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Mr Jake McLeod
The Scottish Parliament
Edinburgh,
EH99 1SP

Dear Mr McLeod

Reference: Lanarkshire Alcohol & Drug Partnership Response to Consultation Questions on 'Shifting the Culture'

Thank you for the opportunity to respond to the consultation questions posed within Dr Simpson's proposals to introduce a Member's Bill (The Alcohol (Public Health & Criminal Justice) (Scotland) Bill). Our response may be found in Appendix 1.

Please note that all ADP partners participated in the consultation, including NHS Lanarkshire, North and South Lanarkshire Councils and Strathclyde Police. As evidenced in Appendix 1 the aims of the proposed Bill are generally supported by Lanarkshire ADP members.

We do however have reservations about the financial implications of the proposed Bill. There is a level of concern that should ministers be held accountable for alcohol policy as described, this accountability is likely to be devolved to health boards and local authorities who may have to devote significant additional time and resources to support implementation. We would respectfully suggest that a full financial appraisal is considered prior to any agreement to pass this Bill.

Please do not hesitate to contact me should you require any additional information.

Yours Sincerely

Mr Colin Sloey,
Director, North Lanarkshire Community Health Partnership

Appendix 1: Responses to Consultation Questions

Q1: Do you think the further restriction on quantity discounting proposed would be beneficial? What advantages might there be?

Yes, however there are certain caveats to consider in relation to this. The proposed restrictions may be difficult to implement as, for example, discounting would be allowed between the same products in different containers. Furthermore it would be complex to monitor, so supermarkets may be likely to subvert them. Even with the new proposal, retailers will be able to sell cases of 12/15 bottles or cans of alcoholic drink for prices as low as £7.

It is also believed that it is irresponsible to have no restriction on price differentials between different alcoholic drinks as in the example of a store selling its own brand of four pack lager for less than four times the price at which it sells individual. The introduction of minimum pricing has the potential to complement this action, however this raises the issue of unintended consequences of any income raised going to retailers of alcohol rather than into the public purse.

Do you think there is a case for going further?

Lanarkshire ADP strongly support the proposal by Alcohol Focus Scotland that to address the possibility of imposing a levy on those who profit the most from the sale of alcohol and use the income for more hard hitting educational programmes for example, or approaches to prevent alcohol misuse and to deal with the harm caused by alcohol.

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

Yes. In Lanarkshire ADP's present strategy there are clear statements of intent in relation to delivering public health outcomes and supporting the concept of Getting It Right for Every Child (GIRFEC), as well as stating some of the challenges that exist in doing so and the partnership approach that will be employed to achieve this. ADP therefore believes that any guidance issued on the two licensing objectives would be beneficial in raising prominence and perhaps contribute to system efficiency. It is anticipated that if guidance is provided it can only act to enhance our contribution to our local single outcome agreement and ultimately to good practice. It is believed that guidance on over provision may be helpful and could support legal challenges, although acknowledgement is made of the difficulty in defining this at a national level.

This only serves to enhance some of the recommendations regarding guiding principles set by the Nicholson Committee in relation to the promotion of public health and the protection of children from harm and will act as a robust support to local licensing boards in their decision making.

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?

No, from an ADP perspective it is believed that whilst monitoring their application would be crucial and a report on the *enforcement* of their application helpful, generally the opinion is

that it would not be necessary for Ministers to report to Parliament once per session as reporting is not necessarily successful. However, reviewing difficulties and barriers in tackling over provision and supporting to overcome this would be essential if guidance were to be issued.

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

Yes - we believe the proposed restrictions on alcohol advertising particularly restrictions targeted towards children and young people are fair, proportionate and necessary. From a Lanarkshire perspective, underage drinking amongst 13 and 15 years olds is problematic. Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) data shows 13 and 15 years old drinking alcohol has reduced significantly over the past 6 years. In 2006, 53% of North Lanarkshire 13 year olds stated they had drunk an alcoholic drink, falling to 41% in 2010. In South Lanarkshire, this was slightly higher with 57% of 13 year olds in 2006 falling to 44% in 2010.

The situation is more problematic for 15 year olds where 2006 figures for North and South Lanarkshire show around 85% had had an alcoholic drink. These figures have fallen to 77% in both North and South Lanarkshire in 2010. However, a key discrepancy is the fact these are figures from 13 and 15 year olds who are *self-reporting* and based within a school environment; it is likely the actual numbers of 13 and 15 year olds having tried an alcoholic drink are actually higher especially amongst those who have left formal education. Although local SALSUS figures demonstrate overall reductions, there is still need for further work to be done at the local and national levels.

Lanarkshire ADP works towards the principles of the *Getting It Right for Every Child (GIRFEC)* policy to ensure children and young people in Lanarkshire are safe, healthy, achieving, nurtured, active, respected, responsible and included. Although Lanarkshire ADP cannot restrict advertising that is publicly viewable to children and young people, by working with schools and children and young people affected by alcohol misuse in the home, steps can be taken to de-normalise alcohol at the Lanarkshire level. Therefore, proposed restrictions on alcohol advertising that will assist in this de-normalisation process are necessary and would be welcomed at both the national and local levels. Examples that could be included in the proposals are areas such as sports grounds where highly viewed events such as football and rugby games do not promote alcohol with a logical restriction applied regarding kits that players wear.

