecemeal that it probably needs total reappraisal through a single act”.164 Renfrewshire Licensing Board held a similar view, commenting that “we have had more than 30 sets of regulations and I cannot remember whether, including the 2005 act, we are now on the fifth or sixth act […] The landscape is becoming very complex”.

246. The Law Society of Scotland also argued that there was a need for one consolidated piece of legislation, as it considered it was impossible for the average retailer to keep up with the volume of legislation and regulation that governed the trade—

Law practitioners who do this day in and day out struggle to keep up, but for the chap who is trying to run his local corner shop- or indeed for the big
247. Another recurring theme during the Committee’s scrutiny of the Bill was whether legislation was necessary in order to deliver the proposals identified within the Bill or whether these proposals could be delivered through other routes. The Committee learnt from its fact-finding visit to Newcastle that a range of initiatives to better regulate alcohol consumption could be taken forward without legislation. In the case of Newcastle, this was because the requirement to participate in the initiatives formed part of licenced premises licensing conditions.

248. The Committee notes the comments from witnesses regarding the challenges presented by the current volume of legislation and regulation governing alcohol licensing. It is important that the law around alcohol licensing is clearly understood by all in order for them to adhere to it. The Committee notes the calls from some witnesses for the introduction of a consolidation act to aid understanding of the current law in this area. The Committee recommends that the Scottish Government give further consideration to the need to consolidate alcohol licensing legislation as part of its review of its alcohol strategy.

249. The Committee notes the recurring issue raised during consideration of the Bill regarding whether some of the provisions require legislation or whether voluntary schemes could achieve the same outcomes. The Committee asks the Scottish Government to address the merits of all the proposals in the Bill as part of their alcohol strategy irrespective of whether the Bill proceeds.

Overall Conclusion

250. The Committee understands the objective of the Bill is to promote public health and reduce alcohol related offending. The Committee believes that Scotland’s relationship with alcohol must continue to be tackled to reduce its high alcohol consumption rates and its resulting detrimental impact on antisocial behaviour and people’s health.

251. The Committee has considered in detail each of the ten key provisions within this Bill. A majority of the Committee is not persuaded that the Bill is an effective and workable package of measures to tackle alcohol misuse. The majority of the Committee believe that the Scottish Government’s forthcoming updated alcohol strategy offers a more effective route to consider changes to alcohol policy. As a result the majority of the Committee does not support the general principles of the Bill.
252. A minority of the Committee believe that the Bill would introduce a series of useful additional tools and approaches to support the current alcohol policy regime that would further tackle alcohol misuse in Scotland. A minority of the members believe that the general principles of the Bill should be supported.

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1 Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill, as introduced (SP Bill 64, Session 4 (2015))
6 Scottish Government Memorandum.
7 The Licensing (Scotland) Act 2005 (asp 16).
8 The Alcohol etc. (Scotland) Act 2010 (asp 18).
9 The Alcohol (Minimum Pricing) (Scotland) Act 2012 (asp 4).
10 The Air Weapons and Licensing (Scotland) Act 2015 (asp 10).
15 Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill. Policy Memorandum (SP Bill 65-PM, Session 4 (2015))
18 Alcohol Focus Scotland. Written submission.
20 Law Society of Scotland. Written submission.
21 Scottish Grocers’ Federation. Written submission.
23 BMA Scotland. Written submission.
25 Memorandum by the Scottish Government, October 2015.
32 Letter from Dr Simpson 17 November 2015.
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41 Wine and Spirit Trade Association and Scottish Retail Consortium. Written submission.
45 Law Society of Scotland. Written submission.
46 Scottish Government Memorandum.
48 Scottish Government Memorandum.
50 Dr Simpson letter 17 September 2015.
51 Dr Simpson letter 19 November 2015.
53 Letter from Dr Simpson 19 November 2015.
54 Letter from Dr Simpson 19 November 2015.
59 Law Society of Scotland. Written Submission.
61 Shetland Licensing Forum. Written submission.
62 Renfrewshire Licensing Board. Written submission.
63 South Ayrshire Alcohol and Drug Partnership. Written submission. NHS Ayrshire and Arran. Written submission.
64 Scottish Government Memorandum.
66 Further information available in Clerk note of Visit to Newcastle City Council.
72 Wm Morrison Supermarkets plc. Written submission.
75 Scottish Government Memorandum.
76 Scottish Government Memorandum.
83 Further information in Letter from Dr Simpson 17 November 2015.
85 Dr Simpson letter 17 September 2015.

