

4. ALCOHOL (MINIMUM PRICING) (SCOTLAND) BILL (AN197-2011)

The Alcohol (Minimum Pricing) (Scotland) Bill was published in the Scottish Parliament on 31st October 2011. The purpose of the Bill is to introduce a minimum price for alcohol below which alcohol must not be sold on licensed premises. The minimum price would be set according to the strength of the alcohol, the volume of the alcohol and the minimum price per unit.

The Health & Sport Committee of the Scottish Parliament has invited views from interested organisations, bodies and individuals upon the principles contained in the Bill. In particular, it wants to hear what consultees think about the advantages and disadvantages of establishing a minimum price for alcohol and also the level at which such minimum price should be set. The Board has been invited to respond to this consultation and it is proposed to reply as set out in the following paragraphs. This is largely based upon an earlier response to previous proposals for minimum pricing contained in the Alcohol etc (Scotland) Bill.

Dundee City Licensing Board ("the Board"), welcomes the provisions of the Alcohol (Minimum Pricing) (Scotland) Bill ("the Bill"). The proposals for minimum pricing are needed to deal with issues which have been a continuing problem for a number of years caused by the cut-price sale of alcohol in both on- and off-licensed premises.

Advantages/Disadvantages of a Minimum Price

The Board, in common with some other areas, had its own minimum pricing policy, but this required to be discontinued following the decision of the Court of Session in the judicial review by Mitchells and Butlers Retail Limited -v- Aberdeen City Licensing Board in 2005 which ruled that such schemes were ultra vires under the provisions of the Licensing (Scotland) Act 1976 ("the 1976 Act"). This was based upon the quantity and type of drink, rather than upon alcohol content and was attached as a condition to regular extensions for on-sales premises only. This was the only condition-making power available to the Board under the 1976 Act and, therefore, it did not apply to off-sales or to any on-premises before 11.00 p.m.

The Board was, of course, disappointed at the outcome of the Aberdeen case. It, therefore, is supportive of any provisions which would give the necessary legislative backing for minimum pricing previously lacking under the 1976 Act. The Board's own local scheme had been introduced as a direct result of a number of cases being reported to the Board involving the sale of alcohol at ridiculously low prices, e.g. "10p a nip", "29p a nip", etc.

In its response to the consultation on the Alcohol etc (Scotland) Bill, the Board suggested that consideration be given to some form of levy on the producers/suppliers of alcohol to offset the increased revenues they would likely receive from the introduction of minimum pricing. The Board thinks it is unfair if such producers/suppliers end up with a boost to their profits as a result. The proceeds of any such levy could perhaps be put towards further measures to tackle alcohol misuse, possibly as part of the proposed "social responsibility levy" provisions in the Alcohol etc (Scotland) Act 2010.

The Level at which the minimum price should be fixed.

The Board would support a level of 40 - 45p per unit of alcohol, at least. This is based upon the evidence contained in the SchARR Report. The Board was of the view that to set the minimum price at 25p, 30p or 35p would be of so little effect (again based upon the SchARR data) as not to be worthwhile. The Board does not think that the rate should be much above 50p per unit since the SchARR data indicated that this begins to have an increasingly disproportionate effect upon those identified as "moderate drinkers" and it seems unfair to punish that group for the wrongs of others.

The deadline for submission of this response to the Health and Sport Committee is Monday, 12th December 2011.