



**THE SCOTTISH BEER AND PUB ASSOCIATION'S RESPONSE
TO THE SCOTTISH GOVERNMENT'S CONSULTATION:**

**"CHANGING SCOTLAND'S RELATIONSHIP WITH ALCOHOL:
A DISCUSSION PAPER ON OUR STRATEGIC APPROACH"**

SEPTEMBER 2008

About the Scottish Beer and Pub Association (SBPA)

The Scottish Beer and Pub Association was originally formed in 1906. Its members are Scotland's brewing and large pub companies representing the licensed trade industry in Scotland. The main aim of the Association is to contribute to the economic and social wellbeing of Scotland through employment, investment and training.

The SPBA's members include Scottish and Newcastle, Tennent Caledonian Breweries, Carlsberg U.K. (Scotland), Belhaven Group plc, The Caledonian Brewing Company, Diageo, Broughton Ales, Scottish and Newcastle Pub Enterprises, Mitchells and Butlers, Punch Taverns, SAB Miller and Maclay Group.

Our sister trade association is the British Beer and Pub Association (BBPA). Our members account for 1,500 of the 5,200 licensed public houses in Scotland.

Scotland's Beer and Pub Industry

Scotland's pubs are right at the heart of every community in the country. They are a much loved part of our national culture, celebrated at home and abroad, and attract many visitors to Scotland. Every week, over a million people socialise in the nation's pubs. Most are small businesses, run by tenants, lessees and owners, and together they employ nearly 41,000 people. Today's pub is as much about food as drink.

218,000 people are employed in the hospitality industry in Scotland and in the manufacture of alcohol products, including beer. 10,500 people are employed specifically in manufacturing alcoholic beverages in Scotland.

The licensed industry across the UK contributes an estimated £26 billion annually in local and national taxation, business rates, employment taxes and excise duties.

The licensed trade and wider hospitality industries in Scotland contribute some £2 billion to the UK Exchequer, which funds the Scottish Government's expenditure and that of Scotland's 32 local authorities. This figure is sufficient to meet nearly twice over the annual costs of operating Scotland's eight police forces.

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SBPA and Licensing Reform in Scotland

The SBPA has been closely involved with the process of licensing reform and the policy aspects of tackling alcohol misuse in Scotland since the creation of the Nicholson Committee by the Scottish Executive's then Justice Minister, Rt Hon Jim Wallace MSP, in May 2001. Our former Chief Executive, Gordon Millar, served on the Nicholson Committee.

SBPA as an organisation has supported the Nicholson Committee's recommendations, which offered a consensus for progress on which the industry, licensing boards, the police and health bodies could agree and play their respective parts in delivering. The widespread support for the proposals as a package was recognised by the fact that most of the suggestions made by the Nicholson Committee were reflected subsequently in the Licensing (Scotland) Act 2005.

SBPA has served on the Expert Reference Group (ERG) which was established by the Scottish Executive to advise it on the procedural aspects of the licensing reform process and the National Training Forum. SBPA has welcomed the opportunity to play an active and constructive role in the Scottish Executive's consultations on licensing reform and continued that involvement through the Scottish Parliament's deliberations on the Licensing (Scotland) Act 2005.

The SBPA is a member of the Scottish Government's Alcohol Industry Partnership and has played an active role in Scotland's National Alcohol Awareness Week in 2007 and has supported a number of other governmental initiatives amongst them the Association of Chief Police Officers' (ACPOS') anti-drink drive campaigns. During the 2008 summer campaign our members distributed 3,000 posters and 150,000 zip cards to pubs across Scotland in support of the anti-drink drive campaign message.

The Context

SBPA recognises that there has been growing concern expressed about certain patterns of drinking behaviour in Scotland over recent years. While the majority of people in Scotland drink responsibly, patterns of misuse and abuse of alcohol clearly have health implications for the individuals involved as well as wider social impacts, particularly in relation to crime and anti-social behaviour.

The industry shares with the Government and other groups, concern over the misuse of alcohol and certain patterns of drinking such as concentrated excessive drinking. In particular we need to address issues at the heart of our drinking culture, particularly the drinking culture of young adults that result in significant numbers of people feeling it is acceptable to drink to excess and indulge in anti-social behaviour. We firmly support the Government's commitment to developing evidence-based policies that tackle these issues decisively and effectively.

The industry firmly believes it is part of the solution and is committed to working in partnership with Government to improve our drinking culture.

The Scottish Government's analysis in the discussion paper is comprehensive. However, we are concerned that some of the suggestions in the discussion paper if progressed could result in policy recommendations that are misdirected and poorly targeted or indeed deliver unintended policy consequences which do not maximise public benefit.

