



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

HEALTH AND SPORT COMMITTEE

Tuesday 10 November 2015

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HEALTH AND SPORT COMMITTEE
30th Meeting 2015, Session 4

CONVENER

*Duncan McNeil (Greenock and Inverclyde) (Lab)

DEPUTY CONVENER

*Bob Doris (Glasgow) (SNP)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh Northern and Leith) (Lab)

*Rhoda Grant (Highlands and Islands) (Lab)

*Colin Keir (Edinburgh Western) (SNP)

*Richard Lyle (Central Scotland) (SNP)

*Mike MacKenzie (Highlands and Islands) (SNP)

*Nanette Milne (North East Scotland) (Con)

*Dennis Robertson (Aberdeenshire West) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Carole Barker-Munro (Scottish Government)

Douglas Forrester (Scottish Government)

Peter Reid (Scottish Government)

Dr Richard Simpson (Mid Scotland and Fife) (Lab)

Jennifer Stoddart (Scottish Government)

Maureen Watt (Minister for Public Health)

CLERK TO THE COMMITTEE

Jane Williams

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Health and Sport Committee

Tuesday 10 November 2015

[The Convener opened the meeting at 09:00]

Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill: Stage 1

The Convener (Duncan McNeil): Good morning and welcome to the 30th meeting in 2015 of the Health and Sport Committee. I ask everyone in the room to switch off mobile phones, as they can interfere with the sound system, and to note that members and clerks are using tablet devices instead of hard copies of the papers.

The first item on the agenda is our fourth evidence session on the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill. I welcome from the Scottish Government the Minister for Public Health, Maureen Watt; Peter Reid, head of licensing; Carole Barker-Munro, head of the alcohol team; Jennifer Stoddart, a policy officer in the community justice division; and Douglas Forrester, a policy manager in the safer communities division. Thank you all for your attendance.

Minister, do you wish to make some opening remarks?

The Minister for Public Health (Maureen Watt): I would like to make a brief statement on the bill, convener.

The Convener: Thank you. We will proceed to questions after that.

Maureen Watt: Thank you very much.

The Government is grateful for the work that the Health and Sport Committee and the Finance Committee have undertaken in seeking stakeholders' views, which we have studied with interest. That evidence and the Finance Committee's report have been extremely valuable in helping the Government to reflect on the proposals in the bill.

I also thank Richard Simpson for bringing the issues forward. He has long been an advocate on the matter, and although we might not always agree on the approaches that we should take, we agree on the overall need for action. I put on record my recognition of the work that he has done on the alcohol agenda.

The Government has taken time to consider the proposals in Dr Simpson's bill, as we all recognise

that, although things in general are moving slowly in the right direction on alcohol misuse, there is still a way to go. Committee members will be aware, having had time to consider the memorandum that the Scottish Government issued last week, that we do not support Dr Simpson's bill progressing to stage 2. We welcome and support the bill's overarching aim of tackling alcohol misuse, but there are difficulties that relate to the individual measures, which I am sure that we will discuss.

That position is not one of complacency. We do not have a monopoly on ideas. The Cabinet Secretary for Health, Wellbeing and Sport and I welcomed views from across the Parliament in the debate in June, and we will continue to do so as work on the next phase of the Scottish Government's alcohol framework continues. We have a track record on taking action on the issue, and we will continue to work hard on it through the development of the next phase of the alcohol framework—not forgetting, of course, the numerous alcohol-related provisions in the Air Weapons and Licensing (Scotland) Act 2015.

Scotland recently hosted the global alcohol policy alliance conference, having been chosen as host in recognition of the action that we have taken to tackle alcohol-related harm. During that conference, I had the opportunity to meet some of the world's leading experts on alcohol policy. We will continue such dialogue as we develop the next phase of the alcohol framework.

To sum up, we support the bill's intent, but believe that the issues that it raises would be better addressed via the next phase of the alcohol framework. We will be happy to work with Dr Simpson as we develop that work.

The Convener: Thank you, minister. Our first question is from Malcolm Chisholm.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I thank the minister for that opening statement. When I read the memorandum, I was genuinely rather surprised because although I did not necessarily expect you to support the bill, I imagined that you would at least find one proposal, or two or three proposals, acceptable. It seemed very strange that you found them all unacceptable.

I will deal with a couple of the proposals—it is not up to me to go through all 10 and pre-empt everyone else's questions.

On a minimum price for packages, you make the point that

"Any restriction on promotions would be more effective if minimum unit pricing was in place".

As you know, I happen to agree with the Scottish Government on that matter. However, even if, in

your opinion, a measure does not go the full way, surely you would recognise that implementing it would still be a step in the right direction. I am not entirely clear what the objection to the proposal is.

Maureen Watt: We agree that minimum unit pricing is the way to go, as do stakeholders, and we want to concentrate on that. However, with promotions, for example, we know that a consequence of having a minimum price for packs could be that the price of alcohol could reduce. Currently, the cost per unit for a pack of 12 drinks is less than the cost per unit for a pack of four or eight drinks and it might be that, overall, the price of each unit would reduce.

Malcolm Chisholm: That is an interesting argument, although it is not one that you use in your memorandum to the committee. It seems to me that that would be an unlikely consequence of what has been suggested. I am sure that others will want to pursue that.

I will take just one other area, so that I do not hog the questions. Last week, the police were very supportive of drinking banning orders. Once again, I am not entirely clear why you object to those. The Licensing (Scotland) Act 2005 makes provision for exclusion orders for people who are convicted of violent offences, but that clearly does not cover all the people who may be behaving antisocially in licensed premises. What is your objection to the proposal on drinking banning orders, particularly given that the police seem to be supportive of it? Other witnesses supported it, too, but Police Scotland is certainly the organisation that is in my mind.

Maureen Watt: I noted what Police Scotland said. It did not provide a view on how the drinking banning orders would be enforced in practice. In the absence of further detail on how they would be enforced and monitored, and on the cost associated with enforcing them, we are not persuaded by the argument that they should be introduced. Antisocial behaviour orders provide a mechanism for banning individuals from licensed premises.

Malcolm Chisholm: How would the enforcement of drinking banning orders be any different from the enforcement of the existing orders in relation to people who are convicted of a violent offence?

Maureen Watt: As we have said, we think that ASBOs provide a mechanism for the police to restrict people from entering licensed premises. ASBOs can also be specific about which premises they are restricting a person from.

Malcolm Chisholm: Have they been used for that purpose at all?

Maureen Watt: ASBOs?

Malcolm Chisholm: Yes. Have they been used for the purposes of excluding people from licensed premises?

Douglas Forrester (Scottish Government): ASBO records are kept by local authorities. We do not keep that information centrally but we could find out for you, if that would help.

Malcolm Chisholm: You are not opposed to people being banned in principle, you just think—

Douglas Forrester: Antisocial behaviour orders and drinking banning orders work in the same way. Antisocial behaviour orders can prevent people from doing certain things and going to certain places—whatever is specified in the order. Therefore, antisocial behaviour orders can ban people from licensed premises if the sheriff feels that it is necessary to do so. Drinking banning orders would seem to serve the same function.

Maureen Watt: That could also come under a community payback order or a structured deferred sentence.

Malcolm Chisholm: However, it appears that excluding people from licensed premises is not happening; I cannot imagine why else the police think that drinking banning orders would be a useful addition. Obviously, their understanding of the situation is that there is a gap.

Maureen Watt: It is happening. People are banned from particular licensed premises or from areas of a town, for example—I see that one of your colleagues is nodding.

Douglas Forrester: Drinking banning orders appear to apply only to premises that are authorised to sell alcohol for consumption on the premises. They do not appear to make provision for off-licence premises, whereas people can be banned from off-licence premises under antisocial behaviour orders. There is a potential gap.

Malcolm Chisholm: The point may need to be clarified. Dr Simpson explained that the intention is that drinking banning orders should apply to all licensed premises.

Douglas Forrester: Section 15(3) of the bill seems to apply only to places where alcohol is for sale for consumption on the premises.

Malcolm Chisholm: If there is an ambiguity there, I am sure that it could be clarified or the bill could be amended. I am trying to tease out whether you are opposed to the proposal in principle. I do not want to be unkind, but from your memorandum it almost seems as if you have decided to oppose the bill and that you are looking for lots of reasons to justify that position.

Maureen Watt: That is not the case. As I said in my opening statement, we are quite happy to look at anything from any quarter in taking forward our

alcohol framework. We have looked at every one of the 10 or 12 headings in the bill, and there may be particular parts of the bill that can fit into our alcohol framework. However, we do not feel that the overall bill is necessary at this time.

Malcolm Chisholm: I am not saying that I support all parts of the bill. I definitely support some parts and I might want to amend some other parts, but it is hard to understand why you would be opposed in principle to everything in the bill.

I will end where I began by saying that I am genuinely shocked. I had assumed that you would come to the same conclusion that I did. I agree with a large proportion of the bill, although not all of it. You might not have thought that there were so many positive features in it, but I expected you to say that while you did not agree with all of it, you agreed with half or even a small proportion of it. To oppose everything in the bill seems a very odd position to take, and people outside the Parliament will find that hard to understand.

Maureen Watt: The issue is the method by which we take forward any of the proposals in the bill and whether we start to unpick it. To unpick and take bits out of a bill is hugely complicated, and the bill is in only its first stage. There would be a lot of work behind that. The Government is saying that it would be better to take things forward in the next stage of the alcohol framework, rather than divert work from that.

Rhoda Grant (Highlands and Islands) (Lab): Can I ask a supplementary on that?

The Convener: Yes, and then Bob Doris will come in with another supplementary.

Rhoda Grant: Minister, you said that it would be better to take things forward under the alcohol framework. Which aspects of the bill would you take forward under the alcohol framework?

Maureen Watt: We are working on whether there is anything specific in the bill to take forward. For example, advertising was one of the main things that was discussed at the GAPA conference. A lot of work can be done in that area, although of course we will come up against the issue of devolved versus reserved legislation. However, there are things that we can take forward.

Rhoda Grant: Given that minimum unit pricing has not come into force and is unlikely to come into force in the near future, what are you proposing in the alcohol framework that will make a difference in relation to people's consumption of alcohol?

Maureen Watt: Stakeholders agree, and the GAPA conference agreed, that minimum unit pricing is the best way to go.

Rhoda Grant: However, it is not happening, so what is plan B?

Maureen Watt: I am not as pessimistic as you are. It is going through legal challenge, but most people agree that minimum unit pricing, if it can be achieved, is the best way to go. Obviously, we are not just sitting back and waiting for that to happen. Officials are working very hard to ensure that we win that court case. To a large extent, their time is taken up making sure that we are successful against that challenge.

09:15

Rhoda Grant: So you have no new proposals on how to tackle alcohol consumption.

Maureen Watt: There is more work that we can do on brief interventions, for example, to make sure that they are as robust and effective as they can be. As I said, advertising is another area that we could look at. We also need to ensure that alcohol and drug partnerships are working to the best of their ability. There are 41 measures in the alcohol framework, aspects of which can be looked at to make sure that we are working to the best level possible. There is a lot in the framework that we can take forward, such as restricting in-store alcohol marketing material and developing promotional activity codes of practice.

Rhoda Grant: So it seems that there are no new proposals.

The Convener: Bob Doris has a supplementary, after which I will bring Rhoda Grant straight back in.

Bob Doris (Glasgow) (SNP): I will restrict my supplementary to the subject of Mr Chisholm's substantive question, which was drinking banning orders. We are scrutinising the bill, and I want some clarity on that area. On the extension of powers through the introduction of drinking banning orders, the Government seems to be suggesting that the matter is already covered by antisocial behaviour legislation. Can I just clarify that that is the Government's position?

Maureen Watt: Yes, it is.

Bob Doris: Right—that is the Government's position.

The interesting question that was asked was whether ASBOs are currently used for that purpose. I will ask the same question of Dr Simpson when I have the opportunity later, because that is the kind of thing that I would expect the person who proposed the bill to analyse. Does the Scottish Government have any systematic information on whether ASBOs have been used for that purpose?

Maureen Watt: I was talking about that earlier with my officials.

Douglas Forrester: We do not keep information on antisocial behaviour centrally; the information is held by local authorities. Antisocial behaviour orders can be used to ban people from licensed premises if the offence is alcohol related and the sheriff deems that necessary. The power is there to do so.

Bob Doris: It strikes me that perhaps one of the things that should happen is that the relevant bodies should be reminded that they already have that power.

Given that no information on that is held centrally, I want to put a final point to the witnesses. If the power already exists and is being used, it seems to me that there is no need to duplicate it. If it exists and is not being used, surely that is because there is a lack of information on the fact that the power exists, or because the relevant bodies have decided that it is not desirable to use it particularly often. Do the witnesses believe that legislating for drinking banning orders would extend the tools that are in the box to deal with antisocial behaviour and problem drinking in our communities?

