



ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND

## Operational Policing Business Area

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Your Ref:  
Our Ref:

Date: 19<sup>th</sup> June 2012

Jake McLeod  
The Scottish Parliament  
Edinburgh  
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Dear Jake

### Consultation on Dr Richard Simpson's Alcohol Consultation Bill - Shifting the Culture

I write on behalf of the ACPOS Operational Policing Business Area Licensing Sub Group relative to the above subject and would offer the following comment for your consideration.

#### **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?*

Further discount restrictions may prove beneficial. It may further discourage some consumers from taking advantage of the multi pack option that they previously would have.

It is suggested that alcohol pricing should reflect the price per 10 millilitres; this would give a constant price over the range of products that are sold. It should not make any difference whether it is a bottle at 250 ml or a can at 500 ml; the price is a constant at XX pence per 10 ml. Different sized packaging should not be treated as separate alcohol products. This would ensure there was no financial benefit from buying in bulk.

There is a further argument that an option may be to provide discounts that are marginal. For example in relation to beers/ciders, one item 100% of cost, four items 95% of cost and twelve - 85 - 90% of cost. In this way you are likely to reduce binge drinking and bulk buying whilst bringing a degree of proportionality. The disadvantages are around the management and regulation of the pricing structure.

There also needs to be a better balance between on & off sales which would help with the problems associated with people 'pre-loading' on cheap alcohol purchased from off sales before heading out to the night-time economy. The trend developing within Scotland is to go out to our towns and city centres already under the influence of alcohol and this is down to being able to consume large quantities of alcohol at home (purchased with none of the supervision we expect in our on sales) for a much-reduced cost. The net effect is

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that the on sales and night time economy are at a disadvantage and often blamed for the late night drunkenness.

It will be argued that it is very subjective as to whether restricted pricing will have a tangible effect on reducing demand on frontline policing. In theory police officers experience a great deal of 'pre-loading' before people go to pubs and this obviously affects the end drunken state. In addition it is known that instances of Private Space Violence have been increasing with clear links to alcohol as a causation factor. On the basis of these two points it may therefore be beneficial if further discount restrictions were applied to take away the draw to off sales for perceived 'bargains'. Although it is argued that further restrictions may prove beneficial the 'consumer' has and always will access 'discount deals' from many other avenues such as internet sales, cross border travels or home brewing. The argument may be subjective with the impact difficult to quantify, however it comes down to a wider 'societal culture' issue.

Any increase in alcohol pricing will be viewed as another means of drink companies increasing profits and the government increasing tax revenue from sales. A question is posed whether there is scope for the increased revenue from restrictions on quantity discounting being used to tackle the alcohol problem?

There has been a plethora of legislative updates that retailers must be aware of and the complexities of this issue may be lost on some and not upheld. This is particularly relevant to those smaller retailers.

A further consideration may be that further restrictions may encourage large retailers in Scotland to take their business down south thus transferring their alcohol distribution business outwith the legislative provisions within Scotland.

Any measures taken to reduce alcohol consumption levels and improve health are a good thing. It may be that education is perhaps a better route opposed to continual price increasing and price restrictions.

Whatever further provisions deemed appropriate it is necessary to maintain a continual focus on market trends and this changing dynamic of price and availability.

### **Public Health Interest and Child Protection:**

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

The Scottish Health Action on Alcohol Problems (SHAAP) highlighted considerable variance in Boards' understanding and interpretation of the licensing objectives and in particular the public health objective. Improved understanding through Ministerial guidance should enable Boards to be more informed and sophisticated in tailoring policies promoting public health with a move away from considering operating conditions of individual premises to the bigger picture and policy issues across the Board area. Such guidance would also facilitate consistency of approach across board areas.

A common theme in the licensing process is the lack of awareness or involvement from the National Health Service (NHS) or General Practitioners (GPs). This proposal may be a way of assisting these players to understand their role better. It is acknowledged that the information held within these groups would benefit Licensing Boards at a 'policy' level.

However, it is also acknowledged that 'guidance' is merely that; it is not legislation. There is a risk and strong likelihood that Boards in different areas will interpret the guidance differently. The danger here is that you will have the Act operating differently in different parts of the country. There is no requirement to comply therefore there is also the risk that the guidance will be ignored altogether. There are examples of this and with no sanctions that can be taken against Boards who do not operate in accordance with the guidance; it is a bit of a 'toothless tiger'.

