

Dear Sir,

I have read with interest the Consultation on the Proposed Alcohol(Public Health and Criminal Justice)(Scotland) Bill, as a member of the public and therefore having no research material of my own to refer to or support my views other than my own experience as a solicitor for 40 years in Scotland. During that time I have had some experience of Licensing work and, of course, in my limited court work, and that of my firm, I have observed some of the effects of alcohol in Scottish society.

Your Consultation appears on the basis that considerable work requires to be done to control further, certain aspects of the Licensed trade and indeed the production and marketing of alcoholic drinks - in the interests of Public Health and for the protection of children. Your consultation also appears to conceive of a change in culture in Scotland towards the consumption of alcohol.

The realization that the production and consumption of alcoholic drinks require to be regulated in the interest of public health and indeed the protection of children is not a new. These matters have been the subject of legislation, reviews and initiatives for decades. Your Consultation is headed "Shifting the Culture" - but I can find very little in the Consultation proposals which might, in my view, bring about any fundamental cultural change to the consumption of alcohol in Scotland, which is what, I understand, that you wish to achieve.

Discounting, guidance, restrictions on marketing, and criminal sanctions in several forms are, again in my view, only tinkering with the problem or trying to manage the problem - the problem is the underlying culture.

It has been accepted, I believe by society in Scotland, after some considerable user resistance over the years, that smoking is injurious to health and has been banned in public places and places of work. There are warnings to health on packets and draconian restrictions on advertising and display. I am not convinced, however, even with these measures, that there has been a fundamental cultural change in attitude in Scotland against smoking although the measures have reduced, greatly, the opportunities to smoke on a continuous daily basis. The measures have been particularly beneficial to non smokers and to those perhaps determined to give up the habit. But the sad sight of those lingering by back doors continues with the associated medical issues.

You will not be surprised when I draw attention to the similarities on the issues of public health and child protection between smoking and alcohol. Yet they have not been addressed in the same manner. Having no evidence to support such an assertion, I suggest that alcohol has been and remains a far greater danger to public health and children than smoking. However, I would mention, anecdotally, that perhaps "habitual drunkenness" was the most frequent ground of divorce in Scotland before being overtaken by "consent" a few years ago. But again, I doubt that subtle law change has had any real effect upon the underlying "culture".

My point is that as a legislator, you can ban alcohol, restrict it, limit it, price it - but if people want it then they will find it for themselves. If you really want to effect change to the culture in this area, then you must address the use, and the perceived use, and purpose of alcohol in Scotland.

I should say at this point that I am not supporting any extremist, abolitionist, religious or other collective view. Personally, I enjoy alcohol, hopefully in moderation.

I am impressed, when in discussion with others and particularly young people, that "do not drink and drive" is a well accepted cultural principle now. Whereas, not long ago there was considerable resistance to that also. The downside of that particular campaign has, of course, been a considerable reduction in the viability of rural hotels and public houses - a subject mentioned later.

The use, perceived use and purpose of alcohol in Scotland. Having no medical qualifications at all, that matter of "use" must be by personal observation. Observing the culture of use. Who buys it and why? I do not know if alcohol is a stimulant or a depressant. I expect that everyone is different. There will be those who like a drink as a form of medication (night cap), and those for whom a small sherry might be sufficient. There will be those for whom the occasional glass of wine is satisfactory over a meal or socially - and there are those for whom alcohol serves a greater use. I believe that it is on this latter group that attention is required. Banning it, taxing it, or pricing it will have little effect on this group. There will be those addicted to it, those dependent on it (as an escape), and those (whom I believe are the most worrying) that require it for recreational purposes, whether by themselves or through peer pressure.

In my view, this area of peer pressure (the perceived use) is the cultural element that needs to change. Legislation can be of use but requires a particularly bold approach. The image of "the Scot" with a dram in his hand. The "wee hard man" that can drink you under the table. The miserable so and so who does not buy a round. But further, only this week on BBC a drama (set possibly in England) where a married man with a wife and three children is portrayed, as part of the drama, drinking bottles of vodka while driving his car, and encouraging his infant son to buy vodka for him (Blackout). The two most popular programmes on BBC and ITV - Eastenders and Coronation Street, are positioned around life in public houses. Media output, in the form of films and dramas frequently show the use of alcohol in a "fashionable, social setting" - to which aspiring young people will of course be drawn - nightclubs are shown as hives of vibrant, social activity where the latest fashions (alcoholic or otherwise) are to be found and to which young people are naturally drawn. The scale of nightlife is such that rural or local areas cannot compete and droves of young people head for city centres. If you want to change the culture - then change it by addressing media, fashion and image. Young people are particularly interested in image and social media. If the attitude and portrayal of the use of alcohol was more responsibly presented - then in my view "hearts and minds" would follow.

It is inappropriate to pass the "buck" to the police, schools, doctors and hospitals to be the conduits of further public education. There are adequate safeguards for public health and the protection of children with regard to alcohol within the existing legislation - if only such legislation was used with the necessary vigour. Why are "legless people" seen leaving licensed premises? That is surely the vicarious responsibility of the licensee. What happened to prosecution for "drunk and disorderly" or breach of the peace.

I am in favour of National Licensing Forum - provided properly funded centrally, with the

remit to monitor licensed premises and maintain standards with strong influence in recommendation to suspension and revocation of licences.

The criminal justice system has become cynical and dismissive in dealing with alcohol related crime. Each initiative presents a further layer of bureaucracy and lack of funding. I fear that many of the questions that you put will be answered accordingly.

It is a cultural problem - it remains to be seen if you can "shift it!"

Regards

A B Mitchell