



# The Church of Scotland

## Church and Society Council

### Official Response

**SUBJECT:** Shifting the Culture: Proposed Alcohol (Public Health and Criminal Justice) (Scotland) Bill  
**REQUESTED BY:** Dr Richard Simpson MSP  
**REFERENCE:** OR-2012/010  
**DATE:** 27 June 2012  
**SUBMITTED BY:** Church and Society Council of the Church of Scotland  
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### Introduction

The public health implications of alcohol abuse have been well documented, and this has been a subject on which the Church of Scotland has expressed concern over a long period of time. We therefore recognise the need for a holistic approach to tackling alcohol misuse.

The negative effects of excessive drinking are evident: increased NHS resources to treat the health problems caused directly and indirectly by harmful drinking; increased violence in our towns and cities; and damage to family relationships. These cannot simply be viewed as isolated incidents affecting only the people directly involved: taking an approach to excessive drinking that focuses purely on individual behaviour fails to acknowledge that we live in a society in which the consequences of excessive drinking are shared by us all.

Our attitude to alcohol may be summarised thus:

"We may not stand against all drinking; those who drink alcohol must seek to be role models of moderate and sensible consumption. Witness is always the most powerful advocacy. What is required if Scotland is to bring the damaging impacts of alcohol under control is not solely legislation but behavioural and attitudinal change so that drunkenness is seen as culturally unacceptable, rather than the desirable outcome of an evening. This is not a simple or short term process but it is one that we must not shirk."<sup>1</sup>

Having a presence in parishes throughout Scotland gives us the experience of working in all kinds of communities. Different approaches may be required for different local situations, but all responses to alcohol whether local or national must be grounded in a concern for the wellbeing of our nation, through preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health and protecting children from harm.

Whilst this response has been prepared by the Church and Society Council of the Church of Scotland, representatives from a number of Christian denominations met to discuss the proposals set out in "Shifting the Culture". An ecumenical group then created the following statement:

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<sup>1</sup> Report of the Church and Society Council, Church of Scotland General Assembly 2009 Blue Book, 2/106, para 5.3

Alcohol is no ordinary commodity. Churches since their earliest days have used wine historically, symbolically and with theological significance for occasions of celebration; however, we recognise that alcohol can be used abusively and as such, can cause damage to human relationships. A longstanding commitment to the wellbeing of the Scottish people leads us to recognise the importance of a holistic approach to tackling the harm caused by a culture of alcohol abuse in Scotland. We welcome the provisions of the Alcohol etc. (Scotland) Act 2010, and the proposals for Minimum Unit Pricing in the Alcohol (Minimum Pricing) (Scotland) Act 2012. Viewed together with the existing objectives as set out in the Licensing (Scotland) Act 2005, these measures demonstrate the leading role taken by Scotland in taking steps to reduce this harm, and we urge that further action in this area be placed above party political differences for the benefit of all in Scotland.

The Church and Society Council of the Church of Scotland have endorsed this shared statement, but also wishes to add its own particular comments on the proposals set out in the consultation.

## Questions and Responses

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

*1) 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?*

As stated in our response to the Scottish Parliament Health and Sport Committee's call for evidence on the provisions of the Alcohol Etc. (Scotland) Bill in 2010, "The Church of Scotland agrees that alcohol is not an ordinary commodity and that it is appropriate to limit promotions which encourage people to buy more alcohol than they intend."<sup>2</sup>

We remain of the opinion that the affordability and ready availability of alcohol are significant contributors to a culture of alcohol over-consumption in Scotland. Just as we have supported the use of minimum unit pricing as one lever to control the price of alcohol<sup>3</sup>, we would support other mechanisms which have the same objective.

### Public Health Interest and Child Protection

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

*3) 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?*

Ensuring that child protection and public health are given due regard in considering licensing decisions were important additions to the licensing objectives which are now set out in the Licensing (Scotland) Act 2005. However, these objectives will be meaningless unless they are given due regard; accountability is therefore important. If accountability is best achieved in this context by requiring Scottish Ministers to report to the Scottish Parliament on how these objectives are being fulfilled, then we would be supportive of that.

### Restrictions on Alcohol Marketing

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

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

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<sup>2</sup> Church and Society Council, Church of Scotland response to Health & Sport Committee call for evidence on the Alcohol Etc (Scotland) Bill, 20 January 2010 <http://www.actsparl.org/media/70969/or%20-%20cos%20-%20alcohol%20etc%20%28scotland%29%20bill%20-%20jan%202010.pdf>

<sup>3</sup> *ibid*

Since 1983 the Kirk has challenged government to place the health and wellbeing of our communities ahead of the commercial interests of the alcohol production industry. We have consistently expressed concern about the damaging effect of the positive promotion of alcohol consumption, particularly through the medium of advertising and sponsorship. The cultural acceptance of alcohol as an everyday commodity is a wider issue which reaches beyond the realm of advertising, but restricting advertising in the manner described in this consultation would be a welcome step in the right direction.