There is a need for Scottish Government to have more teeth in terms of Licensing Boards and how they operate and deliver. There is a case for Licensing Boards to have some form of national reporting mechanism, maybe through Single Outcome Agreements (SOA) or the Community Planning Partnerships (CPP). There is a requirement for a more outcome-focused approach with balance for all parties.

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Licensing Boards appear to be focused on individual applications rather than the wider issues of alcohol articulated by Scottish Government, Health, Police and the wider social community. There may be a case for Licensing Boards to report on their outcomes to parliament.

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?*

Opinion is that yes there should be a requirement to report as this would ensure a top level strategic oversight/scrutiny which would in turn allow for a healthy feed of best practice or identification and action of common issues being fed to local boards and local policing areas. This would enable Scottish Government to monitor whether their strategic direction is being implemented at a local level, through Licensing Boards.

It is suggested that if Ministers were required to report to parliament once per session, it would also enable parliament to monitor the implementation of the licensing objectives, which are still a relatively new concept. The report should include an overview of the direction taken by each Board in relation to their policies, upholding of objectives, identify areas of best practice, outline the justification for decisions outwith policy and inform the evolution of the 2005 Act.

Such reporting would assist in the removal of ambiguity and would be beneficial if provided on a regular basis, particularly on the health agenda. It is anticipated that this continual reporting would provide clarity for the police, public and licensing boards.

### **Restrictions on Alcohol Marketing:**

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

It is recognised that there is a need for a cultural change in terms of how alcohol is viewed in Scotland and 'de-normalising' it for children is of paramount importance. There is a need to take alcohol out of the consciousness of young people. The best way of achieving this is through education and parental influence. There is no doubt that alcohol is not an ordinary product, and as such should not be treated or advertised as though it were.

The manner in which alcohol is presently advertised inevitably appeals to children. The need to restrict advertisement of alcohol products in respect of specific venues or places is recognised and understood. A reduction in a child's exposure to alcohol advertisements may also lead to a reduction in their propensity to consume alcohol, as France has proved.

Some academic studies clearly show that people are 'subconsciously influenced' by various aspects of the media and therefore any restrictions applied can and/or should be tested to see if there is any longer term impact on Scotland's Alcohol culture and whether that has a consequential impact on frontline policing.

It is agreed these restrictions are proportionate and necessary and would contribute to the "protecting children from harm" objective. A reduction in advertising is seen in the context of one of a number of complimentary measures. It is agreed that advertising that is aimed at young people should be restricted.

Consideration also requires to be given to the wider terms of advertising on Social Network Sites, recognizing that this becomes complex in terms of challenge.

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

It is suggested that whilst broadcasting is a reserved matter alcohol advertising on television and radio should be debated nationally to address common issues. There appears to be an anomaly between advertising in cinemas and television. It may be that restrictions could be put in place for a watershed for advertisements linked to alcohol.

Many alcohol companies sponsor popular television programmes (i.e. Friends is sponsored by a wine manufacturer). Should the watershed apply to this? Young people are more likely to see this type of alcohol advertising rather than paying attention to a billboard, on a bus etc.

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### **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?*

It is acknowledged that ingesting a stimulant and depressant into the body at the same time cannot be good for health reasons. This could lead to individuals behaving in a manner out of character, affecting not only their health but also criminal liability.

Young people are aware that mixing these types of products helps them to stay awake and drink for longer, however, banning 'pre-mixed' caffeinated alcohol products would not address this issue as young people would inevitably mix these themselves. Whilst it would be good practice to limit the amount of caffeine in pre-mixed drinks a consistent message should be given in relation to both on and off sales premises. The same issues are manifested whether someone drinks a pre-mixed drink at home or someone enters on sales licensed premises and orders a spirit with an energy drink. Consistency of message through education is required.

The evidence provided within the report is limited and on a wider basis there does not appear to be any published academic studies that show a correlation or links caffeinated alcohol products and crime and disorder. As such I would suggest that a wider data capture would need to be completed before any moves on this are made.