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88 NHS Health Scotland. Written submission.
90 Scottish Government Memorandum.
91 Scottish Government Memorandum.
93 Scottish Government Memorandum.
95 Scottish Government Memorandum.
97 Scottish Government Memorandum.
99 Dr Simpson letter 19 November 2015.
101 ASA. Written submission.
102 Portman Group. Written submission.
105 Institute of Practitioners in Advertising. Written submission.
114 The Salvation Army Scotland. Written submission.
117 Scottish Government Memorandum.
118 Scottish Government Memorandum.
119 Scottish Government Memorandum.
120 Scottish Government Memorandum.
121 Scottish Government Memorandum.
122 Scottish Government Memorandum.
123 Scottish Government Memorandum.
124 Scottish Government Memorandum.
126 Dr Simpson letter 19 November 2015.
127 NHS Health Scotland. Written submission.
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Annexe A

Extracts from the minutes of the Health and Sport Committee and associated written and supplementary evidence

15th Meeting, Tuesday 12 May 2015
1. Decision on taking business in private: The Committee agreed to take item 6 in private.
6. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill (in private): The Committee agreed its approach to the call for written views on the Bill at Stage 1.

Dr Richard Simpson did not participate in this item by virtue of Rule 9.13A.2(b).

22nd Meeting, Tuesday 1 September 2015
1. Decision on taking business in private: The Committee agreed to take item 6 in private.
6. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill (in private): The Committee considered and agreed its approach to the scrutiny of the Bill at Stage 1. The Committee agreed to review evidence received at each meeting and the draft report, in private, at future meetings.

27th Meeting, Tuesday 6 October 2015
4. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from—Alison Christie, Policy Officer, Scottish Families Affected by Alcohol and Drugs; Dr Peter Rice, Chair, Hon Consultant Psychiatrist, NHS Tayside, Scottish Health Action on Alcohol Problems; Dr Colette Maule, GP, BMA Scotland; Tim Ross, Chair (and Chief Inspector, Police Scotland), North Ayrshire Health and Social Care Partnership; Petrina Macnaughton, Research and Policy Coordinator, Alcohol Focus Scotland.
5. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill (in private): The Committee considered the main themes arising from the oral evidence heard earlier in the meeting.
Written Evidence
- Scottish Families Affected by Alcohol and Drugs
- Scottish Health Action on Alcohol Problems
- British Medical Association
- North Ayrshire Health and Social Care Partnership - North Ayrshire Council
- Alcohol Focus Scotland

**28th Meeting, Tuesday 27 October 2015**

2. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill:
The Committee took evidence on the Bill at Stage 1 from—
John Lee, Head of Public Affairs, Scottish Grocers Federation;
Douglas Frood, Chairman, National Licensing Standards Officers Group;
Archie MacIver, Licensing Law Sub-Committee Convener, Law Society of Scotland;
Councillor Cryle Shand, Chair of the Central Licensing Board, Aberdeenshire Council;
Douglas Campbell, Assistant Managing Solicitor (Licensing), Renfrewshire Licensing Board.

3. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill (in private): The Committee considered the main themes arising from the oral evidence heard earlier in the meeting.

Written Evidence
- Scottish Grocers' Federation and the Association of Convenience Stores
- National Licensing Standards Officers Group
- Law Society of Scotland
- Aberdeenshire Central Licensing Board
- Renfrewshire Licensing Board

Supplementary Written Evidence
- Scottish Grocers' Federation (Scottish Government Alcohol Industry Partnership)

**29th Meeting, Tuesday 3 November 2015**

1. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill:
The Committee took evidence on the Bill at Stage 1 from—
Sarah Hanratty, Deputy Chief Executive and Director of Corporate Affairs, Portman Group;
Brian Coane, Chairman, Scotland, Institute of Practitioners in Advertising;
Guy Parker, CEO, Advertising Standards Authority;
Lieut-Colonel Jonathan Roberts, Assistant to the Secretary for Scotland, The Salvation Army Scotland, and Nathan Critchlow, PHD researcher at Institute for Social Marketing, University of Stirling, Member of the Scottish Drug and Alcohol Strategy Group, The Salvation Army Scotland;
Tim Ross, Chief Inspector, Police Scotland;  
Robert Sandeman, Director of Operations Development, Scottish Courts and Tribunals Service;  
2. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill (in private): The Committee considered the main themes arising from the oral evidence heard earlier in the meeting.

