



General Purposes Committee

Tuesday 19 May 2015

Item No 7

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

Report by Director, Resources

1 Purpose of Report

To ask the Committee to consider the submission of comments to the Scottish Government concerning the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill

2 Background

Dr Richard Simpson MSP has introduced his member's bill to make provision for reducing and dealing with the abuse of alcohol; to amend the legislation in relation to applications for, and to vary, licences for the sale of alcohol; and for connected purposes.

The Bill contains ten distinct measures with a single common theme – namely, the consumption (and over-consumption) of alcohol. The two main aims are to improve public health by discouraging irresponsible alcohol consumption, and to tackle the consequences in terms of antisocial and criminal behaviour. Subsidiary aims include reforming aspects of licensing law, and promoting more effective public policy on alcohol. Taken together, the measures in the Bill:

- ☐ place restrictions on the retailing and advertising of alcoholic drinks;
- ☐ make changes to licensing laws;
- ☐ place obligations on the Scottish Ministers to publish, review and report on its alcohol education policy; and
- ☐ direct certain people whose offending or antisocial behaviour is attributable to alcohol consumption towards treatment or restrictions on that consumption.

A copy of the Bill has been placed in the Members' Library.

The Police and Fire and Rescue Service and the Council's Officers have been consulted.

The Environmental Health and Licensing Standards Officer is of the view that:-

Section 1 which relates to new mandatory conditions to be imposed by Licensing Boards on the pricing of multi packs should be supported since it does not encourage the purchase of additional alcohol to make savings.

Members should however be aware that it appears the drinks manufacturers are frustrating this presently by repackaging alcohol in containers of differing sizes.

Members should be aware that this proposal if enacted in law will result in increased time resource requirement to check compliance by the Licensing Standards Officer (LSO).

Section 2 which introduces new licence conditions to limit caffeine levels in alcohol products which if introduced nationally would have minimal implications for local authorities but would have little effect except on the sales of one particular brand of tonic wine since caffeine drinks are often consumed in tandem with alcohol but from separate containers.

Section 4 enables Licensing Boards to vary existing premises licences requiring marking of drink containers to identify the source of the alcohol – this if imposed on outlets around where underage and street drinking is a problem would likely fall to be enforced by the LSO and would then enable the Police to identify the source of confiscated drinks or street litter in problem areas.

Sections 6 to 13 relate to restrictions or bans on advertising e.g. near schools and make provision for fixed penalties for failure to comply in addition to criminal prosecution which should be welcomed both from the viewpoint of efficiency and expediency. Monitoring and/or dealing with complaints would likely fall to the LSO.

Part 2 brings in provisions for Drink Banning Orders (DBOs) whereby the local authority or the police can apply to restrict or prevent individuals who have engaged in criminal or disorderly behaviour whilst under the influence of alcohol from entering premises licensed for the consumption of alcohol on the premises.

This provision ought in my view to be supported since it reinforces and assists pubwatches and provides protection to communities in areas where pubwatches do not exist or are not particularly effective.

As at the time of writing, no other comments have been received.

3 Resource Implication

The specific resource implications of this report do not impact on the Council at this stage.

3.1 Risk implications

There are no risk implications at this stage.

3.2 Policy Implications

Strategy and Consultation

The requests in this report do not relate to a strategy. Consultation with Officers has taken place.

3.3 Equalities and Sustainability

An equalities impact assessment has not been carried out. There are no sustainability implications.

4 Conclusion

Comments have been made by the Licensing Standards Officer.

Committee is asked whether the comments ought to be submitted to the Scottish Government.

5 Recommendation

It is recommended that the Committee consider the report.

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