Maureen Watt: That is more of a justice issue than a public health issue.

Jennifer Stoddart (Scottish Government): One of the difficulties that we had with it was the lack of detail on how the orders would be enforced and what the associated costs might be. There is also a lack of evidence from England and Wales, where drinking banning orders have not yet been evaluated. In the absence of that information, it is difficult to see how they could be applied in Scotland.

Bob Doris: I appreciate that that was a justice question, but it is the kind of question that my constituents would probably want me to ask, which is why I did so.

The Convener: I think that that is fair. Last week, we got good evidence from Police Scotland, which said that drinking banning orders would be a useful tool in the box, so we have our answer on that.

Maureen Watt: I think that drinking banning orders have not been taken forward in England and Wales, and that the evidence and evaluation are not there.

The Convener: We might come to this later, but there are other measures that have been adopted successfully down south that the Scottish Government has not supported.

Bob Doris: But not drinking banning orders.

The Convener: No—I said that other measures that have proved successful down south have been rejected. If we applied the same principle, we would support some of those measures here.

As I said, we have good evidence from Police Scotland that drinking banning orders would be a useful tool in the box.

Rhoda Grant: I turn to one measure that has been successful down south—bottle marking. That element of the bill was welcomed by Police Scotland. Why have you rejected it?

Maureen Watt: We do not support the bottle-marking proposal at this time. We believe that it would impose considerable burdens on the trade and would not provide evidence that any offence had been committed. The police might find a marked bottle that came from a particular store, but they would not be able to tell who had bought the bottle.

In response to the call for evidence, one national retailer said that it would cost £3.3 million to comply with mandatory bottle marking. We believe that the widespread use of bottle marking would be disproportionate and we remain to be convinced that we need legislation in this area.

Rhoda Grant: Bottle marking would be done at the request of the police. The natural progression from what you are saying is that you believe that the police would abuse that power.

Maureen Watt: That is not what I said at all. We already have a number of measures in place to discourage underage drinking. For example, there is the challenge 25 scheme. We know that it is an offence to proxy purchase, and under the Air Weapons and Licensing (Scotland) Act 2015 it is an offence to supply alcohol to someone who is under age in a public place. There are already measures in place to help the police in that regard.

Rhoda Grant: The police have said that bottle marking would be helpful, and it has been trialled elsewhere in the United Kingdom and has been highly successful. Given what you said about getting results from the measures in the bill, as bottle marking has been proved to work and the police are in favour of it, I cannot really understand why you are against it. Given that the relevant sums of money are obviously being used to their maximum and that you believe that the police would not misuse the power, it would not have the financial impact that you say it would.

Maureen Watt: The committee also had evidence from Alcohol Focus Scotland, which raised concerns about the proposal. We already know from the Scottish schools adolescent lifestyle and substance use survey—SALSUS—that only 8 per cent of 15-year-olds reported that they bought alcohol from a shop. We all know that

youngsters get their alcohol from family and friends, not from shops. We think that the cost of bottle marking would be disproportionate in relation to what the results might be.

Rhoda Grant: We all know that young people send older people into the off-licence or wherever to buy their alcohol. A prudent owner or worker in an off-licence will be aware of what is going on outside their door and will take measures to stop it. I have seen someone being refused alcohol because the off-licence owner knew that they were going to pass it on to a young person outside. Surely bottle marking would be a bigger deterrent, because the off-licence owner would be even more stringent in taking measures to ensure that alcohol from their premises did not fall into the wrong hands.

Maureen Watt: Yes, but there are measures in place that make proxy purchasing an offence, which the police already use. It has been suggested that if bottle marking were to be a licensing condition, meeting the requirement to check every can or bottle would be an extremely onerous task for licensing standards officers. We think that the cost is disproportionate to the results that may come from the measure.

Rhoda Grant: But bottle marking would not be on every can or bottle. It would be at the request of the police.

Maureen Watt: Yes, and I know that you went on a fact-finding visit to Newcastle to find out more about its alcohol container-marking scheme. The primary reason for bottle marking is as an intelligence-gathering measure rather than as a direct means of tackling alcohol-related disorder.

Rhoda Grant: It is also a deterrent.

Maureen Watt: It could be.

The Convener: I will take the opportunity to put the information from the fact-finding visit on the record, minister.

Maureen Watt: I read about the visit.

The Convener: We spoke to police, health officials and the local authority enforcement officers. They claimed that a targeted approach to bottle marking gave the police a lot of intelligence that enabled them to eliminate off-licences that were not selling to younger people or to people who were selling on. They claimed that it helped those who worked in off-licences to resist pressure, including peer pressure from young people who were coming in requesting alcohol, because there were signs and marking. It is a very focused idea. Mr Reid is looking at me quizzically.

Peter Reid (Scottish Government): No.

The Convener: It was just a pain that passed, was it?

The people in Newcastle claimed that their approach had a lot of success. Have any of the officials who work on the alcohol issue examined the initiatives that are being implemented in Newcastle, including minimum pricing in bars in Newcastle city centre, price marking, and targeting of strong drinks, particular drinks and geographic areas? Has anyone who has been involved in the alcohol framework and the other work that has been done for the Scottish Government examined any of the initiatives and results that have been in place in Newcastle over the past four or five years?

Peter Reid: I have been in post in licensing for three or four years now. I am not aware of any evidence that has crossed my desk in relation to bottle marking. I note also that the Scottish Parliament information centre struggled to find any reports on any bottle-marking initiatives in Scotland although it noted that such initiatives had been undertaken.

I speak to stakeholders in relation to alcohol licensing all the time. Bottle marking is certainly something that I have discussed informally with licensing standards officers, trade representatives and others from time to time. My general impression in relation to bottle marking is that there have been, at times, specific initiatives that have worked quite well. However, those have been short, time-limited voluntary initiatives. That contrasts with this proposed bottle-marking measure, which would potentially cost £3.3 million according to one stakeholder. In my head, I am envisaging a place such as Asda, with aisle upon aisle of products. According to the last SALSUS results from 2013, young people drink pretty much the same as adults drink; they drink a wide variety of products.

The Convener: Do you live near an off-licence in your community?

Peter Reid: I am similar to everyone—there is an Asda not far away and there are small premises—

The Convener: There are off-licences in some hard-pressed communities that suffer regularly from youth gatherings, underage drinking and all the consequences of that—fire setting and so on. The police and the authorities in Newcastle target off-licences in those areas.

I was surprised, and I think many committee members were surprised, by the initiatives that Newcastle has been able to implement over the past four or five years. I am surprised that the officials who are here with the minister have no knowledge of those. Nor did we. We did not have papers, facts and figures on them; we had to go to Newcastle and we found that minimum pricing has been implemented in bars there and that

Newcastle has successful marking programmes and late-night levies that are used to fund alcohol diversion projects. It is an interesting place, and it has been pursuing these policies for the past four or five years. My message to you is that perhaps some of you should get down there.

Peter Reid: Fair enough.

Maureen Watt: We will take that on board.

09:30

Richard Lyle (Central Scotland) (SNP): Perhaps Newcastle has problems that we do not have. Crime is at an all-time low in Scotland.

Perhaps the Government has concerns about the bill. I also have concerns about it and am sure that other members do. I will keep my comments to container marking and off-sales.

With the greatest respect to Dr Simpson, as I have already said, I worked as a grocer for 14 years, so I know the problems within a shop. The Scottish Grocers Federation has suggested that the bill would put a substantial cost on grocers. If there was a container-marking scheme I am sure that, in Asda, thousands upon thousands of cans and bottles would need to be marked. Have the witnesses ever walked up the aisles in Asda? There are about two aisles containing drink, so if there was a particular problem outside an Asda in any town, quite a lot of stuff would need to be marked. That is my concern. The estimated cost per annum to shops is actually £3.7 million, not £3.3 million.

Dr Simpson suggested in response to some of the comments that licensing fees have not been increased since 2007 and

“Even to keep them the same in real terms would mean a 23 per cent increase.”—[*Official Report, Finance Committee*, 7 October 2015; c 3.]

Does the minister accept that grocers should face a 23 per cent increase in their licensing fees throughout Scotland to pay for a marking scheme?

Maureen Watt: That is a local issue for licensing boards. Clearly, for businesses to be faced with a 23 per cent increase in one go would be a severe dent to their profitability, but it is up to the local licensing authority.

Peter Reid: The Scottish Government undertook a review of licensing fees a short while ago. Unfortunately, we were not able to obtain sufficient evidence from local authorities to do as much as we would have liked in relation to that. That is why the recent Air Weapons and Licensing (Scotland) Bill included a provision that will require licensing boards to report on their income and expenditure. It will enable us to gather the evidence on local authorities' costs in relation to

licensing to allow us to review the fees properly, which we intend to do in due course. That will allow us to examine the structure of the fees and the maximum fees that could be charged. However, the intention is always that licensing fees be set for local authorities to cover their costs, not for them to make a profit.

Richard Lyle: Currently, as the convener said, if people report concerns outside a local off-licence the police can go in and get youths to do test purchases. Is that used a lot in Scotland?

Peter Reid: The legislation allows the police to do that and they run exercises from time to time. I run a community council and am aware that test purchasing has been carried out locally.

Richard Lyle: Minister, you made a statement about bottle marking and the stickers that it is suggested be put on in a shop. The police and the Scottish Grocers Federation said in evidence that, although stickers could be used, a sticker on a bottle or can would not necessarily mean that it had been purchased by a youth. The parents could go in and buy a couple of cans of beer, take them home and put them in the fridge, and a younger child could take them out and go down the park. A sticker would not necessarily prove that the shop sold the drink to the child. In fact, the can may have sat in the fridge for the past couple of months—who knows?

Maureen Watt: Yes, you are absolutely right—you have answered your own question. We know that most youngsters get their drink from family and friends. Where there is an issue—such as the convener highlighted—with people standing outside an off-licence, the Scottish Government is working with the industry partnership on the proxy purchasing campaign.

The community safety partnership in North Lanarkshire, for example, has recently undertaken a test purchase pilot scheme in Motherwell and Wishaw, which has resulted in a reduction in crime and antisocial behaviour, with 84 offences being detected over a four-month period. There are similar initiatives throughout the country; that is just one example of where there is an issue with antisocial behaviour and the police are working together with the industry.

The Convener: I should say that the police in Newcastle work very closely with the industry, which is why they have made a lot of progress there. However, the test purchasing in Lanarkshire that you mention is not a continuous scheme. The initiative will be used and targeted appropriately, and it will run for three or six months before moving on to another area. It is not in place all the time, is it?

Maureen Watt: It can be, if—

The Convener: But it is not normally used in that way.

Maureen Watt: If the police recognise that there is an on-going problem, they can use it in that way. Obviously, lessons are learned and behaviour can be changed as a result, so the scheme does not need to be continued.

The Convener: No, I agree. I was referring to your earlier remarks, when you suggested that such initiatives are to be used to the maximum and that every can in Asda would be marked up and the powers would be used continuously. However, that is not the way in which those powers—or existing powers—would be used in any shape or circumstance. They are used to target particular instances with geographical precision where there is a problem, and where the police, in many cases, have requested the initiative. Is that not the case?

Maureen Watt: Yes, they are used where both partners—the police and the local industry—see that there is a problem and work to resolve it. Normally, we see an on-going benefit from that, even though the resources may not continue to be put in at that particular level.

The Convener: Okay. Dennis Robertson can go next.

Richard Lyle: Convener, I have not finished my questions.

The Convener: You had three questions.

Richard Lyle: Well, other members had four or five. Can I just ask one more question?

The Convener: If you proceed with it quickly, as there are other members waiting.

Richard Lyle: Okay. With regard to alcoholic drinks that contain caffeine—

The Convener: That is another question.

Richard Lyle: Well, it is a question, in case I do not get back in.

Dr Simpson pointed to research that suggested that 5,000 crimes in Strathclyde had been committed by people drinking a certain type of caffeine tonic wine. It has been suggested that a ban on that drink could reduce the figure. Do you agree with that?

Maureen Watt: 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. Someone could get the same effect by mixing other drinks.

The Convener: I call Dennis Robertson—I am sorry to have kept you waiting, Dennis.

Dennis Robertson (Aberdeenshire West) (SNP): Good morning, minister. I would like to go back to marking of bottles and proxy purchasing. Do you believe that the legislation and voluntary schemes that are currently in place are sufficient? I think that you have indicated that they are, but I want to get it clear in my head. Can the raft of current legislation and the voluntary schemes in target areas where it is believed that there are problems be invoked if required?

Maureen Watt: I am in no doubt that we could do more, but the legislation that is currently in place has been shown to be effective when it is used through partnership between the police, the local authority licensing body and the industry. The figures on reduction in crime and antisocial behaviour from the North Lanarkshire initiative are quite startling. I believe that what we have in place at the moment goes a long way towards helping industry and communities to tackle problems, where they are identified.

