



Non-Government Bills Unit

Duncan McNeil MSP
Convener
Health and Sport Committee

Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

Tel: 0131 348 5321
Type Talk Direct No. 18001 0131 348 5321
Fax: 0131 348 6467
mary.dinsdale@scottish.parliament.uk

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Dear Mr McNeil,

Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill

As you know, the Non-Government Bills Unit (NGBU) has supported Dr Richard Simpson in the preparation and drafting of the above Bill, which has been referred to your committee for Stage 1 scrutiny.

It is part of NGBU's role to ensure best practice has been followed in undertaking an Equalities Impact Assessment (EQIA) for any proposed Bill and that the Bill's likely impact has been appropriately identified and considered. On that basis, we have identified six strands of the Bill which might have an equality impact on various protected groups.

I attach the EQIA which was carried out in relation to the above Bill.

Yours sincerely

Mary Dinsdale
Non-Government Bills Unit

Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill Equality Impact Assessment

The equality impact assessment has been considered in the context of the following protected groups: gender, religion and belief, age, disability, ethnicity and race, sexual orientation, and marriage and civil partnership.

Age discrimination: off-sales	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	This section of the Bill would prevent Licensing Boards imposing any age-related restrictions on the sale of alcohol for consumption off the premises.
What are the anticipated outcomes of the policy?	The policy would ensure that 18-20 year-olds are not prevented from purchasing alcohol in off-licences.
Who will be affected by the policy?	18-20 year-olds Licensing Boards
(2) What is known about the diverse needs of those who will be affected by the policy	
<p>In terms of the protected characteristic of age, under current legislation, 18-20 year-olds may be prevented from purchasing alcohol in individual off-licences. The Member believes that this discriminatory and does not promote equal treatment.</p> <p>There is no evidence which relates to any of the other groups.</p>	
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy	
Yes, for all the groups.	

Alcoholic drinks containing caffeine	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	To prevent the sale to consumers of pre-packaged alcoholic drinks with caffeine content in excess of a limit to be determined by the Scottish Ministers
What are the anticipated outcomes of the policy?	To address the possible effects of consuming alcohol in conjunction with caffeine, such as a decreased awareness of the level of intoxication being experienced, leading to greater risk-taking and anti-social behaviour.
Who will be affected by the policy?	Consumers of such drinks; manufacturers
<p>(2) What is known about the diverse needs of those who will be affected by the policy</p> <p>In terms of the protected characteristic of age, the consumption of caffeinated alcoholic drinks is particularly associated with younger people in parts of Scotland. The consumption of such drinks can lead to risk-taking and anti-social behaviour and has been specifically linked with violent crime. While the proposed policy of banning such drinks could be seen as restricting the ability of young people to make autonomous choices and to enjoy particular products, if the anticipated reduction in crime and improved health conditions are realised, the overall impact will be a positive one, including on this age group.</p> <p>There is no evidence which relates to any of the other groups.</p>	
<p>(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy</p> <p>Yes, for all the groups.</p>	
<p>(4) What does the information given say about how the policy might impact positively and negatively on different groups</p> <p>As stated above, there might be an assumption that the proposed legislation may impact negatively on younger people as they are the ones associated with the consumption of caffeinated alcoholic drinks. However, the anticipated reduction in crime and increase in health benefits will have a positive impact among this age group.</p>	

Restrictions on advertising of alcohol	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	To make it an offence to knowingly cause or permit the display of alcohol advertisement in a prohibited place within a restricted area, particularly in contexts where they are likely to be seen by people under the age of 18.
What are the anticipated outcomes of the policy?	To 'de-normalise' alcohol to young people and protect children from exposure to alcohol advertising.
Who will be affected by the policy?	Manufacturers of alcohol beverages, advertising companies, owners of advertising hoardings, local authorities,
(2) What is known about the diverse needs of those who will be affected by the policy In terms of the protected characteristic of age, this particular strand of the Bill aims to 'de-normalise' alcohol to children and young people. There is no evidence which relates to any of the other groups.	
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy Yes, for all the groups.	
(4) What does the information given say about how the policy might impact positively and negatively on different groups The aim of this particular policy strand is to protect young people and children and 'de-normalise' alcohol therefore it is an important health-protection measure with a positive impact on this protected group.	