It is vital that policy recommendations are based on clear evidence, otherwise there is a risk of wasting a great deal of time, money and effort developing initiatives and devising messages that will be ignored because they are discordant with and disconnected from the predominant cultural context and therefore lack basic credibility.

Changing Drinking Patterns and Behaviour

The Scottish Government has already taken a significant step towards transforming the environment through the introduction of the Licensing Act 2005. The Act does not come into force until 2009 and should be given time to bed down so a full evaluation of its impact can be undertaken.

The Licensing (Scotland) Act 2005 will bring about a modernisation of Scotland's licensing laws and it allowed Parliament to take a number of important steps. However, the focus of the Act was very much on the on-trade, i.e. pubs and bars, and did little to recognise changing patterns in the consumption of alcohol in Scotland, manifested by the growth in sales of alcohol from shops and supermarkets.

The Act introduces a range of new responsibilities for licensed trade in areas such as the prevention of crime, disorder and public nuisance within a framework of clear standards. These are backed with new enforcement powers for the police, licensing standards officers and licensing authorities reinforced by a range of strict penalties for those who breach the provisions of the Licensing Act. **Indeed, the effect of the Licensing Act is already being felt in relation to the use of test purchasing of alcohol by the Police in Scotland with the number of court prosecutions initiated against those selling alcohol to those below the age of eighteen trebling in the 2007-8 financial year to over 240 from the number of prosecutions initiated in 2005-06. According to the Scottish Government's own Scottish Liquor Licensing Statistics for 2007, "A total of 2,017 liquor licensing offences were recorded by the police in 2006-07. This is an increase of 40 per cent from 1,439 in 2005/06."**

As part of the process of underpinning the Act, the licensed trade has agreed with Government a new curriculum of training and qualifications to drive up knowledge and skills and professional standards in the sector. This process has been led by the British Institute of Innkeeping (BII) and Servewise, both of which are supported by a number of our members

The industry is determined to support the Government's objectives of driving up standards.

The industry also fully supports the more rigorous enforcement of existing laws to tackle such issues drunkenness and anti-social behaviour. We believe the more rigorous and visible application of laws on drunkenness would signal that such behaviour is neither accepted nor condoned by society.

Recognising the Contribution and Value of the Sector

The discussion paper and the research underpinning it focus primarily on the costs of the misuse of alcohol. While such an approach has the merit of simplicity, there is a significant risk that such a one sided focus to the analysis fails to inform policy makers about the benefits associated with the existence of a competitive alcoholic drinks sector. If such benefits are ignored and under-valued, policy could be developed and implemented which unwittingly damages the sector in a manner that would be detrimental to the competitiveness of the Scottish economy and the social cohesion of communities.

The industry would highlight that other research produced by the UK Department of Health has recognised that in terms of costs to the health service, the moderate consumption of alcohol delivers public health benefits. However, benefits go beyond health.

Pubs are the hub of social life in Scotland and lie at the heart of communities in towns, and cities all across Scotland generating social cohesion and social benefits beyond those which can be accounted for on a simple balance sheet.

There are, of course, also a range of readily quantifiable benefits. The following figures are by no means comprehensive but indicative of the data that need to be considered in any cost benefit analysis:

- Scotland's pub sector is part of Scotland's tourism industry, which was worth, in expenditure terms, just over £4.1 billion in the most recent statistics from 2006.
- Scotland's tourism industry employed a little over 218,000 people, or about 9% of the total number of people employed in Scotland. In some parts of Scotland, such as the Highlands and Islands and Perthshire, the proportion of people employed in the industry relative to employment rates generally rises to as much as one-in-eight.
- The pub industry in Scotland has a turnover of over £2 billion each year and pubs directly employ 41,000 people.
- Pubs pay nearly £45 million in non-domestic rates each year, with other licensed premises paying a further £100 million.
- Scotland's drinks producers contributed to the £7.3 billion of Gross Value Added generated by Scotland's food and drink industry in 2005, from a total of £26 billion worth of sales and total employment of 360,000.
- Scotland's beer producers contributed to the £1.6 billion of Gross Value Added outputted by Scotland's drinks manufacturers in 2005, from £3.4 billion worth of sales, and total employment of 11,400.
- Exports by Scotland's drink manufacturers in 2005 totalled £3.3 billion.

While these direct figures are significant, it is also important to recognise that a vibrant leisure and hospitality sector is also an impetus to and driver of significant levels of further economic activity and consumer spending which are associated both directly and indirectly with people going out and socialising in cities, towns and communities.