Written Evidence
- The Portman Group
- Institute of Practitioners in Advertising
- Advertising Standards Authority (ASA) and Committees of Advertising Practice (CAP)
- The Salvation Army
- Police Scotland
- Scottish Courts and Tribunals Service

30th Meeting, Tuesday 10 November 2015
1. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill:  
The Committee took evidence on the Bill at Stage 1 from—  
Maureen Watt, Minister for Public Health, Peter Reid, Head of Licensing, Carole Barker-Munro, Head of Alcohol Team, Jennifer Stoddart, Policy Officer, Community Justice, and Douglas Forrester, Policy Manager, Safer Communities Division, Scottish Government;  
Dr Richard Simpson MSP, member in charge of the Bill, Scottish Parliament.  
2. Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill (in private): The Committee considered the main themes arising from the oral evidence heard earlier in the meeting.

Written Evidence
- Dr Simpson letter 17 September 2015
- Memorandum by the Scottish Government

Supplementary Written Evidence
- Dr Simpson letter 17 November 2015
- Dr Simpson letter 19 November 2015
- Dr Simpson letter 24 November 2015
35th Meeting, Tuesday 15 December 2015
Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill (in private): The Committee considered a draft of the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill Stage 1 Report. Various changes were agreed to, and the Committee agreed to consider a revised draft, in private, at a future meeting.

2nd Meeting, Thursday 7 January 2016
Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill (in private): The Committee considered a revised draft Stage 1 report. Various changes were agreed to, and the report was agreed for publication.
List of other written evidence

- Royal College of Pathologists
- Graham Ogden (Individual)
- West Lothian Council
- NHS Orkney
- YouthLink Scotland
- Midlothian Licensing Forum.
- West Lothian Licensing Board
- Aberdeenshire Council Environmental Health Service
- Officers of Aberdeen City Licensing Board
- Alcohol Health Alliance
- Cancer Research UK
- South Ayrshire Alcohol and Drug Partnership
- Highland Council
- Shetland Licensing Forum and Shetland Alcohol and Drug Partnership
- NHS Grampian - Aberdeen City Alcohol and Drug Partnership - Aberdeenshire Alcohol and Drug Partnership - Moray Alcohol and Drug Partnership
- East Renfrewshire Licensing Forum
- East Lothian Licensing Forum
- Borders Alcohol and Drugs Partnership
- NHS Ayrshire and Arran
- Scottish Ambulance Service
- Midlothian Council
- Scottish Tourism Alliance (STA) and British Hospitality Association (BHA)
- Outer Hebrides Alcohol and Drug Partnership
- South Lanarkshire Council
- NHS Health Scotland
- Scottish Beer and Pub Association
- Midlothian and East Lothian Drug and Alcohol Partnership
- Wine and Spirit Trade Association - Scottish Retail Consortium
- Scotch Whisky Association
- Wm Morrison Supermarkets plc
- Advertising Association
- Alcohol Public Health Specialists Group
- Scottish Wholesale Association
- General Medical Council
- Aberdeenshire North Licensing Board
- Aberdeenshire South Licensing Board
- Save Stockbridge
- Fife Licensing Forum
- SOLAR Licensing Forum
- NHS Greater Glasgow and Clyde
- Stirling Council
Annexe B

Note by the Clerk Fact Finding visit to Newcastle City Council and Northumbria Police 26 October 2015

Note of Visit
Annexe C

Report from the Delegated Powers and Law Reform Committee and Report from the Finance Committee

Report from the Delegated Powers and Law Reform Committee

The Delegated Powers and Law Reform Committee (DPLRC) report on the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill can be found on the Scottish Parliament’s website at the following webpage:

http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/93727.aspx

Report from the Finance Committee

The Finance Committee report on the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill can be found on the Scottish Parliament’s website at the following webpage:

http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/93611.aspx

The member in charge of the Bill provided supplementary evidence to the Finance Committee:

Supplementary evidence from member in charge of the Bill