Container marking off-sales	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	To enable Licensing Boards to impose container marking schemes as an additional tool in tackling under-age drinking. It is proposed that Licensing Boards, at the request of the police, would be able to vary the conditions of a licence to sell alcohol from off-sales premises, to include a requirement to participate in a container marking scheme. The scheme is aimed at addressing under-age drinking and associated anti-social behaviour.
What are the anticipated outcomes of the policy?	To strengthen police and local authority efforts to prevent alcohol being sold illegally to minors or to adults making a proxy purchase for minors.
Who will be affected by the policy?	Primarily retailers involved in the scheme Licensing Boards Police Under-age consumers of alcohol
(2) What is known about the diverse needs of those who will be affected by the policy	
<p>This provision is intended to be used to address the problem of under-age drinking. The existing age-limit for purchasing alcohol is an important health-protection measure, thereby permitting it to be more effectively enforced; hence the policy will have a positive impact on this sector.</p> <p>There is no evidence which relates to any of the other groups.</p>	
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy	
Yes, for all the groups.	
(4) What does the information given say about how the policy might impact positively and negatively on different groups	
The existing age-limit for purchasing alcohol is an important health-protection measure, and by empowering the police to be able to enforce this measure more effectively it will have a positive impact on this sector.	

Application for, or to vary, premises licence: consultation and publicity	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	To improve local people's ability to influence licensing decisions and to strengthen the consultation arrangements in relation to applications for a premises licence or a variation of a licence.
What are the anticipated outcomes of the policy?	The provisions extend the period for responding to consultations on premises licence applications from 21 days to 42 days. The proposed extended deadline will allow local people more time to respond to the consultation and hopefully encourage them to become more involved in decisions relating to the granting of premises licences. This longer consultation period will also allow community councils to consult with locally affected groups such as the disabled.
Who will be affected by the policy?	Local authorities Community councils Locally affected groups
(2) What is known about the diverse needs of those who will be affected by the policy	
Disability*	The proposed extended consultation period from 21-42 days would allow community councils the time to consult more with locally affected groups such as the disabled.
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy	
Yes, for all the groups	
(4) What does the information given say about how the policy might impact positively and negatively on different groups	
The proposed extension of the consultation period from the current 21 days to 42 days will allow community councils to consult with locally affected groups such as the disabled.	

Drinking banning orders	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	This provision contained within the Bill makes provision for drinking banning orders (DBOs), which the courts may impose on an individual who has engaged in criminal or disorderly conduct while under the influence of alcohol, in order to protect others from further behaviour of that kind.
What are the anticipated outcomes of the policy?	To protect members of the public from anti-social behaviour caused whilst an individual is under the influence of alcohol.
Who will be affected by the policy?	Scottish Government Scottish Court Service Scottish Legal Aid Board Crown Office and Procurator Fiscal Service Local Authorities Police Scotland
(2) What is known about the diverse needs of those who will be affected by the policy	
Disability*	Drinking Banning Orders might affect some individuals within vulnerable groups, such as those with mental health problems, who may be more likely to be criminalised for inadvertently breaching an order. However, the courts would have discretion, in setting the terms of the DBO or in enforcing any breach, to take the individual's mental health into account, and would be expected to do so.
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy	
Yes, for all groups	
(4) What does the information given say about how the policy might impact positively and negatively on different groups	
Courts would have the discretion to set the terms of a DBO whilst taking into account the individual's mental health in order to ensure that no individual from a vulnerable group is inadvertently disadvantaged.	

Member's Comment on NGBU's Equalities Impact Assessment	
Evidence gaps identified	None identified
Member's comment: I can confirm that I am not aware of any potential gaps in evidence.	
Adverse impacts identified	
Member's comment: 	
Completed by Dr Richard Simpson MSP, 16 June 2015	