Tourism

One policy issue, which is not mentioned in the Scottish Government's discussion paper, is the issue of Tourism, its importance to the Scottish economy and the role that the Scottish pub and wider hospitality industries play in supporting it.

According to figures in the Scottish Parliament's Economy, Energy and Tourism Report on Tourism published in July 2008, *"With our (tourism) industry valued at over £4.1 billion in terms of its contribution to our economy and with an employment contribution in some parts of Scotland reaching 15%, it is an industry we can ill afford to let stagnate. The Committee recognises that our nation is blessed with an exceptional 'tourist product' and that, compared to some nations, Scotland has an identity and a brand second-to-none."*

Scotland's pub and hospitality industries play a critical role in enhancing the visitor experience to Scotland. Responses to The Visitor Experience research produced by VisitScotland suggest that 56% of tourists visited pubs, bars or nightclubs during their stay, with 67% of visitors having eaten in pubs or bars, a higher proportion than other types of eating establishment, including restaurants or even fast food outlets.

Given the critical importance of the tourism sector to the Scottish economy SBPA must question what the impact on the sector will be of some of the suggested measures in the Government's discussion paper and indeed on the experience of international and other UK visitors to Scotland. In the longer-term we would question what impact this will have on the viability and vitality of the sector going forward.

Total Consumption

The discussion paper highlights an increase in alcohol consumption over the last 50 years (Section 19). However, it is important to appreciate the most important fact relating to this – virtually all that consumption increase is due to more people drinking more wine, which has increased by 600 per cent since 1970. Over that same period beer drinking has declined and spirit drinking has been relatively flat.

This strongly suggests that patterns of consumption of alcohol are driven more by broader cultural forces and change rather than anything specifically related to alcohol itself.

More recently, the British Beer and Pub Association published last year an analysis of data compiled by HM Revenue and Customs, which showed that alcohol consumption in the UK fell for the second consecutive year. The fall of 3.3 per cent in 2006 was the largest in 15 years and came on top of a 2 per cent drop in 2005. In total, consumption fell by 5.3 per cent between 2005 and 2006 meaning that levels of alcohol consumption were the lowest for five years. The fall in 2006 was the largest for a decade and a half.

Whole Population Approach

We note the Scottish Government's apparent intention in Sections 19-21 to seek a reduction in the consumption of alcohol across the whole population of Scotland, not just amongst those abusing or misusing alcohol.

The views of the industry representatives involved in the Scottish Government's Alcohol Industry Partnership have already been shared with the Government on this issue with the clear view of the industry being to support targeted initiatives at those groups which are identified as misusing alcohol, linked to brief interventions. **Whilst recognising that some whole population approaches are appropriate, for example, by regulating the sale of alcohol on a legal basis or by laws targeting drink driving, we believe that a whole population approach is not appropriate more generally for tackling the issue of alcohol misuse in Scotland. Indeed, by adopting this approach the Scottish Government may undermine the targeted initiatives, which may yield the highest results amongst the groups most heavily misusing alcohol.**

Advertising

The discussion paper states in Section 142 that, *"There is growing research evidence to suggest that alcohol advertising has a contributory effect on levels of consumption and can support the development of proalcohol attitudes, particularly amongst young people."*

There are a number of academic studies that clearly demonstrate such a link does not exist. The examples of France, Sweden and Russia are all well established as demonstrating there is no such relationship. Clearly advertising does influence brand choice and encourages brand switching. However, the overwhelming consensus of academic studies in this area concludes that it does not drive overall increases in category consumption in the total population. In addition, the hard data on advertising spend, sales and consumption speak for themselves:

- **Between 1988 and 2000 advertising expenditure on beer increased by 17 per cent (£114.3m – £133.3m). Over the same period sales of beer fell by 12 per cent and consumption per head fell by 16 per cent.**
- **Between 1988 and 2000 advertising expenditure on wine fell by 60 per cent (£40.7m – £16.3m). Over the same period sales of wine increased by 50 per cent and wine consumption per head grew by 38 per cent.**

The above data would seem to clearly indicate that advertising spend neither equates to nor correlates with category consumption increases.

Many academic studies on advertising are based on recall and awareness measures. However, they frequently fail to carry through to the next level and test what effect awareness has on actual purchasing and consumption behaviour. It is one thing to say that alcohol advertising is memorable – quite another to say it is encouraging the population to drink more.

The industry would like to see a joint working party established to examine the ways in which the population receive and absorb information about alcohol through the media and the effects such information and images have on their day-to-day behaviour.

