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Mr James Dornan MSP  
Convener  
Local Government and Communities Committee  
T3.60  
The Scottish Parliament  
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Our ref: POL/13718  
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Dear Convener

Thank you for your letter of 9 April, sent following my appearance before the Local Government and Communities Committee on 27 March where I gave evidence on community involvement in the alcohol licensing process.

I would like to take this opportunity to thank the Committee for inviting me to give evidence. I am pleased to note that the Committee found the session to be informative and interesting.

As a follow up to the evidence session you have now written to request further information about the cross-portfolio nature of the alcohol brief within the Scottish Government. I trust that the following information will be of interest to the Committee.

As the Committee is aware, as Minister for Community Safety I have lead portfolio responsibility for alcohol licensing matters. Justice Ministers lead on a variety of licensing regimes, for example those for taxis and private hire cars, scrap metal dealers and sexual entertainment venues. The Minister for Public Health, Sport and Wellbeing has responsibility, amongst other things, for alcohol consumption, harms, treatment and recovery.

As you will recall, the public health licensing objective you refer to in your letter is one of five underlying objectives in the Licensing (Scotland) Act 2005, which remains the main piece of legislation that controls the sale of alcohol in Scotland. The 2005 Act is intended to provide a clear and consistent underpinning for the alcohol licensing regime based upon five licensing objectives, which are: preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; and protecting children and young persons from harm.

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The Committee will appreciate that the Scottish Government has to take account of a wide variety of different stakeholder and policy interests when considering issues relating to the alcohol licensing regime.

The public health licensing objective is clearly important, and is in place to ensure that decisions by Licensing Boards are supported by the goal of protecting and improving public health. The Committee may be interested to know that the public health licensing objective does not exist in the comparable legislation in place in England and Wales.

The Scottish Government remains firmly committed to addressing alcohol harm and follows the World Health Organization's three key prevention measures of affordability, availability and attractiveness. We recognise that alcohol licensing clearly has a role to play in reducing availability.

With that in mind, Scottish Government officials in the Justice and Public Health portfolios work together on areas of joint interest.

The Scottish Government's previous *Alcohol Framework for Action* (2009), set out a strategic approach to tackling alcohol harm in Scotland. Key aspects of this *Framework* included the introduction of the quantity discount ban and minimum unit pricing which have been delivered via the alcohol licensing regime.

The quantity discount ban was introduced through the Alcohol etc. (Scotland) Act 2010, which addressed promotions in off-sales that encouraged excessive consumption such as 'buy one, get one free' and '3 bottles of wine for £10'. While last year we introduced minimum unit pricing to target the cost of cheap, high strength alcohol that tends to be drunk by harmful drinkers.

As the Committee is aware, the Scottish Government published a new *Alcohol Framework 2018: Preventing Harm* in November 2018, and this builds on the progress made with the previous *Framework*. It has three central themes: reducing consumption; positive attitudes, positive choices; and supporting families and communities.

The *Alcohol Framework 2018* contains a major section on 'Reducing consumption: availability and licensing', and the actions on licensing are:

- Update the statutory guidance on the Licensing (Scotland) Act 2005 to provide clarity for Licensing Boards on implementing the five licensing objectives, including the public health objective, and the overprovision statement;
- Keep the licensing system under review to ensure it can deliver for public health, commissioning research as necessary. Once new Licensing Policy Statements have bedded-in, from 2019 we will revisit the findings of the 2013 MESAS study [An evaluation of the implementation of, and compliance with, the objectives of the Licensing \(Scotland\) Act 2005](#), focusing on evaluating the operational effectiveness of the public health licensing objective in light of the changes made since to alcohol licensing; and
- Continue to support Alcohol Focus Scotland to build awareness at a local level so that local communities, Health and Social Care Partnerships and Alcohol and Drug Partnerships can be effective in influencing the licensing regime.

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On this latter action, Alcohol Focus Scotland is especially active in and around alcohol licensing, and continues to be funded by the Scottish Government to undertake this important work in support of local stakeholders.

Updating the statutory guidance is another example of collaborative working within the Scottish Government. My officials have been working with colleagues from public health, as well as a range of stakeholders, to review and update the alcohol licensing regime statutory guidance. As I mentioned during the evidence session, the Guidance is now out for public consultation, which runs until 11 June. It can be viewed at:

<https://consult.gov.scot/justice/draft-revised-guidance-for-licensing-boards/>

As I stated at the evidence session, I would encourage people to get involved and give the Scottish Government feedback on the guidance.

I trust that the information I have provided is of interest to the Committee, and offers reassurance to the committee that Ministers and officials continue to work effectively across different portofolio areas to best deliver policies that benefit the people of Scotland.

**Ash Denham**

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