Dennis Robertson: Do you also believe that intelligence is shared widely enough, for example, across health board areas and with Police Scotland in general, in order to make progress by using good exemplars of practice to tackle problems, or are health boards and local authorities—I am being slightly flippant—keeping it to themselves?

Maureen Watt: The industry shares information quite widely and the Scottish Government and alcohol industry partnership has done a great deal of work in that area. The industry is very keen to help in areas where the police have identified a problem. Obviously the police share information, but I am not sure whether licensing boards do.

Dennis Robertson: Does the Government have a role in taking that forward? We are looking at raising awareness. Although awareness alone will not solve the problem—other measures will be needed—raising awareness of the issues in specific areas would help. There is a raft of different legislation, so would consolidation of legislation on licensing and the sale of alcohol be beneficial to the trade?

Maureen Watt: People believe that there should be consolidation of legislation in lots of areas. We are very keen to ensure that legislation is not unduly burdensome. That is why the Air Weapons and Licensing (Scotland) Act 2015 focused on addressing areas within existing legislation that we felt could operate better, rather than making major revisions. We are keen on and committed to fully implementing provisions that have already been passed by the Scottish Parliament, and to ensuring that there is proper supporting secondary legislation that is updated when necessary.

Dennis Robertson: Will the Government consider consolidation? One of the problems seems to be that there is a good deal of confusion as to which legislation pathway people need to go down. Would not consolidation of the legislation help? That would probably help to clarify what is a legislative requirement and what is voluntary. I think that the two are sometimes confused in people's minds. When enforcement is taken forward, there might be a degree of confusion. Do you think that there is a place for Government in addressing that problem, given the evidence that we have heard on Dr Simpson's bill?

Maureen Watt: That is for political parties and Scottish ministers to determine in future legislative work and bills, taking into account the full range of priorities that they have. However, I take on board what you say, and what other members have said, about making sure that best practice is circulated as widely as possible and that the secondary legislation that is enacted is as clear and concise as possible.

09:45

Bob Doris: It has been interesting: this is such a varied bill that it is quite difficult to scrutinise it systematically. We seem to have scrutinised relatively well proposals 6 and 8 on restrictions on alcohol advertising and drinking banning orders, and the Government's position seems to be that there would be duplication and overlap in those powers.

Before I go on to my substantive question, I have a brief supplementary question on proposal 4, which is on container marking in off-sales premises. One of my concerns is that that would be a police-led intervention in a licensing decision. My understanding is that where the police insist on marking, the licensing committee should agree to it, but if it does not, it must give detailed reasons in writing to the police for why it has not acquiesced in that respect. However, I am not sure whether a statutory bottle-marking scheme would work. The convener referred to very strong and compelling evidence that such schemes work on a voluntary and partnership basis.

I have concerns about having police-led licensing decisions. The police, of course, have very strong views on some things, but the point is that the licensing committee looks at a broader range of issues and has a perspective beyond what the police might have. Do you have views on police-led intervention in that aspect of licensing?

Peter Reid: You have raised an interesting point. The way in which that provision is drafted is unusual and does not call to mind provision elsewhere in the bill that would sit alongside it. In effect, the police would be able to ask that bottle

marking be imposed. I presume that the police would incur no costs from asking, and the extent to which they police it would be up to them. It would then be for the licensing board to determine whether it agreed with the police on the matter and to explain why not, if it did not agree.

Similarly, the licensing board would have relatively modest costs in relation to bottle marking. The costs would be passed on to traders who would have relatively little ability to dispute a bottle-marking decision or to disagree or raise concerns about it.

I can see that the proposal would seem reasonable to the police, but it is not obvious to me where in the process there would be testing of the evidence for and proportionality of the proposal—of whether it would be appropriate, how long it should apply for and to what products it should apply.

Bob Doris: I can see why the police might be quite keen on the proposal, because I understand that the provision would also allow them to determine what form the marking would take. That would take the police into an area in which I would have thought they were not expert. Of course, the police would not necessarily be part of the enforcement regime, which would be done at local authority level. As I said, I can see why the police would be interested in the proposal, but my concern is about whether it would be the police or the licensing committee that would lead on the strategy, given all the stakeholders who would be involved.

I have referred to proposals 6 and 8, and I asked a little supplementary question on proposal 4. I am name-checking the proposals because I want to make sure that the committee gets through the range of measures in the bill to get the Government's considered opinion on them.

It is reasonable to say that proposal 10 is one of the most contentious parts of the bill. I am probably on safe ground when I say that I cannot recall anybody other than the member in charge of the bill being supportive of the proposal that the court notify a person's general practitioner when they are convicted of an offence in which alcohol was a contributing factor. Significant concerns have been raised about that proposal but, for the sake of brevity, I will not repeat them—although brevity is not something that I am used to practising in the committee. Can you flesh out your concerns about GPs being drawn into the judicial sphere and would that undermine trust in the GP-patient relationship?

Maureen Watt: The evidence that was received in the consultation on the bill suggested that the initial proposal to notify GPs should not be taken forward, so it was quite surprising to see it in the

bill. The British Medical Association and others have significant concerns about the proposal on notification of GPs, mainly in relation to patient-GP confidentiality. The committee heard evidence from the BMA, which made it quite clear that a GP would normally know whether a patient has an alcohol problem and will, through alcohol brief interventions and other methods, ensure—if the patient is willing—that something is done about it.

The Scottish Courts and Tribunals Service also highlighted the implications and practical problems of ensuring that the correct GP is identified and notified. The SCTS estimated a cost of about £150,000 per annum and an additional information technology cost of around £10 million. We all know that IT costs are never accurate.

Peter Reid: The IT cost would be £10,000.

Maureen Watt: Yes—that is what I meant.

There was widespread opposition from other respondents, including the General Medical Council, Alcohol Focus Scotland and others.

Bob Doris: That opposition is all already on the record, but I was keen to hear the minister's thoughts.

I will talk about another aspect of that before I let other members come in. I was struck by the fact that although there would be no duty for the GP to act on the information received, they may feel that they have an ethical duty, through their professional code of ethics—I apologise: the right terminology escapes me at the moment—to act. The concern has been raised with me that people who have issues with alcohol have to be ready, willing and able to receive support. Some GPs have told me that they might feel obliged to act when someone has been through a criminal process, which may not have the desired outcome, which is that we reach out to those who are most in need of support in the form of alcohol brief interventions. That is my concern. Dr Simpson may be able to allay some of those fears when he gives evidence later. Do you share my concerns?

Maureen Watt: Yes, I share those concerns. When someone has an alcohol problem that has resulted in their coming up against the law, we cannot really determine their priorities at that time: perhaps going to a GP or an alcohol and drug partnership is not top of their list. People need to want to do that, and GP services and alcohol and drug partnerships need to be there and to be willing and able to help when they do.

Bob Doris: Thank you, minister. Convener, I may come back in again later if time permits, because there are aspects of the bill that we have still not covered.

The Convener: On the cost of the bottle-marking scheme, I am looking at a report from Newcastle. Bob Doris was correct to say that it is a targeted voluntary scheme. It looks for intelligence in order to deal with antisocial behaviour and to identify and solve problems. The community safety officer mentioned a cost of 12p per sticker, with an average area intervention cost of £240 for posters, stickers and so on. That is what it costs to do the publicity for and to carry out such initiatives that target drinks and areas.

Maureen Watt: Is that a cost of £240 to the police?

The Convener: The cost was £240 for the stickers and for publicity and information. That is what we have been told.

Following on from the proposal for brief interventions and alcohol awareness training as an alternative to fixed-penalty fines, the people from Newcastle—I sound like I am becoming an ambassador for Newcastle—said that it was “a no-brainer”: the scheme is self-financing. Someone who is involved in an alcohol-related incident in the city centre of Newcastle on a Saturday night has the option to reduce their fine from about £90 to £45 by attending a morning alcohol-awareness training session. The scheme has been running for quite a while now and the people from Newcastle claim that there is a higher reoffending rate among those who do not attend the training. Would something like that be a useful addition to the interventions that the Scottish Government currently supports? It is an area on which we could achieve consensus. It is a useful brief intervention that is cost effective and delivers results. Why are we not supporting it?

Maureen Watt: We will, in developing the next stage of the alcohol framework, look further at increasing access to alcohol awareness training for those who need it. It is important to stress the differences in approach between alcohol awareness training, which is compulsory and much more directive, and ABIs, which are optional and motivational.

For people who have been identified in court as being alcohol dependent, part of their community payback order, for example, may involve a requirement that they get treatment for their alcohol dependency. As I understand it, supervision under a CPO may also require alcohol treatment. Jennifer Stoddart can perhaps explain that better.

Jennifer Stoddart: As the policy memorandum notes, for an alcohol treatment requirement to be imposed under a community payback order, the individual needs to have a diagnosed alcohol dependency. However, a supervision requirement

can also be used; that is the second most regularly used provision within CPOs.

People who have a problem with alcohol can be directed to access alcohol support. Feedback from local authorities and criminal justice social work suggests that people who have convictions for offending in which alcohol is thought to have been an issue tend to be the ones who access that support.

The Convener: Yes—but do you accept that there is a good principle in respect of earlier intervention? People who will develop an alcohol problem are likely to present in the justice system, or in an employment or domestic problem situation, earlier. Such things are more and more being dealt with at the early stages, with a ticket rather than a court appearance as part of the intervention. Of course, in such interventions, the person is not compelled to go along to a four-hour session: they can defer, although there is an incentive to attend. Many do not, and a higher proportion of those go on to get into trouble again through alcohol.

I am struggling to see why an initiative such as that would be dismissed out of hand by the minister and the Scottish Government when it is working and is cost effective. It is a no-brainer, as we have been told.

Maureen Watt: It is because we have alternatives that are working here in Scotland. We have rolled out ABIs not just through GPs but in the justice setting. Newcastle has chosen to go down a different route, but alcohol brief interventions are working in Scotland.

10:00

Malcolm Chisholm: What the bill proposes does not contradict what you are doing—it is additional to what you are doing. The evidence from Newcastle was that the percentage of people there who reoffended was higher among those who did not take up the training option. The key point is that alcohol awareness training is an option.

I am interested in the reasons that are given in your memorandum, which are different from what you have said. I am mystified by that. The memorandum said:

“this proposal would create an obligation on Scottish Ministers, to make provision in future for alcohol awareness training”

through

“future legislation”.

I am struggling with that. The bill is the legislation that would permit the proposed approach, so why is the main objection to the proposal that it would

create an obligation on ministers to legislate in the future?

I suspect that the Government is just looking for all sorts of reasons to object to the proposal. Some of the Government's reasons might be valid, but I do not see how that one is valid. It would be helpful if you explained that.

Maureen Watt: Carole Barker-Munro will explain.

Carole Barker-Munro (Scottish Government):

The intent of the memorandum is to say that a refresh of the alcohol framework is coming down the track. The existing alcohol framework is well regarded and benchmarks well against the World Health Organization approach—there is a lot of good stuff in it. We are at the early stages of examining what has worked in the framework, and in March we will have the monitoring and evaluating Scotland's alcohol strategy—MESAS—report, which will look at what has worked, so that we can start pulling together a lot of fresh ideas that we can put into the framework.

We are not saying that all ideas are off the table; we are just saying that there is a process for developing the new framework and testing more ideas, which we have just started. I will be interested to see the evaluation report on alcohol awareness training in Newcastle. As a result of our process, we will be able to put together a framework that prioritises measures, puts measures that need legislation into legislation and enables measures that can be taken forward voluntarily to be taken forward voluntarily.

I would not want to suggest that we are ruling out any measure that is not ours, because that is not the case. I just point you to the process that is under way and on which we have started engagement with public health non-governmental organisations. We would like to engage with the committee in the future as part of the process. However, we are at the early stages, and the bill perhaps pre-empts what will come out of the alcohol framework process.

We want to take a broader look at what might work, and we are interested in what we have heard in the evidence, particularly about the Newcastle approach. We are always keen to find out how we can educate people more about alcohol awareness. ABIs are part of that, and the fixed-penalty notice approach could be an option, albeit not at this time, because the framework is not ready.

Malcolm Chisholm: That is a more open-minded response, which I welcome.

The Convener: Surely people knew about the framework refresh when we started the bill process. If that was the Government's view when

the Parliament decided to consider the bill, it could have saved the committee a heck of a lot of time by saying, "Don't introduce the bill; we're not going to support it." We could have said that we would examine the proposals in the context of the work on the framework.

We have taken a lot of time to take evidence and get to this stage, only to find that the Government will not support the general principles of the bill on the basis that, if it is going to take measures forward, it thinks that it should do so through the new alcohol framework. That is a decent argument and, if we had known about it, we could have been saved a bit of time. The committee is very busy, and we have spent weeks examining the bill on the basis that it might be taken forward.