Whilst there has been some progress made in relation to sponsorship activities by the alcohol industry through the establishment of Scotland's Alcohol Sponsorship Guidelines, we remain concerned about the proliferation of references to alcohol products which are accepted as an everyday part of public life. The Board of Social Responsibility of the Church of Scotland expressed concern that "it is inappropriate... that major events in the sporting and cultural life of this nation should be used as a platform for the promotion of health-damaging products"<sup>4</sup>. This statement was made in 1986. Nearly three decades on, our concern in this regard has not diminished.

### **Caffeine Limit in Pre-Mixed Alcohol Products**

*6) 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?*

As stated in the preamble to our response, we would be supportive of proposals for measures which seek to effect cultural and attitudinal change towards alcohol. If evidence indicates that caffeinated alcohol products are a vehicle for increased alcohol consumption and ensuing crime and public disorder, then we would be supportive of measures to discourage their over-consumption.

### **Alcohol Education**

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

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

We would strongly support further alcohol education and public information campaigns. The normalisation of the consumption of alcohol in Scottish society brings with it a danger that the positive side of alcohol is portrayed readily, with less regard given to the negative and harmful consequences of alcohol abuse. Whilst there is an important role for the Government to play in this, the need for attitudinal shift is something which all of Scottish society should be responsible for.

### **Alcohol Discrimination Against Under-21 Year Olds in Off-Sales**

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

As we have stated in previous responses in relation to alcohol misuse, we are content that the minimum age to purchase alcohol remains at 18. We have also previously stated that the Church of Scotland does not support any proposals to enable licensing boards to raise the legal alcohol purchase age in their area to 21. In 2010, we said: "Individual and collective responsibility for our alcohol consumption are essential to tackle the issues we face, therefore it is important that people aged 18-21 retain the right to be treated as responsible adults on an equal basis with other adults".<sup>5</sup>

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<sup>4</sup> Report of the Board of Social Responsibility, Church of Scotland General Assembly Blue Book, 1986, p258

<sup>5</sup> Church and Society Council, Church of Scotland response to Health & Sport Committee call for evidence on the Alcohol Etc (Scotland) Bill, 20 January 2010 <http://www.actsparl.org/media/70969/or%20-%20cos%20-%20alcohol%20etc%20%28scotland%29%20bill%20-%20jan%2010.pdf>

## **Community Involvement in Licensing Decisions**

*10) 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?*

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

We support community involvement in decisions which affect their local area. We believe that there are already mechanisms for local involvement through Local Licensing Boards and Local Licensing Forums; we are, therefore, yet to be convinced of the need for further legislation in this regard.

## **National Licensing Forum**

*12) 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?*

We do not have any specific views on this.

## **Alcohol Bottle Tagging**

*13) 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?*

We do not have any specific views on this.

## **Alcohol Fine Diversion**

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

We do not have any specific views on this.

## **Alcohol Arrest Referral**

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

We do not have any specific views on this.

## **Drinking Banning Orders**

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

We do not have any specific views on this.

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

*17) 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?*

We do not have any specific views on this.

## Alcohol Offences Information Sharing

*18) 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?*

Although we do not have a specific view on the proposal to permit this information to be passed on to GPs, we have previously stated our support for the medical profession routinely monitoring patients' alcohol consumption, just as they may monitor smoking or blood pressure.<sup>6</sup>

## General Questions

*1) Do you support the general aim of the proposed Bill?*

Yes / No / **Undecided**

We are supportive of many of the proposals put forward in this consultation; a holistic approach to the damage that can be caused by alcohol misuse is needed. It is sorely apparent that there needs to be a decisive shift in the cultural and attitudinal approach to alcohol in Scotland, and we firmly believe that change can happen.

Nevertheless, we are yet to be convinced of the need for further legislation in all of the areas covered by this proposed Bill.

*2) 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?*

As indicated in our shared ecumenical statement, we believe that tackling alcohol misuse in Scotland is an issue so important to the wellbeing of society that it should transcend party differences.

*3) 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?*

We do not have a view on this.

*4) 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 do not have a view on this.

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<sup>6</sup> Report of the Board of Social Responsibility, Church of Scotland General Assembly Blue Book, 1987, p317