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

Yes, Lanarkshire ADP strongly believes further measures should be introduced. Although the "*Shifting the Culture*" proposal sets out detailed and impacting measures, we believe there are additional measures that require further pursuing. Firstly, in line with "*Changing Scotland's Relationship with Alcohol: A Framework for Action*" (2009) there is greater need for the Scottish Government to urge the UK government to develop UK-wide approaches for alcohol advertising. In agreement with this framework, Lanarkshire ADP would like to see all alcohol advertising targeted that can be viewed by children and young people.

These avenues include advertising on television (particularly pre-watershed 9pm advertising), new media (including online, mobile telephones, apps, and other web-based avenues) and advertising in cinemas. Secondly, Lanarkshire ADP agrees with NHS Scotland's Outcomes Framework to ask for a cost-benefit analysis to be conducted to examine whether

a complete ban on alcohol advertising, and therefore eliminating all exposure to alcohol marketing, would benefit children and young people.

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?

Yes, Lanarkshire ADP believes there should be restrictions and that a restriction of 150mg/l caffeine in pre-mixed alcoholic drink is appropriate and justified within a national context and with the references to the Danish limit “with the aim of encouraging reformulation of such products and prevent the proliferation of new ones”.

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

Yes – we believe there is a significant role for further alcohol education and public information campaigns in changing alcohol culture in Scotland. It is the belief of Lanarkshire ADP that no single policy measure or approach can change the face of problems or attitudes related to alcohol when applied in isolation. A cultural change can contribute to the level of alcohol consumed as well as individuals taking personal responsibility for their own drinking behaviour. Fostering a sense of personal responsibility is dependent on an individual's understanding as to how much alcohol they are drinking and the associated risks of this behaviour. In order to make any healthy choice regarding this, people need access to reliable information about alcohol and its effect. Education has made a huge difference to drink driving in the UK, changing both attitudes and behaviour significantly over the last thirty years.

Education campaigns and hard-hitting advertisements, combined with robust enforcement of the law, changed the culture. Consequently, the number of people killed in drink-drive accidents each year has fallen by over 60%. Education can have a similar impact on our harmful drinking.

The Cochrane review of Brief Interventions in Primary Care, (2007) points out that with approaches such as Alcohol Brief Interventions, (an approach that can be deemed to be educative and contain public information) the intervention itself includes and offers feedback on alcohol use and harms, identification of high risk situations for drinking and coping strategies, increased motivation and the development of a personal plan to reduce drinking. While these approaches may not always result in behaviour change, they can be considered as necessary in informing individuals and equipping them to make decisions about their own drinking. There is also the additional potential for providing information about alcohol that may help parents address the issue with their children.

Providing information and teaching skills represents a crucial component of an integrated approach to promoting responsible alcohol consumption and enabling individuals to make informed choices about their drinking. Alcohol education on its own cannot achieve all the results that are desirable for an effective policy. When integrated into a balanced policy approach that weighs rights and responsibilities and combines regulation with initiatives intended to minimize harm, however, alcohol education is a useful prevention tool.

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

Yes, Lanarkshire ADP supports the notion of the benefit of Ministers to be made directly accountable for this policy area as part of the management of change referred to in our alcohol culture in Scotland. ADP believes that outcomes will need to be realistic with evidence of a shared vision and the commitment that this brings. As with other policies, ADP believes that a mix of *downstream* interventions such as legislation, information provision and *upstream* interventions that involve the development of community networks can build on cultural capital and contribute to achieving cultural and social change

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?*

No, Lanarkshire ADP is not in favour of supporting a ban as the evidence to date is very limited and is thought unlikely to be supported by the public. If implemented, this could then lead to older individuals purchasing for younger individuals below the ages deemed legal. There is also the potential that this action supports a stereotype attitude that perceives alcohol use as a young person's problem.

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

Yes, it is the belief of Lanarkshire ADP that it is crucial to consult local communities when licenses for alcohol premises are being renewed or extended. In accordance with the recommendation of Alcohol Focus Scotland and SHAAP's *Rethinking Alcohol Licensing 2011*, licensing boards should publish detailed information about licenses in force in their area for the better monitoring of licensing, consumption and harm trends to inform policy formulation and to equip local licensing for community groups and others wishing to engage in the process of shaping the local environment. Furthermore due to the strong evidence showing the relationship between the overall availability of alcohol and indicators of public health, licensing policy needs to take into account the aggregate effect of licensed premises on public health.

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

Yes, Lanarkshire ADP believes that the New Zealand model of local advertising of license renewal may be appropriate. Within Lanarkshire, existing forums can be used as mechanisms for engaging with communities such as Public Partnership forums and community forums. The main concern is that there are mechanisms in place where community members' views are considered. It is not so much of an issue to emulate the model but to emulate the principles of engagement applied.

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?