Maureen Watt: We cannot stop a member taking forward a member's bill. The cabinet secretary made it clear in the debate in June that we would take forward different strategies in the refreshed alcohol framework.

Nanette Milne (North East Scotland) (Con): Let us get back to the bill and discuss the proposals on community involvement in licensing decisions. I note that the Government is committed to reviewing the regulations that cover notification requirements. Are you concerned about the impact of inactive community councils on the licensing consultation process? The problem exists mainly in deprived areas. Are there plans to address the issue?

Maureen Watt: The Scottish Government assists around 1,200 active community councils from a potential 1,369 community councils. Under the Local Government (Scotland) Act 1973, local authorities have statutory oversight of community councils. We help those councils to be active in their areas in a number of ways—through community council websites, knowledge hubs and biannual networking events hosted by the Scottish Government. There is a lot of support for community councils.

During the debate that we had in June on the next stage of the alcohol framework, the cabinet secretary announced that Alcohol Focus Scotland would have a dedicated worker to help community councils in relation to licensing applications; I know that in Glasgow there is a lady who is very active in supporting communities with that. That work is being taken forward.

Nanette Milne: So you are getting through to some of the more deprived areas—for instance, those in Glasgow.

My next question is about your views on extending the periods for displaying notices of licensing applications and variations and on extending the area within which neighbours of the

premises concerned are notified of licensing applications. Are you looking at reviewing that?

Maureen Watt: Yes. On extending the periods, we intend to engage with the relevant stakeholders and to consult prior to updating the Licensing (Procedure) (Scotland) Regulations 2007. It should be noted that few objections are made within the periods but, as you know, objections to licensed premises can be made at any time, so if neighbours have concerns, they can object at any time.

People will be put in place to help communities to frame cases against particular premises or overprovision of premises. We are committed to making sure that that happens and that it works to encourage effective community involvement in licensing decisions.

Nanette Milne: What about extending the distance for neighbour notification? Some witnesses have said that, particularly in a built-up area, notifying people can create a significant amount of work—for example, if tenement properties are close together. Do you have any views on that? The bill proposes extending the distance.

Peter Reid: That is the sort of issue that we would test before laying updated secondary legislation. Our intention is that people can engage effectively and make representations—that is what we will try to capture when we consult and engage on how we can update the secondary legislation to make sure that it works effectively. We are open minded on the issue; we want to see something that will work and is proportionate.

Bob Doris: I will ask about point 9 in our briefing, which is about alcohol awareness training as an alternative to fixed-penalty fines. I wonder whether our views on that are all very close. My notes say that there has been a pilot in Fife, which I do not think required legislation. I am sure that the Scottish Government would want to look in detail at how that pilot worked and, if it was successful, to look at the availability of such provisions across Scotland. I am not sure whether legislation is required, given that a pilot has been run. I would appreciate the minister's thoughts on that. Will you specifically consider that in developing the refreshed alcohol framework?

Carole Barker-Munro: One of the key things that we will look for with the refreshed framework is how we get alcohol awareness education in its broadest sense out to people. People coming through the criminal justice system provides one way of doing that.

We are open minded. We want to be clear about whether or not a measure requires legislation. We would want any proposal to be properly costed so that we could understand how much it would cost,

what training should be provided and how effective it would be. We are at the early stages of that with the framework.

I am not convinced that the measure needs legislation. The fact that the pilot happened without legislation is encouraging. It means that, should ministers choose, should resources be available and should local partners be willing, it could be implemented. However, to tie it down in legislation now when it is not costed and it is not clear who would provide the training seems a little premature before the roll-out of the next phase of the framework.

Bob Doris: That becomes a compelling narrative. If the pilot did not require legislation, it would make sense for the Government to consider that in developing any refreshed framework.

In other matters that are unrelated to the bill, members from all parties have said that there is no point in giving a right or a direction of travel if we cannot resource the framework that is behind it. In theory, we can have an alternative to a fine in one part of the country but, if the education support is lacking, we cannot use the disposal. I get the narrative, but it was helpful to have it on the record that the Government is open minded on the matter. Given that I am scrutinising proposed legislation, the more important point for me is that the measure does not necessarily require legislation.

Section 1 of the bill relates to minimum prices for packages that contain more than one alcoholic product. The legislation that we passed a few years ago on minimum pricing also restricted discount sales. It appears that it might have been slightly incomplete in relation to discount bans, and section 1 of the bill appears to complete that.

Does the Scottish Government have any data on whether addressing that seeming loophole would further reduce alcohol overconsumption? I am interested in whether there is evidence on that because, when the substantive discount ban came into force, there was a dramatic fall in the purchase of three-for-two offers on alcohol, for instance, and consumption went down as a result. Would section 1 be a substantive addition to the legislation or a minor amendment? I know that there is a written reply on that, but it would be good to get some of that on the record.

Maureen Watt: The initial legislation was drafted in the way that it was so that we could legislate within our devolved competence. That is why it is as it is.

Bob Doris: Does the issue remain outwith our competence? That is a separate question, which is a fairly linear yes/no question about whether we have the power. I am more interested in whether

acting on the proposal would make a substantive difference. That is what I am asking about.

Maureen Watt: Carole Barker-Munro has some evidence on that.

Carole Barker-Munro: The University of Sheffield conducted an assessment that predicted savings from addressing a range of price promotions. Banning three-for-two promotions, which the Parliament has already done, was part of that. You are right that it was associated with a 2.6 per cent reduction in alcohol consumption, which is significant.

From that report, it is not possible to analyse what precisely Dr Simpson's measure would do. To realise the full savings that the University of Sheffield predicted, we would need to ban all price promotions, and we are clear that that would not be legal. We do not have the evidence to know what such an amendment to the legislation would do. It does not feel proportionate to us, and we would rather focus our efforts on minimum unit pricing. That is the position at the moment.

Bob Doris: So the Government's position is that the data is unclear on what impact the measure would have.

10:15

The Convener: There are a couple of areas that we have not covered. Dr Simpson seems to be of the view that the proposal on alcohol education policy statements would encourage more parliamentary scrutiny of the Scottish Government's alcohol strategy more broadly, but the Government argues that it would be disproportionate. We have exposed a couple of initiatives this morning. We are able to cite initiatives in Lanarkshire and Newcastle, for example. However, the initiatives are here and there—they are a bit patchy.

How do we get the widest understanding of what work is going on under the strategy that is effective and can be rolled out? Would the Scottish Government welcome more scrutiny of its alcohol strategy more generally?

Maureen Watt: As you know, we are committed to evaluating and monitoring the impact of our policies. We have established the monitoring and evaluating Scotland's alcohol strategy programme, which is carried out by NHS Scotland. It evaluates the strategy as a whole and the work that is publicly available.

The proposal on alcohol policy statements would increase bureaucracy and the statements would not make a meaningful contribution to reducing alcohol-related harm. As you know, we are always at your disposal to come and give evidence on our strategies. We will continue to

work with all the stakeholders and the committee. A plethora of information is available; campaigns are carried out annually and biannually, which are evaluated; and we have debates on the strategy in Parliament. As I said, we are always open to your scrutiny.

The Convener: If time allowed it, it would be great to carry out the scrutiny that we would like to do.

Colin Keir has not spoken yet, but there has been a lot of interest in and discussion about the restrictions on alcohol advertising. Minister, I think that you mentioned that the Scottish Government is looking at that as part of the new framework. A number of questions arise from that and the evidence that we have had. Are the self-regulatory regimes for alcohol advertising adequate?

Maureen Watt: I suppose that the short answer is no, as we know the limitations of self-regulation. We should be more ambitious. As you know, most of that policy area is not devolved. I have written to the UK Government on a number of occasions to press it to take action on the issue, because we cannot tackle advertising on our own.

As I have said, we would like to do more on advertising. It was a key theme of the GAPA conference, and we are engaging with a number of people from throughout the world to see what other countries have done in that area. That is definitely a part of the alcohol strategy that we will try to take forward.

The Convener: That is good to hear, minister. Will you say more about the discussions that the Scottish Government has had with the UK Government about strengthening UK controls on alcohol advertising and sponsorship?

Maureen Watt: Apart from the letters, I am afraid that, as far as I am aware, there has not been much deep discussion about that—

The Convener: The minister is only recently in post. Do any of the officials know about discussions between the UK and Scottish Governments on strengthening UK controls on alcohol advertising and sponsorship?

Carole Barker-Munro: We have frequent conversations with our counterparts in other Governments, and it is fair to say that interest in taking forward change in the area of alcohol advertising varies across the different Governments. However, it is something that we continue to push for very strongly.

The Convener: Does that mean that you have not had any meetings with the UK Government specifically on strengthening restrictions on alcohol advertising?

Carole Barker-Munro: In the context of the early stages of the alcohol framework, I can confirm that I have not had a meeting to talk about that specific proposal but that we intend to do that. As the minister said, she has written to the UK Government a number of times, and we seek to engage those with whom the power rests.

The Convener: I think that that answers my question. It was not a trick question; I am just trying to cover the committee's brief. What concerns does the Scottish Government have about enforcement of the bill's proposals on restrictions on alcohol advertising?

Maureen Watt: Our concern is that the proposed new offence would not add to the existing restrictions on promotions that are applied as licensing conditions. A breach of the current restrictions would be picked up by the licensing standards officer and could lead to a premises licence being revoked.

Colin Keir (Edinburgh Western) (SNP): Good morning, minister. My question follows on from a question that the convener asked earlier. It is about the alcohol companies' sponsorship of, and relationship with, sport. There is a long-standing link between alcohol and sport in terms of, for example, the money that goes through golf club bars and the companies' strategic approach to sponsorship of football and rugby competitions and so on. If we wanted to restrict that relationship at a much higher level, how could that be done without inflicting serious problems on sport, given that we are trying to get youngsters into sport? At the strategic level, there is the companies' approach to, for example, the rugby world cup or the Ryder cup; there is also local support for sports clubs. Has any assessment been made of the possible financial hit on sports clubs from increased restrictions on alcohol sponsorship?

Maureen Watt: We are at the early stages of looking at possible impacts. However, through the Scottish Government and alcohol industry partnership, the "Alcohol Sponsorship Guidelines for Scotland" were published in February 2009. In 2012, a review of the guidelines was conducted by Ipsos MORI, which concluded that they were viewed very positively by the participants. The Portman Group led the development of the UK-wide sponsorship guidelines, which incorporated content from the Scottish guidelines. They were launched in January 2014.

Work still needs to be done on how sport would be affected generally if it did not have backing from the alcohol industry. However, Dr Peter Rice thinks that given that a lot of other industries could be involved in sponsoring sport, not having alcohol sponsorship might not have too much of an effect. However, we are still at the initial stages of that work.

Colin Keir: I am not aware of the work that has been done by the person to whom you referred. Just for clarification, is that on an anecdotal basis?

Maureen Watt: It is on an anecdotal basis.

Richard Lyle: It has been suggested that Police Scotland is very supportive of the bill. However, Police Scotland states in its submission that the bill would require

“significant revision of ... ASBO fixed penalty tickets given the references to discount periods”.

Paragraphs 2(2)(c) and 2(3) of the schedule refer to payments being made to local authorities, and Police Scotland notes that:

“This is a departure from current ASB Tickets that would be paid to Scottish Court and Tribunal Service.”

Police Scotland also raises concerns about transferring ticket information to local authorities and points out that the bill would require the withdrawal of all standard antisocial behaviour ticket books from police officers and the issuing of new ticket information. Do you share that concern?

Maureen Watt: We would like to explore the costs involved in that area a bit further. Carole Barker-Munro may want to say a bit more about that.

Carole Barker-Munro: That question picks up on what I said earlier. In order for us to adopt a proposal, we would want to understand what the cost to all parties would be and to understand a bit better the proposal’s potential efficacy.

It is concerning that Police Scotland has raised concerns about costs. That highlights that a number of ideas would require further exploration before we could undertake to support them.

Richard Lyle: So there is a cost to the police and to grocers, and those costs are unquantified. That reflects your concerns, minister, and is one of the main reasons that you do not support the bill.

Maureen Watt: The costs could be substantial. The financial memorandum was scrutinised by the Finance Committee, which was concerned about the costs involved.

We want to ensure that any legislation reduces alcohol-related harm to the individual and to communities. The bottom line is whether it will work in reducing alcohol-related harm and changing Scotland’s unhealthy relationship with alcohol.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Like Malcolm Chisholm, I was shocked to see the rejection of all 10 proposals. The minister will have seen the notes on the discussion that I had on the bill with her predecessor. Originally the bill contained 14 proposals, but we dropped four,

which were going to be taken up by the Government through routes other than legislation.