### **Alcohol Education:**

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

In addressing the damage that alcohol dependence causes a society and to prevent misuse amongst young people effective intervention at an early age is essential. Targeted messages will provide awareness but will also help to highlight a problem from where help can be offered from associated services. Education plays an important role in helping to ensure that young people are equipped with information they need to make informed, healthy decisions and to keep themselves safe.

Schools have a statutory duty for the wellbeing of their pupils and the Curriculum of Excellence (CfE) supports this through the Health and Wellbeing strand. It is anticipated that any messages in connection with reducing the number of young people misusing alcohol and drugs, and improving life chances may in turn reduce the likelihood of individuals developing problematic use in the future. In line with the CfE and the ethos that all children and young people have different experiences these inputs should be delivered through associated community partners including NHS, police, substance misuse services etc. This approach would maximise the contribution of the wider community but in addition be able to draw upon specialist expertise.

All Scottish Forces have a number of policing strategies addressing drug and alcohol misuse recognising the benefits of supporting parents and children during their early years as being both beneficial and cost effective.

It is important that all agencies contribute to create more choices and chances for young people to develop the skills needed to make positive lifestyle choices in relation to drug and alcohol misuse, through education in schools and communities and early intervention. There are opportunities to ensure the best material and advice is being provided on a national basis.

People and social groups interpret messages differently. There is also a need to ensure young people are getting the correct message at home about alcohol consumption and how to enjoy alcohol sensibly. Parents require the correct tools and information to help encourage them to raise the topic of alcohol and be confident in speaking to young people about alcohol and risks associated with misusing it. This would help support the information provided at school.

ACPOS is very much supportive of the local education approach and also with various local Community Safety initiatives being run. Any role-out of a more 'joined up' education program across all ages would be welcome.

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Education and intervention can only assist in changing the attitudes of children towards alcohol in Scotland. Increased campaigns should keep the dangers of excessive alcohol consumption at the forefront of everyone's minds.

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

The role of Ministers is a vital one in terms of governance; by their very position they play a key role in policy making. To emphasize the importance of the subject each level of accountability would enhance a duty to inform and explain to the public to which we are all accountable. This would ensure that the implementation of government policy is being properly evaluated so that changes can be made where necessary.

ACPOS supports Ministerial accountability that will ensure the policy in this area remains a priority.

### **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?*

It is considered that there are sufficient measures in place to deal with under age drinking. In particular "Challenge 25" is enshrined in legislation through the requirement for an Age Verification Policy, to ensure that only persons over 18 years, on production of approved identification, can purchase alcohol. However there are already challenges and loopholes identified within the legislation such as a written policy is not required, neither is the requirement to implement the policy. There is also an inherent lack of knowledge within the licensed trade and general public around the requirement to demonstrate age when under 25 years. The reinforcement of "Challenge 25" would be beneficial with media advertisements on domestic television and radio. The promotion of the "Challenge 25" policy in this manner would heighten awareness amongst the public and trade alike.

The options open to Licensing Boards are varied, but not all are being adopted. It is important that every case is looked at on its own merits. However if there is sufficient evidence to support a view that a premises is constantly selling alcohol to under-age persons, then short of suspension or revocation of a licence a Board may well be justified in imposing a restriction on the sale of alcohol to certain age groups or during certain times.

The imposition of area or locality bans does not sit comfortably on the basis of the information provided within the report and particularly that feedback from pilot area's does not show any particular impact on Police incident figures. There is a question around the impact such bans have.

This would need a wider study in a more heavily populated area to assess impact before justification of further rollout could be applied. In the meantime, it is important that boards have clear and consistent parameters to operate within and I would perceive dangers in such bans being applied, with youth convergence on other areas etc.

There is a case for greater scrutiny by Licensing Standards Officers (LSOs) in terms of compliance with conditions of the licence, including Proof of Age schemes and self-regulation, but with governance provided by Licensing Boards. Current provisions permit LSO's to identify issues in terms of compliance, with Boards imposing restrictions on the licence should this be appropriate. These measures are considered sufficient.

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### 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?*

It is essential that the Communities have a say where licenses and the impact around them are concerned. Whilst there are provisions within the legislation for community consultation these appear, in part, to fall below what was intended.

The proposal makes reference of the Local Licensing Forum. Whilst they have a statutory role to keep under review the function of the Board, they cannot comment on individual applications. The intention being that the local community representatives would have a voice, and be able to influence Board policy and decisions of a general nature. In practice the Forums are still finding their way and rarely is there a 'community' input, rather the professionals at the meetings, including the licensed trade, have the strongest voice. The Forum does, and quite rightly, influence policy.