No. If the functions of a national licensing forum are unknown and unclear, Lanarkshire ADP raises the question as to why a national forum is sought as we believe that the present system of local licensing forum is sufficient in relation to the purpose and role of the forums, namely to keep under review the operation of the licensing system in their area and to give advice and recommendations to the licensing Board. The inclusive approach of licensing forums in existence ensures the balanced representation of all constituents of interest. Presently all local licensing forums are encouraged to adopt an innovative approach to engage local communities involving housing associations, community councils and other local organisations. The limitation of the local forums however is that they can only comment on the board's exercise of their functions and cannot influence national issues, however most communities are interested in exactly that, local issues. Local and current forums do require ongoing development

Alcohol Focus Scotland has and continues to provide guidance on training for local forums and local ADPs can support both local forums and Boards and contribute to any national policy or legislation requiring input from local groups. This avoids the issue of accountability raised by having a national forum and governance issues that accompany this.

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

No. Lanarkshire ADP believes the current voluntary arrangements are adequate.

Q14: Should fine diversion be made available, on a statutory basis throughout Scotland, if the further pilot is successful?

Whilst we would support the proposal to introduce Alcohol Fine Diversion, Lanarkshire ADP believes it important to evaluate the current pilot to establish its effectiveness before rolling this out across Scotland. Further clarity is required on how it will be implemented and the interface it will have with the third sector and statutory substance misuse services.

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?

Yes. Lanarkshire ADP acknowledges that having a clear evidence base making such schemes a statutory requirement is a good idea; however, it raises significant resource implications. It will be important to establish "outcomes" from the scheme, too often these schemes have been developed on the basis of "outputs". Due to the very nature of these schemes it can be extremely difficult to assess outcomes that are reliant on individuals engaging beyond their initial arrest. In order to avoid a post code lottery, it will be important that there is consistency across Scotland how these schemes are implemented and reported on.

Q16: Should Drinking Banning Orders be introduced in Scotland? If so should they be piloted in one Sherriffdom?

We at Lanarkshire ADP are concerned that Home Office Guidance suggests that Drinking Banning Orders may not be suitable for people who are vulnerable and suffering from drug or alcohol dependency, or mental health problems. The vast majority of the people within the substance misuse field are likely to be vulnerable due to their dependency, thus would be concerned that these orders will be made without a full background history leading to breaches of Orders that were inappropriate in the first instance. We would be concerned that the Police may be unable to monitor these Orders due to resource implications. Lanarkshire ADP suggests consideration be given to piloting these Orders to determine whether they are applied correctly.

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

Community payback Orders were introduced to achieve amongst other things, a simplifying of the criminal justice landscape and the disposals that were available to courts, thus making options more understandable and straightforward. In this context serious consideration needs to be given before the introduction of any new sentences. The Drug Treatment and Testing Orders (DTTO) in Scotland support high tariff offenders to break the cycle of reoffending and help to address their correlated drug misuse via accessing specifically tailored and closely monitored treatment packages by Sheriffs and multi disciplinary teams. Lanarkshire ADP is of the view that the DTTOs are only effective for those offenders who have a direct co-relation between their offending behaviour and drug misuse and are motivated to change their life styles, and their circumstances are conducive for change. From a Justice Perspective the mechanisms to introduce ADTTOs are already in place.

Whilst we are supportive of the introduction of the ADTTOs and see them as a useful adjunct to the existing range of disposal, the profile of dependent alcohol users differs from illegal drug users. Many would not see themselves as belonging to the same "social grouping" as those who abuse illegal drugs and deemed suitable for a DTTO. Furthermore, differences would arise in addressing the medical consequences of alcohol excess versus drug misuse, e.g. less emphasis on harm reduction in terms of blood borne viruses and more on harm reduction to families and communities through changing their perception of a safe level of alcohol. It is important that the criteria for an ADTTO are robustly implemented as the scale of alcohol misuse dwarfs drug misuse and limited resources will require to be directed in a targeted way.

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?

No. Lanarkshire ADP does not believe that there is any added value of this initiative. The concerns raised by ADP regarding this are that GPs may be flooded with information with no requirement for them to take action on the information that they receive. Such an action could potentially create a problem for the relationship between the patient and the GP. Although the GP may have an opportunity, on the basis of being aware of the conviction, to confront the individual and effect behaviour change, the relationship between patient and GP is separate from any criminal proceedings and potentially complicates any future

requests for medical information as, were the GP to be informed, s/he would have to declare this information, e.g. employment, adoption requests, insurance.

General Comments

The general aim of the proposed Bill is supported by Lanarkshire ADP. As suggested within the context for the current proposal, many of the proposals outlines serve to complement measures of a comprehensive approach reinforced further by questions raised and responses provided. Lanarkshire ADP would additionally like to see a consistent, sustained social marketing campaign, similar to previous seat belt and smoking campaigns that emphasise the importance of safe drinking levels. In relation to financial implications of the proposed bill, there is a level of concern that should Ministers be held accountable for alcohol policy as described in this proposed Bill, this accountability is likely to be developed to health boards who may have to devote significant time and resources for its implementation. This is not to disparage the proposal but simply to emphasise that its effective implementation may have resource implications.