I am interested in the principles, minister. In rejecting the proposal on what are, in effect, beer and cider multipacks, you are giving a clear message to the industry that anything that it does to try to get round the wishes of Parliament in respect of volume discounting is okay. That is the principle—it is not about the promotion side of things. As Carole Barker-Munro indicated clearly, such measures would be illegal.

Measures on volume discounting have been very successful in relation to wine, but not in relation to beer or cider. In rejecting the proposals and suggesting to the committee that it should reject the bill, you are saying—with regard to that proposal in particular—that you are happy for the industry to get round the measures on volume discounting.

Even if action on volume discounting did not produce a major change, it would send a clear message to the industry that—just like the tobacco industry—it should not try to get round the wishes of Parliament. However, you seem to be quite comfortable with the industry doing that.

Maureen Watt: No, I did not say that—I am not comfortable with it. We want to do all that we can on volume discounting. We are limited in what we can do in that area because it is cross border, and we believe that what is proposed would not have the intended outcome.

Dr Simpson: The industry is no longer selling single cans or bottles in order that it can discount packs of four, eight, 12 and 20, and you are saying that that is perfectly acceptable and that you are not prepared to do anything about it. Clearly it would be within your powers to act, because otherwise the Presiding Officer would not have said that the bill was legislatively competent and allowed it to go forward.

I do not understand your remark about it being a cross-border issue—it has nothing to do with that, any more than wine discounting does. We have got rid of three-for-two wine offers, with great success. There has been a significant reduction in wine consumption, but there has been zero reduction in beer consumption. Part of the reason for that is that the industry and retailers have got round the rule on multipack discounts by no longer selling single cans—although I was in my Co-op yesterday and they were selling single bottles, but they had labelled them slightly differently. The industry is getting round what the Parliament intended and you are supporting that by objecting to the provision in the bill. The provision is within legislative competence—that is not an argument.

10:30

Maureen Watt: 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.

Dr Simpson: So the argument is not about whether the measure is good or bad, or whether the principle is good or bad. You would just like it to be part of a different set-up.

Okay, let us move on. The next point is age discrimination, which is another principle. There is clear evidence that doing things to people under the age of 21 and discriminating against responsible adults was regarded as inappropriate by many of the respondents to the consultation on my bill. The Parliament passed measures in the Alcohol etc (Scotland) Act 2010, saying that there should be no such age discrimination, but the Government now says that it is perfectly happy and considers it appropriate to allow powers to be in place that require individual licensees to discriminate on the basis of age. The bill does not prevent an individual licensee from saying that they will not sell to any group—they do not have to sell to anyone they do not want to sell to.

Maureen Watt: We believe that the right power exists to ensure that local restrictions can be applied, limiting off-sales at outlets with particular problems or where the licensee has been found guilty of an infraction of the law. I understand that in response to the committee's call for evidence, some licensing boards commented that they would prefer to retain the flexibility to introduce minimum age limits themselves, where appropriate. That is why we do not support the measure at this time.

Dr Simpson: The third thing is that the principle of the bill is not to tackle alcohol dependency, which I have spent much of my life treating. We have done a lot on alcohol dependency, including the introduction of community payback orders. I have lodged questions on how often the alcohol core treatment requirement is put in place and on how the CPOs work. The bill aims to address those who are just beginning to get into trouble. When someone is beginning to get into trouble, that provides an opportunity for us to say, "Look, this is something that you should think about." Fine diversion would allow someone to reduce, or eliminate, their fine by voluntarily going for alcohol education.

You are saying that the Fife pilot—which was a workaround that was found to be bureaucratically difficult—is not worth while. Even though the people from Newcastle told us that it is a no brainer, you are saying that such a scheme is not worth while. At the moment there is no challenge

to such individuals. In almost every area, except Fife, people are given a fine and that is the end of the matter. No one says to them at that point, "You really should do something about this."

Maureen Watt: I do not think that that is the case. There are a lot of diversionary activities on the go, through which people who are on the cusp of having a problem with alcohol and antisocial behaviour can be diverted away from that. As Carole Barker-Munro said, we intend to look at the Fife initiative to see whether it would be worth including in the next stage of the alcohol framework.

Dr Simpson: Time is moving on, so I will move to my last item, which is the bottle-marking scheme. The Government seems to have accepted completely the submission from Morrisons that the marking proposal would cost £3.7 million. However, as the convener said, it is clear that 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. The scheme is designed to be focused on the specific form of alcohol that is being abused, such as White Lightning cider. If that cider or another product is being sold and abused, the police can ask for that product to be marked. That also means that the licensee may be exonerated, so that they can focus elsewhere.

I fail to understand why a proportionate, focused, short-term measure, which has been costing at just over £200 for a three-month action period, is being refused. We now have the evidence from Newcastle on the costs, which we will submit to the committee. I cannot understand why, at a cost of £200, the minister would not want the police to be able to gather that intelligence.

Maureen Watt: I would like to know how that £200 is broken down, whether that is a cost to the public purse and whether it includes the retailers' costs for marking the bottles.

Dr Simpson: It is all costs.

Maureen Watt: As the committee has heard in evidence, we know that proxy purchase happens and that it is not always the youngsters themselves who buy the alcohol—mostly it is bought by family and friends and is taken from home and drunk in public. We do not believe that bottle marking, on its own, would prevent such things.

Dr Simpson: Proxy purchasing is an extremely difficult area; I fully accept that. However, there is no evidence that what we have tried up to now is working.

Maureen Watt: There is. In Lanarkshire, there is definite evidence that it is working.

Dr Simpson: Convener, I produced my original consultation in 2012 and three years later we are sitting here talking about an alcohol framework.

The Convener: I thank the minister and her officials for attending the committee this morning and for the evidence that they have provided.

10:36

Meeting suspended.

10:41

On resuming—

The Convener: We come to our final evidence session on the bill, which is with the member in charge of the bill, Dr Richard Simpson MSP—welcome again, Richard. I also welcome Mary Dinsdale, senior assistant clerk in the non-Government bills unit, and Louise Miller, senior solicitor in the office of the solicitor to the Scottish Parliament. I understand that Dr Simpson wants to make a brief statement before we move to questions.

Dr Simpson: It is very brief, convener. I do not want to take up any more of your time than is necessary.

My original consultation took place in 2012 and I had meetings with the cabinet secretary to discuss how many issues might be resolved without the need for legislation. As I said during the previous evidence session, I was given an indication that the Government would pursue four of the 14 measures in my original proposal, either through the Government's Air Weapons and Licensing (Scotland) Bill or without a requirement for legislation. I regret that I have not seen much evidence of that happening in the 18 months to two years since we had our discussions.

The most important thing that I want to say to the committee is this: the Parliament has done a good job in introducing or attempting to introduce measures to deal with people in our communities who are alcohol dependent and who have the most severe alcohol problems—I have always said that the addition of minimum unit pricing will affect and therefore benefit harmful drinkers, although I am not so sure about other drinkers—but the intention of my 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. If we can catch people early we can bring them up short so that they realise that they have a problem. Intervention that happens quickly at that point can have a very beneficial effect.

That is what many of my proposals are designed to do. They are not designed to tackle serious, violent offenders or people with alcohol dependency; existing legislation covers such issues. When the committee comes to write its report, I hope that it will consider the bill in that light. I am sure that it will do so.

10:45

The Convener: Thank you.

Dennis Robertson: Dr Simpson, thank you for your opening remarks, which clarified elements of the bill. The committee is considering whether tackling our relationship with alcohol requires legislation or some other approach.

There is mixed evidence and there are mixed views on the effectiveness of container marking in off-sales, set against the cost of the measure. The committee has considered the new evidence from Newcastle and we are considering whether the Newcastle approach is a way forward. I think that it was suggested that the cost of a three-month scheme in Newcastle was £240. Was that for a single licensed premises, or was it for the whole of Newcastle?

Dr Simpson: Thank you for your question. It was for a single licensed premises, and it was made up of a cost of 9p for each sticker, a cost of 90p for each poster—only a couple of posters and some laminated posters were used—the cost of the beat manager's time, because in Newcastle a neighbourhood beat manager deals with all the licences, so that person spent some time building a relationship with the premises, and the cost of applying the stickers, which was estimated to take about an hour a week. The total cost was between £200 and £240 for one licensed premises. I will submit the correspondence from Newcastle to the committee.

Dennis Robertson: Thank you. Did the cost fall to the licensee or to the licensing board?

Dr Simpson: It is not very clear who made up the stickers, but I think that that must have been done by the alcohol organisation in Newcastle—I do not know whether the licensee was charged. The main cost to the licensee is the time that it takes to apply the stickers, which is estimated to be an hour a week—so it was 12 hours over the 12 weeks of the scheme.

Dennis Robertson: Is there high visibility and awareness of the container marking? Is it evident where the alcohol was sold, so that it can be traced back?

Dr Simpson: It can be traced back. The other thing to remember is that the approach supports staff in the premises. There are notices up to say that the scheme is running, which strengthens the

resolve of staff not to sell when they know that people are waiting outside to get alcohol from a proxy purchaser. There is a preventive aspect to the scheme and there is an identification aspect.

Dennis Robertson: I can see where the intelligence comes from in that regard. Am I right in thinking that it is a voluntary scheme?

Dr Simpson: At the moment the scheme in Newcastle is voluntary. A voluntary scheme was also run in Dundee, and I asked the people who ran it why they ended it. They said that they did so in part because it was too bureaucratic to manage without legislative support. That is why the proposal on container marking is in my bill.

Dennis Robertson: That confuses me to some extent, because I have always thought that legislation creates more bureaucracy. Is legislation necessary, or do we just need the trade, the industry, the licensing boards and Police Scotland to work together to identify and embark on voluntary schemes in areas that have an unhealthy relationship with alcohol?

Could the same approach be taken as part of the licensing process? For example, if an area had particular problems, it could say in premises licences, "Unless you enter into the voluntary scheme we will revoke your licence." Would that require legislation?

Dr Simpson: The first point to make is that that power has been available to ministers since 2005 and has not been used. The second point is that, on the whole, I would expect schemes to be voluntary. The co-operation of the licensee is very often in the licensee's own interest.

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.

I was the minister responsible for asking Mr Hardie, who was the Lord Advocate at the time, to bring test purchasing in. I have heard that in some areas it is very difficult to undertake test purchasing because the licensee knows the youngsters who are coming in and could spot strangers coming into the area. The bottle-marking scheme is to amplify police intelligence.

Dennis Robertson: But bottle marking only provides intelligence on a particular licensed premises. It does not say that a young person found with a bottle by the police was sold that bottle; it could well have been sold to the person's parents and removed from the home, as happens in the majority of cases.

Dr Simpson: The scheme allows the police to do two things. One is to focus test purchasing, to

test what Dennis Robertson is talking about. The second is to place the licensed premises under surveillance so that, if underage young people are seen coming out of the premises carrying alcohol, the police can immediately intervene. It provides intelligence at two levels that would not be available otherwise.

Dennis Robertson: Okay. My question therefore is, does the scheme require legislation or does it require that licensed premises along with licensing boards work with Police Scotland on a voluntary scheme? Voluntary schemes seem to work reasonably well at the moment in targeting certain areas.

Perhaps we need to look again at the issuing of licences and whether we need to have something written into licences to encourage people to enter into a scheme, which would obviously be voluntary rather than mandatory unless any specific problem arose.

Do we require legislation to do that? Dr Simpson has said that legislation exists already that is not used. Is it not a question of using the existing powers, and raising awareness to encourage more voluntary schemes?

Dr Simpson: Once legislation and then regulations are introduced, there would be a scheme that could be implemented very rapidly, instead of the matter having to be discussed in every area every time it arose.

The purpose of legislation is to make the whole process more smooth. The Dundee scheme did work but was stopped because it was too difficult to do on a voluntary basis. If a licensee refused to participate, that was the end of it.

Dennis Robertson: The Finance Committee raised concerns about Dr Simpson's ability to cost the proposals in the financial memorandum. The committee got some costs from Newcastle, and the estimated costs from the trade were £3.7 million across the board. Dr Simpson has said that he sees things happening on a short-term basis, targeting a specific area for perhaps three months. Which is right? Is the £3.7 million a wildly exaggerated cost?

Dr Simpson: Much of the evidence 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. That simply is not the case. By making the scheme focused and temporary, covering particular drinks for specific lengths of time, and by focusing on licensed premises in an area where the police already have concerns, the costs would be at the lower end and nothing like £3.7 million.

Of course, if a Morrisons—since it was Morrisons that gave evidence to the committee—

was not following through in the way that we would want it to, it might have a significant cost to bear, but that is extremely unlikely. Those stores are very reputable and there is not a major difficulty in that regard.

Dennis Robertson: Forgive me, convener—I did say that that was my last question but I want to follow up on that point.

