

Dr Richard Simpson MSP  
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Scottish Parliament  
Edinburgh  
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Date 27 June 2012  
Your Ref  
Our Ref

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Dear Dr Simpson

**NHS Forth Valley response to alcohol consultation bill ‘Shifting the culture’**

Thank you for the opportunity to respond to the paper ‘Shifting the Culture’ containing a draft proposal for legislation about alcohol from both a health perspective and a criminal justice perspective.

I am submitting the following comments as Director Of Public Health in NHS Forth Valley on behalf of NHS Forth Valley.

**Questions by Section**

**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?

No. Now that the minimum pricing of 50p per unit has been passed I do not feel that there will be a need for further restriction on quantity discounting as alcohol will not be able to be sold at a price less than the minimum price per unit.

**Public Health Interest and Child Protection:**

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

Yes. The guidance on public health interest should specify that all licensing applications be accompanied by an estimate of the annual sales of alcohol from that outlet in units of alcohol. This will allow licensing boards to have a rough idea of the amount of additional alcohol being released into the population the license represents. They will then be able to make informed decisions and better fulfil their duty to protect public health.

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. This would add an unnecessary layer of bureaucracy in the absence of evidence that this would result in any change

**Restrictions on Alcohol Marketing:**

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

Yes. The proposed restrictions are proportionate.

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

We would advocate that the UK government introduces a process to restrict advertising of alcohol on radio and TV.

**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?

No, we feel that restricting caffeine in pre-mixed drinks may lead to drinkers themselves mixing alcohol with other drinks containing high levels of caffeine. We also feel that this is not a big problem within Forth Valley.

**Alcohol Education:**

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

No, we do not think there is a role for further alcohol education and public information campaigns. There is a lack of evidence surrounding the effectiveness of such programmes.

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

No, we do not think there would be added benefits in making the Minister directly responsible for alcohol education policy in their area

**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?

To restrict sales on age grounds alone would not be fair and consistent, but on the other hand, restricting access to alcohol is beneficial in some situations.

**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?

Yes. Consultation is to be encouraged and is more pro-active than the current system for license objections.

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

Yes. The New Zealand model would appear to be an appropriate one to emulate.

**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?

No. There is not a role for a National Licensing Forum. Resources for this cannot be justified.

**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?

Yes there is sufficient evidence for tagging. This could give licensing Boards greater power.

**Alcohol Fine Diversion:**

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

Not at present. I am unclear if making Fine Diversion statutory would be a good use of resources.

**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?

Yes it should be a statutory requirement to have this scheme available for offenders with the proviso that it is offered on an individual case basis.

**Drinking Banning Orders:**

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

Yes it would seem sensible to pilot these orders and to evaluate fully prior to making a decision regarding whether or not legislation should be introduced.

**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?

Yes, extending DTTOs to ADDTOs would add value and extend the range of disposal options taking into consideration the likely effectiveness of these treatment orders on an individual basis.

The nature of the substance or substances and the addiction would need to be taken into account.

**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?

No notifying a GP about a patient's conviction for an alcohol-related offence would not be beneficial. Offenders convicted of an alcohol related offence should be encouraged to seek professional help themselves.

### 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.

Undecided. One of the Bill’s aims is to change culture, but the changes outlined in the detail will be insufficient to do this. Rather, there needs to be an approach based on facilitated emergence of a change in culture, through enabling catalysts, reducing inhibitors and watchful anticipation for example. Excessive alcohol use in a community needs to be seen as a symptom rather than a cause – positive changes may come about as a result of improved dialogue between public sector services and the community, and approaches such as community learning and development, and the assets-based approach.

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?

See response to Q1.

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?

It is possible that an increased demand for NHS treatment would follow any proposed expansion of DTTOs and ADTTOs. This would lead to the need for increased expenditure.

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?

We suggest that the bill be subjected to an equality impact assessment as a means to gather objective information on the likely impact.

Yours sincerely

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Director of Public Health  
NHS Forth Valley