There is a statutory requirement for Boards to intimate notification to neighbours within four metres. This is such a short distance that communities are often unaware of, or unable to comment on applications.

Boards are required to advertise applications for Occasional Licenses for a period of fourteen days following receipt. These tend to be at the higher volume end of business and can be problematic. The adverts normally appear on Council web sites and may well be some time before the event, which means they are often not seen by community reps etc. The notification system is not working as intended with very few opportunities for communities to comment.

There is scope to widen the consultation process when looking at policy, to maximize existing channels through Community Council, Elected Members or Police Community Engagement meetings, feeding information to the Local Licensing Forum.

There is also provision within the legislation where "any" person can apply to the board to review a premises licence, which allows individual problematic premises to be addressed.

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

The only issues we have with the current model are the objection periods can be problematic to adhere to, particularly with occasional licenses which is only 7 days. We see no need to emulate the New Zealand model as the current model works.

### 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?*

Opinion is divided on the value of a National Forum. Such a Forum would only be of benefit if it had sufficient powers to make meaningful changes. At present Local Licensing Forums are struggling to flourish in certain areas of Scotland owing to a general apathy and feeling of being powerless to make changes.

Some would argue that there is no need for a National Forum per se unless it is to assist and encourage Local Forums, whose responsibility is to keep the licensing system in the Forum's area under regular review and to

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make recommendations to the Licensing Board in relation to matters of concern, at a local level. There is no requirement for Licensing Boards to accept these recommendations.

A wider National Forum could undoubtedly add a more powerful 'voice' and consider common issues nationally allowing for a more consistent local approach.

Membership of a National Forum should mirror that of Local Forums; i.e. police, fire service, health and licensed trade, however there should also be a central government representative to take issues forward, whether these be legislative or otherwise.

A National Forum could be accountable to the Health or Justice Secretary. The National Forum should establish clear and direct lines of communication with Local Licensing Forums to allow the Local Forums to feed into the National agenda and vice versa.

Its function would be to help promote understanding of national issues in relation to the operating of the Act and to keep the Act under review; to ensure delivery of consistency in training, advice and guidance; to monitor performance; to provide Scottish Ministers with advice to the improving the efficiency of the Act and to identify any legislative improvements to be considered.

### **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?*

Bottle Marking Schemes have operated across Scotland to varying degrees. In one policing area bottle tagging helped to identify specific shops who would seem to have a high turn over of bottles which are found in the possession of minors, or bottles which are found within "drinking dens".

In another area the majority of off-sales premises participated, but with no supermarkets or on sales taking part. Supermarkets will argue that due to the volume of sales it would be impractical for them to mark every bottle sold. Checks undertaken at one off sales identified a 'participating' shop was not marking their bottles. During the scheme there were no recoveries of marked bottles from youths in the area. It was impossible to accurately or properly evaluate the scheme. There is no evidence that it had any significant effect on the supply chain. There are no figures to support any claim that the scheme was a success. It is believed that the scheme had little or no impact.

Another Force was of the view that the scheme is a good marketing tool and helps raise awareness within local communities on issues attached to young people being given access to alcohol. The scheme required funding, which was problematic, and buy-in from licensees, together with support from the police. The Force did not believe that the scheme addresses long term issues and is more of a short-term measure to tackle issues of anti-social behaviour and alcohol issues relating to young people. The view was that these types of initiatives should stay as voluntary projects.

There is a proportionality question around the whole workings of the scheme and there is significant time and effort from the trade and police to implement. When this is balanced against the actual return or results there is a dubious question around 'how proportionate/effective the scheme is'. The scheme is seen as only ever being used as a localised 'action theme' and 'tool to educate and target a particular problem' and not as a routine on-going initiative.

A more pressing issue is that of 'proxy purchasing', where adults are buying alcohol and supplying to youths.

The experience of the Scottish Police Forces does not support the claims made within the bill proposal. There is little evidence to support the idea that this would be a worthwhile policy.

