

Proposed Alcohol (Public Health and Criminal Justice) (Scotland) Bill

Children in Scotland is pleased to respond to this consultation on proposed legislation to promote public health and reduce alcohol-related offending in Scotland. We have consistently supported measures and laws designed to protect children and young people from experiencing alcohol related harm. This includes our continued stated support for minimum pricing, the public health levy and social responsibility levy. In responding to consultations and calls for evidence on the former, we have continued to stress that there are much wider social and cultural issues to tackle alongside increasing prices and imposing financial sanctions. As the consultation document notes, tackling the underlying causes that drive people to drink to excess are key.

Tightening Quantity Discount Ban in Alcohol etc. (Scotland) Act 2010:

Q1) Do you think the further restriction on quantity discounting proposed would be beneficial? What disadvantages might there be? Do you think there is a case for going further?

These provisions seem sensible to close the current loophole in the law. The current situation may even be seen to be encouraging buying multipacks if stores do not carry single units. As has been noted, it is likely that people may find ways around restrictions through making purchases online and via English distribution centres. Proposals to further ban discounted products would be welcomed.

Public Health Interest and Child Protection:

Q2) Do you believe that Ministers should be required to issue guidance on these two licensing objectives?

We would be supportive of Ministers issuing guidance on “the promotion of public health” and “the protection of children from harm”. This should support licence holders, applicants and licensing boards to identify what they can do to reduce any negative impact from licenced premises on children and young people. Protecting children from harm has commonly been interpreted as preventing access to alcohol for under 18s, but there are wider issues. For example, the guidance should encourage licensing boards to take into account whether licenced premises are on a route to school or where there are child-focused facilities in close proximity to licenced premises. It should also mean that licence holders, applicants and licencing boards are made aware of and

understand, their roles in helping to protect children from the harm that can be caused by alcohol consumption.

It could also be recommended in the guidance – although it is not a statutory duty – that licensing boards allocate an equal proportion, for example 10%, of their resources to each of the five licensing objectives – with the remaining 50% allocated as they deem most appropriate and useful in their local context. This would encourage fairer allocations across all areas of interest. Implementing the Social Responsibility Levy would raise additional funds for these purposes, particularly if the Public Health Levy is not intended to be spent on these objectives.

Licensing Boards would also benefit from help and support on implementation.

Q3) Do you believe that Ministers should be required to report to the Parliament once per session, and what should such a report be required to cover?

We would agree that reporting should take place at least once per session. This should state how the licensing objectives have been achieved in the past year, include both the current and future allocation of resources among the five objectives and a brief description of what work/activity was supported with each allocation. It would be especially important for such reports to include evidence of outcomes, as well as expenditures and activities.

Restrictions on Alcohol Marketing:

Q4) Do you believe that the proposed restrictions on advertising are proportionate or necessary?

We agree that restricting alcohol advertisements in public places and cinemas is a sensible step to take, although the proposals could go further – for example, why not include the lobby of a cinema? As noted below, these restrictions should also be considered in relation to the sponsorship of sporting and cultural events, that reach children and young people.

Q5) Are there further measures you feel should be introduced?

We believe that alcohol sponsorship of sporting events and cultural events -- especially those primarily targeted at children and young people -- should be banned or significantly restricted where possible. Another issue involves restricting sponsorship of athletic and leisure clothing by alcohol producers/distributors, e.g. football jerseys displaying alcohol brands that are widely seen across media and at matches. We would, for example, welcome a ban on the alcohol industry sponsoring major sporting events, such as the Glasgow Commonwealth Games. Removing this is important if we seriously wish to “de-normalise alcohol for children”. We also welcome Scotrail’s recent announcement prohibiting the carrying and consumption of alcohol on some of its services.

Legislation restricting alcohol marketing should be encouraged, particularly to under 18s accomplished through social marketing, such as Facebook (as well as conventional means). We recognise, however, that these are not within the powers of the Scottish Parliament. The Scottish Parliament can however lobby the Westminster Government on issues of marketing and advertising. A recent Private Members Bill by Sarah Wollaston MP introduced the concept of adopting a similar system to the French Loi Evan.

Restrictions on alcohol marketing are not only beneficial in reducing children and young people's exposure to such messages, but also to society in general by de-normalising the advertising and marketing of alcohol.

Funds from the public health levy, or other preventative spending allocations, could be used on marketing campaigns targeted at reducing alcohol consumption and its negative impacts. Particular messages could be aimed at parents and carers to consider their own alcohol intake.

The Youth Commission on Alcohol¹ (Young Scot, 2010) recommended that steps should be taken to 'reduce the amount of advertising young people in Scotland are exposed to' and to 'ensure that the public sector clearly leads regulation of alcohol promotion in Scotland'. They also made a number of recommendations relating to social marketing. The findings of the Youth Commission are relevant to many of the issues raised in this proposed legislation and should be revisited and their implementation prioritised.

Caffeine Limit in Pre-mixed Alcohol Products:

Q6) Do you believe that there should be restrictions on caffeinated alcohol products? If so do you believe the proposed caffeine limit of 150mg/litre on pre-mixed products is appropriate?

The evidence suggests that this would be a sensible restriction to introduce to help reduce the consumption of caffeine levels alongside alcohol. Caffeine drinks are thought to be particularly appealing to young people with their branding and marketing reflecting this.² As the consultation notes, this will not prevent people from mixing their own drinks, but removing the small number of such ready to drink products from general sale could be beneficial, given the publicised links between such products and anti-social behaviour among their consumers.