Dr Simpson, do you not think that young people are intelligent enough to move on somewhere else that does not have a marking scheme? If it was not a national scheme and not all bottles in all premises were being marked, would they not just go to places where the scheme was not operating and bottles could not be traced back?

Dr Simpson: There is always that possibility, but unless you do something that tries to address the problem, you are just throwing your hands in the air and saying, “That’s it—we’re not going to try to address it.”

Dennis Robertson: I am not saying that we are not trying to address the problem; I am just giving an example. I would think that if young people knew that somewhere had a marking scheme, they would probably move on to somewhere else.

The Convener: I do not want to be too kind when it comes to allowing you more questions, Dennis, in case anybody casts it up. Mike, you have not asked a question today. It is a pleasure to let you in.

Mike MacKenzie (Highlands and Islands) (SNP): I seek a bit of clarification. Dr Simpson, you say that the bottle-marking proposal is designed to be a targeted measure in places where the police already have suspicions. You mentioned that it would allow the police to undertake surveillance on a premises where they suspect that the selling of alcohol to underage people is taking place, so they could perhaps view underage youngsters emerging from the premises clutching their bottles, cans or whatever it is that they are buying.

I am not quite sure what the measure adds and I am hoping that you can explain it to me. If the police already have some suspicions, what is there currently to prevent them from undertaking surveillance and apprehending youngsters if they emerge with alcohol that they are not old enough to buy?

Dr Simpson: As I understand it, youngsters are normally found consuming alcohol in a park or a public place, and the police do not know where the alcohol has been purchased. They may have suspicions, in which case they will probably be doing test purchasing in the area. If they do not need additional intelligence, they will not seek

additional intelligence, which is why I said that the scheme should be police led.

Mike MacKenzie: I am just a bit confused. In your answer to one of Mr Robertson’s questions, you said specifically that it would allow police to undertake surveillance and so on. I am struggling to understand. If the bottle-marking scheme is targeted, presumably the police already have suspicions about a particular premises—

Dr Simpson: Or an area.

Mike MacKenzie: If the scheme is not targeted, the police are just casting a wide net. That is the difficulty that I have with the proposal. When I add that to the difficulty of securing a conviction—as merely holding a marked bottle or can is not direct proof of purchase—I am really struggling to see what the measure adds. I am hoping that you can explain it to me.

Dr Simpson: I would not have continued to propose the measure, Mr MacKenzie, if I had not had police support for it.

Mike MacKenzie: Indeed, but the police can be wrong about things, as we all can.

Dr Simpson: Fine—if you think that the police are wrong on this matter, you will come to the conclusion that you seem to be coming to. However, in my view, if the police are saying to me that they feel that this measure is a worthwhile addition in obtaining intelligence, we should support the police in that respect.

Mike MacKenzie: I had hoped that you would be able to articulate the police position so that we could have the benefit of understanding it; instead, you are asking us merely to accept that the police are inevitably always correct in their opinions. Are you able to articulate the police position?

Dr Simpson: I am not saying that the police are inevitably correct in their opinions on everything. All that I am saying is that in this respect, the information that I obtained from the police when I consulted them before introducing my bill was very positive. If it had not been positive, I would not have included this section of the bill.

The Convener: Mike, the committee has participated in a visit—we have seen such a container-marking scheme operate on the ground and we have a report on it—and has satisfied itself that such a scheme can work, whether or not we support the particular measure. We saw a scheme in operation and we have notes on it. The committee has also taken some evidence from the police.

11:00

Bob Doris: I did not go to Newcastle, but those who did saw the benefits of the voluntary scheme.

For me, the issue hangs on whether such a scheme should be voluntary or compulsory. If there is to be compulsion, who should decide whether it is desirable? These are things that I am working through in my head. I will not rehearse my concern, which you will have heard about in the previous evidence session, about the police having leverage in the licensing process, but feel free to respond on that.

The suggested scheme would be led by police suspicions and there would be a targeted approach that could lead to intelligence that could be used in a test-purchase scheme. Dr Simpson said in his evidence that there are limitations to test-purchase schemes, but also that the labelling scheme would drive us towards test purchasing. I see a contradiction in that, to which Dr Simpson might want to respond.

When voluntary schemes work anywhere in Scotland—the scheme in Dundee may have worked, but I have not looked at that in any detail—we have to share best practice, so that we can have a degree of consistency and certainty. Maybe parts of Scotland would like to roll out voluntary schemes in partnership, but lack the confidence to do so. I ask Dr Simpson this: if the bill is not successful, would you be keen to work with the refreshed alcohol framework in developing best practice that could achieve consistency?

Dr Simpson: In answer to the last question, I say that I have spent a considerable proportion of my professional life working with people with alcohol problems, so I would not say no. Obviously, I will do all that is in my power to assist in developing the framework.

On Bob Doris's initial point, I certainly hope that schemes would be voluntary in most areas and that the police would not need to exercise their power. Currently, if a licensee refuses, the police have no power of coercion. The bill would allow the police to make participation a requirement, provided that the licensing board did not have good reason to say otherwise—which it might. I do not know what those reasons might be, but a board might choose to say no, in which case it would have to give its reasons.

We have tried to strike a balance. The police will receive complaints from the public about public drinking by underage people. To act on that they will need to gather intelligence, which the process that we are discussing is designed to provide.

Bob Doris: I take on board what you are saying. We just have a small disagreement about the role of the police in relation to the licensing board. That is where we are.

In considering renewal of a licence, would it be reasonable for a licensing board to take into

account its having deemed that there had been an unreasonable lack of partnership working by an off-licence that had decided not to participate in a labelling scheme in its community? I am being slightly flippant, but if off-sales are proud of the good and responsible job that they do—their ethically sound selling of liquor—why would they not want on bottles a little label promoting the store from which they were bought? I suppose that the substantive question is whether it would be reasonable for a licensing board to take into account, in considering renewal or extension of a liquor licence, the amount of voluntary partnership work that was being done.

Dr Simpson: Mr Doris has made an interesting point. The trouble is that since the Licensing (Scotland) Act 2005 came in, licences are not renewed; there is no longer a periodic review system, which we used to have. That was done to lighten the load, because we were imposing a lot of other conditions. I was the minister then who started that whole process off with the Nicholson review. We knew that the new conditions would place a greater burden on licensees, so we decided to remove the periodic review. There is no system for renewing licences that would allow the licensing board to step in and deny renewal to a licensee who was refusing to participate in a partnership. That is another reason for having the provision in legislation, although I have to say that I do not envisage its having to be used. I think that once the legislation is in place, licensees will agree to participate. Very often, having in place legislation as a backstop is valuable.

Bob Doris: I am not sure that that is a reason to support that element of the bill, but it is a reason for our respective parties to consider whether we got the 2005 measure right. I suspect that neither of us really knows where either of our parties is going in relation to that. That is an interesting point of which I was unaware, Dr Simpson, and I will certainly reflect on it, so I thank you.

Dr Simpson: To be fair to the Government, the Air Weapons and Licensing (Scotland) Act 2015 shows that it has partially realised that collection of information by licensing boards has been really poor. We have little idea about what individual licensing boards do: for example—as the committee has heard this morning—they do not report on whether ASBOs have been used in relation to the minor offences to which the bill relates. We just do not know.

Bob Doris: I was going to ask you about that later, but other colleagues want to come in and they might come to it ahead of me. I hope to return to the subject at some point.

Malcolm Chisholm: I regard the bill as a coherent set of measures to address abuse of alcohol in general. It contains measures that focus

on young people in particular. I will not concentrate on areas of the bill on which I support what you propose; rather, I will ask about two areas about which I have a bit of uncertainty.

Given the focus on abuse of alcohol, it feels to me as though the measure to amend legislation on age discrimination in off-sales premises does not fit that coherent framework. You will explain your reasons for including it, but it could be argued that the provision on age discrimination is also a targeted measure to deal with abuses of alcohol in particular premises. We have talked about bottle marking, which would be focused on particular premises. Some licensing boards have said in evidence that the bill would be a useful tool for dealing with premises that persistently sell to under-18s. I understand the contrary arguments, but the age-discrimination provision seems not to go with the general thrust of the bill.

Dr Simpson: I do not know whether you remember, but when we discussed the matter when the Alcohol etc (Scotland) Act 2010 was going through the Parliament, one of our most eminent statisticians said that the evidence was extremely poor for having, as was proposed, a blanket discrimination in an area under which none of the licensees in that area would be allowed to sell to under-21s. The evidence from the pilots that were done was extremely poor.

The people who are more likely to have problems with alcohol are slightly older—21 to 25—because they have more money than people who are under 21. Therefore, discriminating against people who are under 21 does not seem to me to have any significant rational basis. Section 3 would remove that discrimination completely. I have no evidence that discriminating would be appropriate; it can have a negative effect. The stop-and-search policy has had a negative effect on youngsters' attitude to police: if we introduce measures that are not evidence based to block sales to people aged 18 to 21, who are adults and are legally entitled to purchase, we would create negative feeling. I could see the purpose if there were to be significant advantage from such legislation, but there is no proof that it would be of benefit.

Malcolm Chisholm: I am open minded about the provision on notification to the offender's GP, but it is notable that that measure has attracted most opposition. It would be difficult to implement a measure that has attracted such widespread opposition—in particular, from the medical profession. What are your thoughts on that?

Dr Simpson: Perhaps I need to reconsider that matter in the light of the evidence. In the consultation, we got a negative response from the BMA and from the courts on the ground of administrative costs. My concern is that the courts

estimate that 50,000 people come before them every year and receive minor disposals about which nothing—I repeat: nothing—is done.

In 30 years as a general practitioner, the information that I got from the courts was about serious offences; such information was often in the press, in fact, and one picked it up and would try to address it. Alternatively, there would be a treatment requirement, for which we have powers for the more serious offences. As a GP, I was never informed about minor offences.

The ABIs are a scatter-gun approach. GPs will try to focus them as well as they can, but if they had that additional information, they would focus the brief interventions more specifically on some of the 50,000 people who may be at the beginning of their alcohol career.

That was the purpose of the measure, but in the light of the fairly outright opposition from all sides, I want to reconsider it before the end of stage 1. I look forward to seeing what the committee's report says about it.

Richard Lyle: I will move on to alcoholic drinks that contain caffeine. Your bill would introduce a ban on alcoholic drinks with a caffeine content above a level to be set by the Scottish ministers. The financial memorandum states:

"Sales of this type of drink account for a very small percentage of all alcohol sales in Scotland".

It goes on to say that research has shown that about 5,000 crimes are committed in Strathclyde by people who have drunk a certain type of caffeinated tonic wine, and suggests that amending the amount of caffeine in those drinks will result in a substantial reduction in crime. I thought that crime was at a 40-year low. Why do you suggest that crime will fall if we reduce the caffeine content of a drink?

Dr Simpson: I am not suggesting that overall crime will fall. Crime is falling in every developed country, irrespective of whether it has increased or decreased the number of police officers. I am suggesting that there is considerable evidence from the States that caffeine at a particular strength mixed with alcohol creates wired-awake drunks, which puts people at greater risk and makes them more likely to be aggressive. The McKinlay report on young offenders in Polmont and a report from Strathclyde Police led me to make the proposal. I am very disappointed that the Government has not seen fit to carry out further research into the issue, which is confined to the west of Scotland, as Peter Rice made very clear to the committee. He practises in Tayside, where it is not a problem. It is as much a cultural thing, as anything.

There is no doubt that there are two jurisdictions in which the approach has been substantially changed. One is the USA, where the Food and Drug Administration has not banned such products, but has said to producers that they would have to prove that their products are safe. It is interesting that producers simply completely stopped producing caffeine and alcohol mixed drinks.

The second jurisdiction is Denmark, where a restriction was introduced that has been notified to and accepted by the European Union. Denmark has restricted the level of caffeine in drinks on the basis of the evidence as it saw it of problems that it had with caffeine and alcohol mixed drinks.

I am not saying that it is a major problem in terms of the overall consumption of alcohol; rather, I am saying that, as a cultural issue in the west of Scotland, it could be worth addressing perhaps by carrying out further research and then introducing a restriction. I hope that that is exactly what will happen.

Richard Lyle: I have one more question, on container marking in off-sales premises. We have talked about major stores. Maybe I will not name the major store that I am thinking of, but there is one that has two aisles with a substantial amount of drink. There are also two off-licence premises within a radius of half a mile of that major store. If the police were concerned or residents were complaining to the police in an area, would the three places that sell drink have to mark containers, and would the cost be more than the £200-odd that you have suggested?

11:15

Dr Simpson: It is true that if there were suspicions about major stores, the cost for them could be more significant than it would be for smaller stores. However, remember that we are talking about targeted drinks, targeted times and targeted premises. The number of drinks that would have to be tagged would not be very significant in relation to what the major supermarkets are selling. Only particular products would be looked at. The evidence that was given to the committee was on the basis that all the alcohol in the two aisles of the major store would have to be marked.