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### **Alcohol Fine Diversion:**

Q14) *Should Fine Diversion be made available, on a statutory basis, throughout Scotland, if the further pilot is successful?*

A number of Scottish Forces have operated, and in fact continue to operate alcohol diversion schemes. Fife is looking to expand their scheme as a consequence of its success. The Fife Alcohol Diversion Scheme is a joint initiative between Fife Constabulary & Fife Alcohol Support Service (FASS). It offers a brief intervention, in the form of an awareness raising/educational initiative, which has been highlighted by the World Health Organization (WHO 2010b,c) as being one of a number of effective means to tackle alcohol-attributable problems. Moreover, it targets individuals whose alcohol consumption is problematic (i.e. resulting in anti-social behaviour) and for whom early intervention has the potential to reduce drinking levels.

The Fife experience is that this has been a positive initiative addressing alcohol consumption through Brief Intervention that can only help the individual to change their behaviour leading to improvement in health & community safety

For the period Sept 2010 – Sept 2011 Fife recorded the following results:

- 1,389 individuals referred to FASS
- Of those 394 attended the sessions = 28% attendance rate
- 38 of those 394 have re-offended = 9.6%
- Of 394 randomly selected persons who were offered but did not attend a session, 88 people had re-offended = 22.3%
- 955 males aged 16-25 were referred with 233 attending = 66%

I would support the expansion of this scheme and if similar positive outcomes are recorded, consideration of the scheme becoming a statutory route for referral of suitable individuals.

Lothian and Borders Police are currently undertaking work which has been developed through their Alcohol Blueprint, the aim of which is to effect attitudinal change, influence the wider criminal justice system and provide an evidence-based approach to alcohol interventions. A component of this work concerns Legislative Management, aiming to "Make use of all legislative powers available to courts and relevant partners". The Alcohol Diversion Scheme is currently under consideration by the Force

The Scottish Police Service supports the Alcohol Diversion Scheme as a means of reducing the negative impact of alcohol abuse by assisting individuals to change their behaviour.

### **Alcohol Arrest Referral:**

Q15) *Do you believe that Arrest Referral schemes for Alcohol (as well as Drugs) should be a statutory requirement within each Community Justice Authority area?*

Following the success of the Fife Alcohol Diversion Scheme the Force are working with the Procurator Fiscal on a further referral route, stopping people from going through the criminal justice system and diverting them to an early alcohol brief intervention, therefore tackling the main issue of substance misuse.

The Alcohol Diversion From Prosecution (ADFP) initiative is being progressed between the Procurator Fiscal Service, Fife Alcohol Support Service (FASS), the Criminal Justice Social Work Department and Levenmouth Police. This unique pilot will offer the option to low level offenders of attending an intensive six-week programme on alcohol awareness as an alternative to prosecution. The Procurator Fiscal will recommend potential individuals for the scheme based on information from police and partners. This is designed to target first time or low level offenders who have serious alcohol misuse issues. Habitual or known criminals will not be referred. Should the offender fail to complete the course they will be referred back to the Procurator Fiscal for prosecution on the original offence.

The aim of this initiative is to address alcohol consumption and its effects on the community in relation to low level anti-social behaviour and other alcohol related offences. The intention is to change the person's

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behaviour and attitude towards binge drinking and reduce the chances of becoming a future victim or offender in the criminal justice system. The scheme will run over a six week period and attendance will be mandatory. The objectives are to improve the person's health, reduce the opportunity of them becoming a victim or offender and to reduce binge drinking and alcohol misuse leading to crime. The initiative is to operate within the Levenmouth area for six months. Once the outcome of this initiative is known there may be a stronger case for supporting Alcohol Arrest Referral Schemes.

The Scottish Police Service acknowledges the benefits of and supports such schemes as they not only improve the person's behaviour but also have a positive impact on families and communities as a whole. However there are concerns over funding. There is a need for a clearly defined funding stream linked to provision of a service, which meets the demand and need within communities.

### **Drinking Banning Orders:**

*Q16) Should drinking banning orders be introduced in Scotland? If so should they be piloted in one Sheriffdom?*

The courts are already empowered under section 94 of the Licensing (Scotland) Act 2005 to impose an exclusion order on any person convicted of a violent offence on or in the immediate vicinity of licensed premises. In addition the holder of the premise licence in respect of the premises concerned may apply to the sheriff for an order prohibiting the person entering the premises. It may be that this power could be extended to include Banning Orders for less serious levels of offending, with the ability to apply extended to Licensing Authorities.