Alcohol Education:

¹ http://www.youngscot.net/media/12177/syca_recommendations.pdf

²

<http://www.alcoholconcern.org.uk/assets/files/Wales%20factsheets/Mixed%20messages%20-%20final.pdf>

Q7) Is there a role for further alcohol education and public information campaigns in changing alcohol culture?

We believe there is a role to be provided by alcohol education and public health campaigns in changing Scotland's unhealthy relationship with alcohol, providing they are targeted and focused. For example, such campaigns should feature the impact of parental drinking on children, including during pregnancy.

Children and young people require education not only on the physical effects of using alcohol themselves, but also on, for example, parental alcohol misuse. Alcohol Focus Scotland's "Rory" resource is a good example of the latter. Where alcohol education is being delivered in school, teachers require good quality training and support from partners to deliver these messages, and an understanding of how it ties in with the health and wellbeing entitlement within Curriculum for Excellence. Teachers need to be prepared to standardise the messages they give out and information they provide, as well as to individualise the support provided to children who may be upset by such information. This need to include help with planning learning experiences which have potential to distress or disturb children where parents or family members may be alcohol dependent.

As before, it would be preferable for education and awareness raising not to be paid for, or sponsored by, the alcohol industry.

Q8) Would it be beneficial for Ministers to be made directly accountable to the Parliament for their policy in this area, as proposed?

Reporting to Parliament on progress should include being accountable to Parliament for action to be taken when progress is not sufficient and additional action identified.

Alcohol Discrimination Against Under-21 Year Olds in Off-Sales:

Q9) Do you support a ban on Licensing Boards requiring off-licenses to restrict sales on age-grounds alone, or are there circumstances where this could be justifiable?

We do not have a position on this – our members from a range of communities across Scotland may have differing views.

Community Involvement in Licensing Decisions:

Q10) Do you believe that community neighbours should be consulted and their views taken into account when licences are being renewed or extended or when special licences are being issued?

We would agree that community neighbours should be given the opportunity to have their views considered on licensing. This would, however, have to be an

opportunity widely known to the general public. There could be a specific requirement to consult with children and young people – especially where licenced premises are in proximity to schools or other child-focused facilities. The Youth Commission on Alcohol made a recommendation that young people should influence licensing decisions.

Q11) Do you believe that the New Zealand model is an appropriate one to emulate, if not what, changes should be made?

Further provisions could be made in terms of notification via newspaper and sign on the premises. Social media alerts and internet notices would seem a sensible addition to the ways in which community neighbours are made aware of licence renewals. Community involvement and consultation in planning and decision making is, in general, a positive and useful step to take.

National Licensing Forum:

Q12) Do you believe that there is a role for a National Licensing Forum in addition to the existing local forums? If so:

- ***Should it be funded through licensing fees or central Scottish Government funding?***
- ***What would its membership be, and who would appoint them?***
- ***To whom would it be accountable?***
- ***What would its functions be?***

Such a national body may be useful to share knowledge and learning, although there already exist opportunities to do this, (for example, the annual licensing conference). A role for children and young people in such a National Forum would be welcomed.

Alcohol Bottle Tagging:

Q13) Is there sufficient evidence to justify legislation allowing Licensing Boards to make participation in a bottle tagging scheme a licence condition, or are current voluntary arrangements adequate?

If such a system was in place locally, then it would be sensible for participation to be mandatory rather than voluntary. Otherwise, it would have limited impact.

General Questions

Q1) Do you support the general aim of the proposed Bill? (as outlined above). Please indicate "yes/no/undecided" and explain the reasons for your response.

Yes. As noted above, we believe that enhanced measures are needed to: reduce consumption of alcohol across Scotland; examine further the problems that cause people to drink to excess; and, develop robust and effective prevention efforts to reduce the harmful effects of unhealthy alcohol consumption. However, these measures and proposals, particularly those relating to criminal justice, only tackle part of the problem. They do not address why people drink to excess. There are many people who do not come into contact with criminal justice services, but have alcohol related problems. In many cases, they will also have children. We would recommend that in drafting a Bill consideration be taken of the recommendations made by Young Scot's Commission on Alcohol.

Q2) Are there further legislative (or non-legislative) changes that you would recommend, beyond those outlined in this consultation, in order to further its general aims of tackling Scotland's culture of excessive alcohol consumption?

The Scottish Parliament rightly stresses the importance of preventative spending. Investing in preventing fetal alcohol harm, also known as fetal alcohol syndrome (FAS) and fetal alcohol spectrum disorder (FASD), is required urgently. These terms describe a range of birth defects that can result from prenatal exposure to alcohol; causing permanent brain and nervous system damage affecting learning, behaviour and life chances. This should also be supplemented by a robust effort to identify and support those living with this life-long condition.

We feel that the Government should reconsider applying a Social Responsibility Levy to retailers of alcohol. Given the extra funds generated to retailers by minimum pricing, it should be implemented. Generated funds could be spent on measures to protect children from alcohol-related harm.

For more information please contact policy@childreninscotland.org.uk 0131 222 2412.

Children in Scotland is the national umbrella agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies and services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents more than 400 members, including most of Scottish local authorities, all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and Europe.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Government, local authorities and practitioners. It also services groups such as the Cross Party Parliamentary Group on Children and Young People (with YouthLink Scotland). In addition, Children in Scotland hosts Enquire - the national advice service for additional support for learning, and Resolve: ASL, Scotland's largest independent education mediation service.