Richard Lyle: Who would mark the products? The evidence that we got was that a council officer would need to come in and mark the products.

Dr Simpson: No.

Richard Lyle: Would the store mark the products?

Dr Simpson: The store would mark the products using stickers that would be provided.

The Convener: You mentioned that more research on caffeinated drinks is required. Are you ahead of yourself in that you are almost meeting the Scottish Government's view? If you concede a need for further research, is the implication that your case still needs to be made?

Dr Simpson: I feel that dialogue is important. I raised the issue of caffeinated drinks with the Government in 2012—we had raised it during the passage of the 2010 act and the Alcohol (Minimum Pricing) (Scotland) Act 2012. In the first instance it was felt that there was not sufficient evidence to restrict those drinks and, in the second, legislating on them was ruled out on competence grounds. I and others in my party have been pressing the issue for five or six years.

The only evidence that we have is the McKinlay study and the Strathclyde Police study, although there is also a report from Glasgow City Council on the quantities of broken glass that result from a particular product. That evidence has not been completely quantified and is more anecdotal, but it suggests that the quantity is very significant. There are, therefore, three bits of evidence that indicate that highly caffeinated alcoholic drinks are a significant problem in the west of Scotland. There can be no doubt about that.

The question is whether the ban should be introduced in the light of further research. Given the discussions that I have had and the evidence that I have seen, I think that it might be worth changing the requirement for the minister to introduce the ban within a year in order to allow the minister to undertake further research.

We should at least have the measure on the books as an indication that the drinks are a serious problem in the west of Scotland and that the evidence that we have so far shows that.

The Convener: During Peter Rice's evidence, we discussed Buckie—Buckfast—in the west of Scotland and its reputation as the drink of choice for getting out of your head. If we had done a study in the north-east, we may have found that a different drink of similar reputation—cider or whatever—might be impacting on the behaviour of young men in a similar institution to Polmont. Is the problem the culture of drinking excess alcohol, and not necessarily Buckfast?

Dr Simpson: I have never denied that there may be a displacement effect, which in effect is what Peter Rice was saying. If that bit of the culture was dealt with, something else might come along.

There is a difference, however, which is that caffeine at the strength that it is in such drinks is a stimulant, whereas alcohol is a depressant. When they drink a sufficient amount of alcohol, the majority of people—although not everyone—will

go from being wide awake to being rather passive and then to being comatose.

If you add caffeine to an alcoholic drink in significant strength, and it is drunk in significant quantities, you produce wired-awake drunks, who are actually likely to be more aggressive for longer and to be less in control of themselves. It is the combination of caffeine and alcohol that gives me the concern about criminality, based on the report about Polmont young offenders unit. That report showed high numbers who had drunk that particular substance and had got themselves into difficulties that were serious enough that they had to go to prison.

The Convener: Another point that was made at the meeting at which Peter Rice gave evidence is that it has become very popular to mix spirits with high-energy caffeine drinks. If we were to adopt the principle, would we not need to extend it to bars and mixers and goodness knows what?

Dr Simpson: If something is readily available as a pre-mixed drink, people can take it out into the community and drink it, and that is what happens. That is why there is all the broken glass. We are not talking about drinks that are consumed in bars. These drinks that we are considering are consumed largely in the community by groups of people who then get into trouble, and that is why the issue must be addressed.

Drinks such as Jägerbombs—which I hear about from my children and grandchildren—are popular. Mixed drinks of that sort may—as I suspect they do—get people into difficulties, particularly in circumstances such as those that we hear about in America, in which women who indulge in such drinking are much more exposed to sexual risk.

There are risks associated with caffeinated mixed drinks. We cannot prevent people from mixing drinks, but we could prevent them from consuming pre-mixed drinks.

Rhoda Grant: One reason that the Scottish Government has given for not supporting the provision on alcohol awareness training is the cost of setting up courses all over Scotland. I am not sure how many courses you think should be available. It would be good to get evidence on that, bearing in mind that—as the press has reported today—an alternative that is similar to the speeding penalty points system is available, but only in England, for those who wish to take it up. Do you envisage many centres providing such training in Scotland?

Dr Simpson: Every alcohol and drug partnership should be providing alcohol awareness training. My original bill proposal referred to picking people up through arrest referrals, but those exist in only five of the

sheriffdoms. I have lodged a question about the undertaking that I was given by the minister at the time of earlier discussions, who said that it was not necessary to legislate because training would be spread to every sheriffdom and every alcohol and drug partnership.

Someone who is on an arrest referral might not have a serious alcohol problem and might have been arrested in relation to alcohol just once. If they were then offered the opportunity of alcohol awareness training, that would be entirely appropriate. If someone has a dependency, they need to be offered considerably more than that. However, low-level alcohol awareness training is not available as an alternative to fines; it could also be a method of reduction under the drinking banning order, as it would engage with that.

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. If we give people an alternative offer that they can take up, we will ensure—as the evidence from the Fife initiative and, I gather, from Newcastle shows—that they are less likely to reoffend. That will protect our communities as well as helping the individuals. I find it astonishing that we do not have such awareness training available in every alcohol and drug partnership area.

Rhoda Grant: Are you saying that such training could be a cost-saving measure? If people were unlikely to reoffend, the cost to the state would be less, and the cost of the training would certainly be covered.

Dr Simpson: In my experience, people do not start with a massive, harmful drinking problem or—to look beyond that—with an alcohol dependency problem. It is something that they go through; they often started to drink too young, although that has improved considerably in some respects. People progress through a series of steps. The step that we do not address is when they begin to get into trouble—at present, they are not given the opportunity to deal with the issue then.

My bill seeks to address that through two measures. One measure concerns the binge drinker who gets into trouble on a couple of occasions and gets a drinking banning order. We would be able to say, “Look—you can reduce the consequences significantly by going on an alcohol awareness course.” The other measure is fine diversion. At present, people just pay the fine and that is the end of it; no one offers them the opportunity to address the issue.

Bob Doris: Before I ask about drinking banning orders, I will ask about your answer to Rhoda Grant that, when people interact with the law for a

negative reason and drink is involved, it might not always be necessary to refer them for a brief support intervention, because the offence might be a one-off. I thought that I heard you say that, but I could be wrong, in which case I apologise. I will check the *Official Report*. However, to use the same logic, why would we inform a GP every time there was a conviction? If I have picked you up wrong, I apologise, but I thought that I heard you say that in relation to proposal 8. If that is true for proposal 8, surely it is also true for proposal 10.

Dr Simpson: If someone is given a drinking banning order or they are getting into trouble and have not accepted the opportunity and the incentive to ameliorate their disposal by going voluntarily into an alcohol awareness programme, informing their general practitioner would allow a second bite at the cherry. A GP often has a really good relationship with their patients. A GP could say, "I see that you've got into trouble over alcohol. Was this a one-off or has it happened once or twice? I think that we should do an alcohol brief intervention with you." You will remember that that is partly about signposting the person on. Informing the GP would allow them the opportunity of identifying the group that has not responded to the incentive that the bill would offer.

Bob Doris: I will not explore that further. I think that we have a genuine disagreement on whether that would be an appropriate intervention by a GP. However, that was not why I asked the question. I will check the OR—maybe I just misheard that exchange, in which case I apologise.

Dr Simpson: I am sorry, but I do not follow the point that you are trying to make.

Bob Doris: Rather than progress a point that might have arisen because I misheard what you said, I will look at the OR when it is published.

Dr Simpson: I would be happy for the committee to write to me if the matter is not clear.

Bob Doris: I will not explore the matter further.

I turn to drinking banning orders. The Government's position is that we can use ASBOs to do what you propose. However, there is a lack of data on whether that happens. Have you garnered any of the data and, if so, how did you get on?

Dr Simpson: I tried informally to do that, but I did not succeed. There is no evidence that ASBOs are being used in that way. They are used if there is a neighbour nuisance situation in which alcohol plays a part, but I have no evidence of ASBOs being used to stop somebody entering licensed premises or an area with licensed premises. Unfortunately, because there is no requirement to report on that, we do not have the data. Having heard this morning's evidence, I will be interested

to see what the Government officials come back with after they have examined the situation and whether they will find other useful evidence.

As I understand it, a person has an ASBO for a certain time and that is the end of it. The drinking banning orders that I propose, as opposed to the community payback order or the alcohol treatment requirement, would offer people the opportunity of addressing their problem and having that identified specifically as alcohol related, which ASBOs might not do.

Bob Doris: You make an interesting point. You say that you tried informally to get the information. How did you go about that?

Dr Simpson: We did not write to people; I simply discussed with one or two people who were on licensing boards and one or two councillors whether they were aware of ASBOs being imposed with a specific requirement of that type. They said no. As I said, the information was purely anecdotal and came from one or two people; there was no formal written request.

Bob Doris: You have been straightforward with the committee on that point, which I appreciate. My concern is about having further legislation when there is an information gap. I would appreciate your opinion on a supposition that may or may not be true; it links specifically with drinking banning orders. Could there be a lack of awareness that ASBOs could be used in that way?

As for directing people towards an alcohol brief intervention as part of a community payback order or an ASBO, a course needs to be available in the first place. We do not have a full audit of what is available and the provision is rather patchwork. I hope that you appreciate my concern.

I would like to get evidence on using ASBOs more systematically and consistently—if that is the right thing to do—rather than using a second piece of legislation. Although I appreciate that there are some differences, the bill seems by and large to duplicate existing powers. I would appreciate your thoughts on that.

11:30

Dr Simpson: A drinking banning order would be, as the police describe it, a useful additional item in the toolkit. As it is specific and focused, it would be much more likely to be used and would in some senses be simpler to use than an ASBO. You are correct that, unless the Government or local authorities come up with evidence to show that ASBOs would be simple to use in such a way but they just had not thought of doing that, I cannot fully answer your question.

Bob Doris: I am trying to cover all the parts of the bill so that you have the opportunity to put

information on the record. In relation to point 9 in our briefing paper, which concerns alcohol awareness training as an alternative to fixed penalties, a Fife pilot—perhaps in Kirkcaldy—was mentioned.

Dr Simpson: It was Fife Alcohol Support Service that ran the pilot.

Bob Doris: It was a case of the pilot concluding that the approach may or may not be desirable. There is a tension as to how that approach might interact with any refreshed alcohol framework. If a pilot could be undertaken, does that suggest that we do not need further powers to carry out the proposals? Perhaps what we need is a more systematic provision of alcohol awareness training across Scotland to allow such an approach to be rolled out.

Dr Simpson: I might be wrong, and I am sure that someone will correct me if so, but my understanding is that the police tell someone that they are about to issue them with a fine but that there is an alternative. The police cannot impose a fine and then say that the person can ameliorate the situation by going on the alcohol awareness course.

A workaround is used and that is not necessarily the best way to proceed. It is better to have something that is more general and which clearly encourages people to do the training. The workaround requires the police, on an individual basis, to ask a person who they do not know—perhaps the police have seen them once before and this is their second fine—whether they would like to go on the course. Once the police have imposed a fine, they do not have the authority to cancel half the fine, as can be done in Newcastle. I do not know exactly how that works in Newcastle, but I think that half the fine can be cancelled there.

Bob Doris: The committee might seek more information on that before we draft our stage 1 report.

I have a final question on alcohol awareness training. Irrespective of whether the bill progresses, is it your position that there has to be a more systematic and structured approach to alcohol awareness training across Scotland, whether that is done through projects like the pilot in Fife or initiatives elsewhere? I have been talking about other parts of the bill, too. Should the Government develop a best-practice template as part of any refreshed alcohol strategy, to ensure that we have a consistent approach across the country?

Dr Simpson: You will know that my proposal is that we test the scheme in an urban context before we proceed. I want to proceed cautiously, because we need to see whether it works and what the full

costs would be. If such a test were done in Glasgow, the numbers would be considerably greater. That would test the costs before the Government decided whether to roll out the scheme.

We have a good history of taking that approach, because we took it with drug treatment and testing orders. In that case, the English pilot was not good and the results were poor. However, we decided that we liked the idea, so we ran a pilot in Scotland that was adjusted to take into account the mistakes and problems in the English pilot.

Our pilot in Scotland was found to be effective and good, so we rolled out the orders. That process began in 2001 and we finally rolled out the system in 2006. We proceeded cautiously and did so on the basis of best value and good evidence, which is the process that I propose for alcohol awareness training.

Bob Doris: I will briefly reflect on that—I will ask no further questions after this, convener. I understand what you say about taking a cautious approach, but legislation tends to drive change quite dramatically. I had not thought about costs until you mentioned them, and the expectation that change would be driven without any costing of that would be a concern for me. I agree on the need to be much clearer about what the costs would look like and to ensure that best practice is rolled out across the country, whether that is via legislation or the alcohol framework. Your proposals would helpfully feed into that discussion.