There would be a concern if Banning Orders were restricted to cases where there was a conviction, as a high number of low level offending, including those that are alcohol related, are being addressed through non-court disposals, such as Procurator Fiscal Fines and Warning. Such outcomes should also be able to consider Banning Orders.

It is appreciated that the judicial system does not fully appreciate the powers already available to them under the current legislation and a fuller understanding would be required if banning orders were to be considered.

The accurate recording of banning orders is essential and this could be achieved through the Criminal Justice Recording process, however informing the appropriate licensed premises may be more problematic. Not all areas have effective PubWatch Schemes. Should this notification be the responsibility of the Licensing Authority through the Licensing Standards Officers?

It is acknowledged that such orders are not appropriate for vulnerable people such as those dependent upon alcohol, or those Drunk & Incapable who would benefit from the assistance provided by the care or health professionals.

There is agreement that such proposals should first be piloted in one Sheriffdom in order to fully assess the demand and impact.

### **Alcohol and Drug Treatment and Testing Orders (ADDTO)**

*Q17) Do you believe extending DTTOs to become ADDTOs would add value to the existing range of disposal? What differences of context between drugs and alcohol would need to be taken into account?*

From the evidence provided this does seem a worthwhile proposal. Alcohol is widely recognised as the most problematic "drug" and the statistical information provided in the report points towards the need for DTTOs to be extended to ADDTOs. The only difference in context between alcohol and drugs are the treatments available and how they are administered. Drugs and Alcohol are addictive and ADDTOs would allow those who suffer from alcohol dependency the support to battle their addiction.

There would be a need to ensure that services could cope with the demand that may be put upon them. Funding for such a service provision may also be an issue.

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### Alcohol Offences Information Sharing

Q18) *Do you believe that notifying a GP about a patient's conviction for an alcohol-related offence would be beneficial? Should it apply only in cases of conviction, or in other circumstances as well?*

Whilst understanding the reasoning behind this proposal there are serious concerns whether it would achieve the desired positive outcome. If the notification to GPs was to await the outcome of a court conviction, this may come several months, if not years, after the event and the impact of intervention would therefore be drastically reduced.

Even if notification was based upon a lower level of sanction such as non-court disposals it is still dependent upon the accused providing the name of their GP. As the document states the intention is to address the issue in a 'non-confrontational way' however, if the GP discloses data provided by the police or court system this may not be well received by the patient.

Where the accused (or patient) fails to provide the name of the GP it is proposed that notification would be provided to all GP's surgeries within the area where he resides. It is envisaged that this could be hugely bureaucratic with sensitive personal data possibly circulating uncontrolled and accessible to persons to whom it should not be.

It is believed that those persons who have alcohol related problems that are regularly coming to the attention of the police, are probably already well known to the medical profession. If they are not there are probably other ways of sharing this information, potentially through the work of Police Force Medical Examiners.

ACPOS cannot support the proposals as they currently stand within this document.

### 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 – The proposed Bill seeks to improve how we deal with alcohol related issues and provide a more robust intervention scheme aimed at problematic drinkers. Alternatives to prosecution, DBO's and ADTTO's are all worthy of further exploration. Any measure that attempts to address alcohol misuse and change people behaviour can only be a positive thing. It is important that we change alcohol behaviour and consumption in Scotland to help reduce impact on services and local communities.

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?

No

Q3) What is your assessment of the likely financial implications (if any) of the proposed Bill to you or your organisation? What (if any) other significant financial implications are likely to arise?

There will be an increased burden on the Police Service if the notification and consultation proposals are supported. Furthermore the renewal of premises licences would increase the administrative burden, which is already considerable.

The notification to GP's for alcohol related offending would also increase workloads as would the monitoring of DBO's. The financial implications of ADTTOs on service providers could be considerable given the time and effort to manage these proposals and would have to be considered.

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Q4) Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?

ACPOS has not identified any positive or negative implications for equality.

In conclusion ACPOS are fully supportive of proposals that assist in 'Shifting The Culture' to improve Scotland's relationship with alcohol, within the context of this response.

Your Sincerely



Tom Ewing  
T/Assistant Chief Constable  
Fife Constabulary  
ACPOS OPBA Licensing Portfolio Holder

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