

Highland Licensing Board

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

1. Do you support the Bill as a whole?

This is very difficult to answer but probably not.

2. Do you support particular provisions in the Bill?

Clause 1 will rectify an omission from the mandatory condition introduced under the Alcohol etc (Scotland) Act 2010 to ban discounted multipack deals. The 'ban' did not apply to multiples of multi-packs, only multiples of single items. In other words, if a single can of lager was for sale, then a four pack would have to be priced at 4 x the individual can; but 3 x the four pack could be sold at a discounted rate.

3. Do you have concerns about particular provisions in the Bill?

Clause 4 would appear to try to identify whether retailers are selling alcohol to under age persons. If an underage person is found with a marked bottle, then this could then be used as "evidence" against the retailer whose mark is on the bottle. There are many difficulties with this approach. There is a causality question; and a debate to be had over the quality of evidence. Statements would have to be taken and with no one under oath or cross-examined in a licensing hearing there is room for error. There is also an issue over who is being targeted as the 'villain'. If the alcohol has found its way to someone under age from an adult, then is there not a question as to whether blame should be apportioned to the retailer or to the adult? Proxy sales are of course illegal, and responsible small businesses should refuse sales to adults if they are concerned that the adult is going to give or re-sell the alcohol to someone under age. But unless there is a group of youths nearby or the trader has local knowledge, how is he to divine any clandestine intent? If the markings are visible, might that tarnish a trader if discarded bottles are discovered in public places, and would that be fair or proportionate? It is believed that evidence from trials of bottle marking show that there has been an increase in littering due to young persons smashing bottles to hide the marking.

Clause 5 proposes to increase the neighbour notification requirement from the current 4m up to 50m from the boundary of the premises if no community council is active within the area in which the premises are situated. This will generate a significant burden on licensing board staff whose job it is to identify all these possible residences and then send letters. The number of letters would increase significantly in certain areas such as inner cities. This Board has carried out a trial run using the increased distance for a fairly typical city centre premises application. Using the existing criteria, neighbour notifications were sent to 49 premises. Using the proposed 50m distance this would have increased five-fold to a colossal 245 neighbour notifications!

At the same time, the Bill proposes doubling the time period for site notice display, advertisement and the submission of representations from 21 days to 42 days. At a time when Parliament is looking at reducing red-tape, this is most unwelcome. The delays in processing licence applications are already

causing considerable difficulty in certain board areas. Doubling the site notice, advertisement and representation period will create further delay and burden.

4. How will the particular provisions in the Bill fit with your work, or the work of your organisation?

Parts 1 and 2 will affect the grant and enforcement of Licences by the Board. Clause 5 may have a significant impact in terms of time and money on the administration of applications.

5. Will the Bill have financial or resource implications for you or your organisation?

If clause 5 were to be enacted then this would significantly increase the workload of licensing board staff who are tasked with identifying all possible residences and then issuing the appropriate letters.

6. Do you have any other comments or suggestions relevant to the Bill?

No.

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