Dr Simpson: The pilot scheme would obviously have to be evaluated. I hesitate strongly to do this, but I will slightly contradict you. We passed legislation for the social responsibility levy in 2010 and, if the Government had implemented it, the price of alcohol might have continued to rise. I appreciate that the public health levy, which I welcomed and which addressed the sale of alcohol and tobacco in superstores, was a substitute for that. However, that has been abandoned and we still do not have the social responsibility levy, which would allow a lot of the costs that we are discussing to be met.

The provisions in the Alcohol etc (Scotland) Act 2010 would allow money from the social responsibility levy to be used to deal with matters such as alcohol awareness. We can add that to the fact that, if we can divert one person from a pathway that would see them ending up as a harmful drinker, we will save a lot of money.

Bob Doris: We are playing debating tennis here. I apologise for that, convener, and I promise you that this is my last comment.

The Convener: I promise you that this is your last comment. *[Laughter.]*

Bob Doris: I see that we have consensus from the convener and the deputy convener.

Dr Simpson has just drawn attention to a piece of legislation that is on the statute book but is perhaps not being rolled out at all in some respects or not as well as it could be, which makes me slightly nervous about putting something else out there. However, I take on board his comments, which I listened to carefully.

The Convener: Is Nanette Milne happy to come in to cover her questions about community councils now?

Nanette Milne: Yes. Dr Simpson, you will have heard the response to my question about licensing notification. Do you have any further comment on that?

Dr Simpson: My concern is not about areas where community councils are active but about the 15 or 16 per cent of areas, which are mainly deprived communities, where there is no community council and therefore people cannot be consulted. A 4m radius for consultation purposes is not really adequate and wider consultation is needed. On the basis of the evidence that I have, I think that a 50m radius would be overgenerous and that perhaps the consultation area should not form a circle. Why would somebody 50m away from licensed premises—that is probably two and a half roads away—need to be consulted? Perhaps the area for consultation needs to be better defined.

The principle of the bill, which is what we are talking about at stage 1, is that there must be more consultation with communities that are not currently being consulted. They feel—I get correspondence on this—that they are not being adequately consulted, and they should be.

That is one aspect. Another aspect is that community councils often do not meet at certain times of the year. A meeting might not be possible when there is a 21-day notice period and, if the council does not meet, it cannot express a view, so the situation becomes somewhat difficult. It would be better to extend the period. It does not need to be 42 days—it could be 35, for example—but it would be better to extend it to ensure that community councils have the chance to be consulted.

Along with price, availability is the big driver of change in alcohol consumption. We know now from the report by the University of Edinburgh's centre for research on environment, society and health, which we have finally got, that 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.

Nanette Milne: Are you satisfied with the Government's response that it will consider those issues as part of its review?

Dr Simpson: I would be, save for the fact that I raised the issue in 2012.

The Convener: In relation to the proposal for a minimum price for packages containing two or more alcoholic products, I want to return to the issue of proportionality and cost. The proposal drew a lot of criticism from the trade about the cost of administration. In the Finance Committee, concerns were raised about the costs in the financial memorandum. Do you believe that the minimum price for such packages would have a significant impact on alcohol consumption, and how do you respond to the concerns that the cost of administration of the proposal outweighs any benefit that might be gained from reduced alcohol consumption?

Dr Simpson: This is a principled element of the bill. It concerns the fact that the retail industry has effectively got around Parliament's wishes, which were to end volume discounting. The proposal does not totally sort out the situation. I accept that a retailer could be selling only boxes of 18 cans, but a lot of people cannot afford 18 cans. The fact that a retailer does not sell single cans so that they can sell packs of four, eight, 10, 12 and 20, all at different prices, means that they have the market well judged.

I have seen no evidence that the implementation of the wishes of Parliament in respect of wine has caused any problems. They have been implemented, volume discounting has ended, and the consumption of wine has gone down significantly. We should have the same arrangement for beer and cider, too. That is the principle.

The answer to the point that West Lothian Council made about the large cost of sending out new licences to everyone is that there have been 39 adjustments to licensing by the Government and not one complaint from the boards, yet when a private member comes along and suggests another adjustment, suddenly we get protests. However, not all boards have protested. The chair of the licensing board in Glasgow—our biggest licensing board—said that the problem with what West Lothian has said about the proposal requiring all boards to issue new licences that include the new restriction is that, if that were the case, it would be necessary to do the same for any adjustments to the licence. He also said that, if an adjustment is made, a single sheet can be put out, and that can happen at the time of year when the mailing normally goes out from the licensing board. The cost would be only that of inserting a single sheet into a pack that is already going out. He concluded by saying that, if West

Lothian Council's argument were to succeed, licensing conditions would be frozen in time for ever, and that is not going to happen.

I dealt with this issue in greater detail in my evidence to the Finance Committee, which I ask the clerks to draw to the committee's attention—I quoted from that letter extensively then.

The costs that are involved are proportionate, given that we would be introducing a principled measure that would reinforce Parliament's original and unanimous desire to end volume discounting.

The Convener: Colin Keir has some questions on advertising.

Colin Keir: At previous meetings, we have discussed the issue of advertising, particularly with regard to the impact on sport in Scotland. Obviously, there is an issue with youngsters coming into sports in a context in which many clubs are reliant on alcohol sponsorship directly or indirectly, whether it is through the bar, the clubhouse or whatever. Alcohol advertising seems to have left the middle ground of sporting events and has gone to higher-level or lower-level events. For instance, fewer football clubs have the logos of drinks companies on their team jerseys these days, but the sponsorship has become more international through things such as the champions league, world cup rugby and Guinness PRO12 rugby. Has any assessment been done of how the bill might affect the amount of money that is put into sport? Obviously, we want to encourage sports clubs. We have had anecdotal evidence that someone who has done some work on the issue reckons that other companies could take up the slack. What are your views on what the minister said about that anecdotal stuff? It would appear that quite a chunk of money goes into sport from drinks companies. The removal of that money could put pressure on organisations that subsist at the bottom end. At the higher end, there is the international advertising.

11:45

Dr Simpson: This is one area in which I accept what the Government is saying—that 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 that we have. In fact, it was the current First Minister who originally looked at the issue in relation to tobacco and ran up against the same problems that I have run up against. Subsequently, the UK Government banned tobacco advertising, so it ceased to be a problem. Perhaps the UK Government will have a change of heart and introduce a ban on alcohol advertising, although I very much doubt it.

The purpose of a total ban, which I think is what you are alluding to, would be to denormalise

alcohol and stop it from being ubiquitous across society. The amount that is spent on advertising is vast. We do not have the power to implement a total ban, but we have the power to introduce some limited measures.

What I find interesting is the fact that, at the moment, we have a situation in which no promotion of alcohol is allowed within 200m of premises. That means that alcohol can be promoted 201m away from premises. If that promotional activity takes place near a school, we are reliant on a voluntary ban. At the moment, it is possible to advertise alcohol 101m away from a school and 201m away from the nearest premises.

As the committee heard, the minister was not keen on voluntary bans, and I agree with her. I do not think that voluntary bans are adequate in dealing with an issue that is such a problem, particularly for Scotland. What I am proposing is a ban on any such activity within 200m of all schools, crèches, play parks and so on. If we overlapped that with the ban on promotional activity within 200m of premises, there would be fairly limited billboard or fixed-place advertising in our communities. I think that that would be a useful first step. It would not be an absolute measure, but it would be a useful way of making alcohol less visible to children.

The evidence from the tobacco side is very clear. The recognition of tobacco brand names has dropped off quite considerably since 2003, but the recognition of alcohol brands is still extremely high. The evidence from the University of Stirling, which the committee heard about, indicates that it is very high. Therefore, in my view any step that it would be legitimate for us to take within the powers that we have to reduce that exposure is a step worth taking. The step that I am proposing would not go as far as I would like, but it would at least be a first step.

In France, there is a total ban on alcohol advertising. We can have a discussion about how effective that has been, but there is no doubt that, as a result of the loi Evin, which was approved in the European courts and accepted as being a proportionate and effective measure, and many other measures that were introduced in France in the 1980s as part of a collective drive, France went from the position that we are in today to having an alcohol problem that is slightly below the European average.

Colin Keir: I would like to come back on a couple of those points. I think that we agree that there is no evidence of what the effect of a ban on advertising would be on sports clubs at the lower end, which survive partly on alcohol sponsorship. I am thinking of golf clubs, rugby clubs and so on.

However, I have always found the French example slightly odd. The French have a different culture around alcohol, particularly in terms of access to wine as children grow up within the family unit. The French have generally had that as part of their culture over the years. Is there something that tells us that what they have done has had the massive effect that is sometimes claimed, or are we comparing apples with pears, because we have a history of binge drinking in this country whereas the French are coming from a more social cultural start?

Dr Simpson: I repeat that, at one point, the French had a bigger problem than we have today. They tackled it, and one element of that was the loi Evin. However, how much that contributed and how much the other measures contributed is a matter for dispute. The advertising industry and the producers say that it has had no effect but, as part of a package, it has had an effect.

I am not proposing a total ban on alcohol advertising in sporting places; I am proposing that, for example, if the under-18 rugby players are playing a match at Murrayfield—which they will do—the screen advertising around the pitch should not be advertising alcohol. If there was alcohol advertising at my local rugby club and the under-18s were playing, the advertising boards should be covered up. It is a relatively modest measure that would attempt to address the situation in a modest way within the rules that we have at present.

It is open to the Government to ban advertising at all sporting events in Scotland but, at the moment, I am not proposing that, for precisely the reason that you have given. Sport is also very important and I do not want to damage it. Many of my colleagues in the alcohol treatment industry and those who are serious about alcohol would say that I have been far too modest in my proposal and that I should have gone for a total ban on alcohol billboards, on promotion of any sort whatever and on alcohol advertising at sporting activities. I have chosen a more modest proposal, and it is up to the committee to decide whether it would be a reasonable measure, whether it should go further or whether it should not proceed.

Colin Keir: I am having a bit of difficulty with the 200m limit, although I agree with some of the reasons that you have given and you have similar doubts to mine. At my local rugby club, in which I register an interest, so to speak, there is an off-licence Co-op within 200m of the clubhouse. At what point do these things overlap? You could have a situation in which not children's rugby but adult rugby was being played and there might be advertising when there was an off-licence 120 yards or so away.

Dr Simpson: At the moment, no promotion is allowed within 200m of premises. That is not my proposal—that is already in the legislation. Promotion in such areas is already banned. The off-licence could not say, "If you don't have a licence or you're not allowed to promote alcohol, we'll promote it here." It would not be allowed to do that.

Colin Keir: I am saying that the rugby club might do that as part of its advertising—I have to say that it does not do that—and it could have adverts around its park, which is within 100m or 200m of the shop.

Dr Simpson: The Co-op would not be allowed to advertise within 200m of the premises. It is selling alcohol, so it cannot promote it within 200m. That is already banned.

Colin Keir: Okay.

The Convener: There are no more questions from members on that subject. We have one final area of questioning to cover: alcohol education policy statements. Why have you chosen to focus on the information and education elements of the Scottish Government's action rather than on the alcohol strategy more generally?

Dr Simpson: I think that it is because my original bill proposal was to require the Government to issue a statement on the licensing principles once in every session of Parliament. Our two licensing principles, which are unique to Scotland, are the protection of children and public health.

The WHO recognises education as being one of the less effective measures because it does not have as strong an effect as others. If we are going to spend money on education, awareness training and so on, it should be evaluated. Campaigns can be expensive, so we need to have them properly evaluated, and the Parliament and the committee should have an opportunity to look at the results. Once in every session of Parliament, the Government should come up with information on what happened in the previous session and what it is planning to do, and there should then be an opportunity for debate.

I think that the only debates that we have had on alcohol in the Parliament—although I do not know what happened between 2003 and 2007—have related to legislation. As far as I know, there have been no other debates on the subject. We need to provide an opportunity for it to be looked at. For example, I am not sure that alcohol education in schools is particularly effective and I would like that to be looked at more closely. That should happen through the Government providing a report.

That might be said to be bureaucratic but, to be frank, if the Government is not already doing it, we should ask why, and if it is already doing it, it should simply make a report available to Parliament and allow it and the committee an opportunity to debate the subject with the minister.

The Convener: As committee members have no other questions, I thank Dr Simpson and also the non-Government bills unit for its support. Thank you for your attendance and your evidence this morning.

Dr Simpson: I thank the committee for the time that it has taken over my bill, which I realise is significant given the heavy work programme that the committee has.

The Convener: Thank you. As previously agreed, we will now move into private session.

11:57

Meeting continued in private until 13:07.

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