Alcohol advertising in Britain is strictly and independently regulated. The established term “self-regulation” in many ways does disservice to a regulatory system, which is both rigorous and independent. For TV and radio, before they are even broadcast they have to be cleared by an independent panel. Anyone is free to complain if they have a problem with any advert. Those complaints are investigated by entirely independent bodies such as the Advertising Standards Authority (ASA) and the Independent Television Commission (ITC).

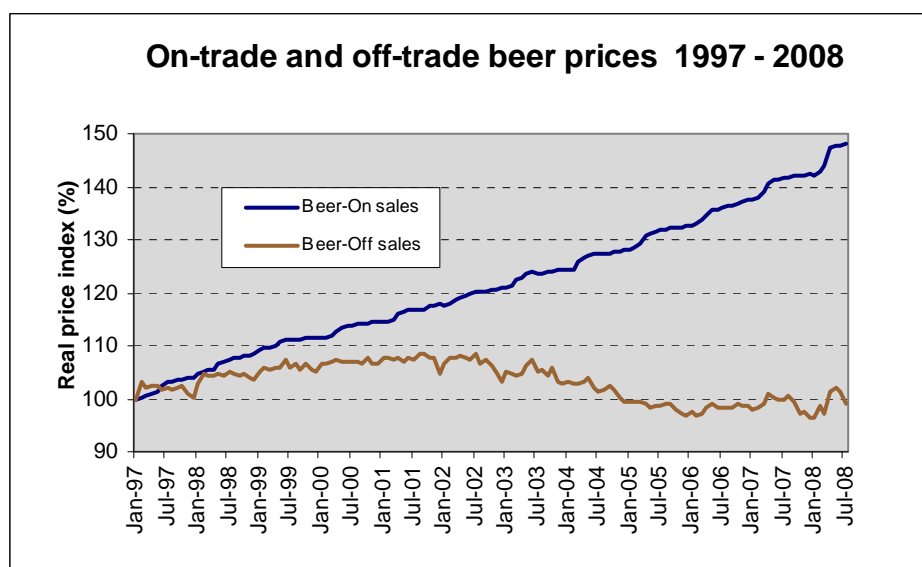
Of course, the way our products are branded, marketed and promoted is regulated through the widely respected Portman Group code and their independent panel.

Price and Consumption

The discussion paper in Section 24 states that “consumption and affordability (price relative to income) between 1960 and 2002. The increase in consumption is almost an exact mirror image of the reduction in price relative to income, strongly indicating that price has influenced Consumption patterns over the last 50 years.”

There is no simple link between price and consumption. The issue is complex and there are a host of variables and factors that would need to be looked at before it could be said categorically firstly whether such a relationship existed and secondly what the nature of that relationship was. Any approach to the econometric analysis of this relationship would need to rigorously examine, inter alia, individual income, household income, savings, debt, wealth, economic confidence, consumer confidence, house prices, consumer spending, lifestyle spending, RPI, choices in the leisure market, relative pricing in the leisure market, competition in the leisure market.

Indeed, official figures from the Office of National Statistics (ONS) (Figure below), show that in real terms since January 1997, whilst the price of beer in the off sales sector has stayed the same, that the price of beer sold through on sales sector has increased by nearly fifty percent in relative terms.



Patterns of Consumption

In addressing the issue of irresponsible alcohol consumption there is a need to bear in mind the growing importance of “off sales” made from supermarkets and grocers, and the relative decline of alcohol sales in bars.

Scotland is steadily moving away from drinking in on sales premises like pubs towards drinking alcohol in the home.

As the UK Government's Family Food Report in August 2005 highlighted, the amount of alcohol we drink when out fell by more than five per cent in 2003-4 across the UK. At the same time, the quantity of alcohol we drink at home has increased by nine per cent. More than half of all the alcohol sold in the UK is for drinking at home. While these figures are UK-wide, the evidence suggests that the trends are largely replicated north and south of the border. It is therefore essential that public policy recognises this growing trend and acts to find a balanced policy response, which addresses all elements of the problem.

The tables below refer.

Where we buy our alcohol:

	Supermarket	Pub
Beer	40%	60%
Spirits	76%	24%
Wine	84%	16%

Changes in the amount we drink, 1990–2005:

Beer	-13%
Spirits	+9%
Wine	+75%

Family Food – A report on the 2003-04 Expenditure and Food Survey, a National Statistics publication by DEFRA, August 2005

Industry Action

Our industry recognises it has a vital role to play and is committed to driving up standards and driving out irresponsible practices that can add to the problem of alcohol misuse. The last few years have seen major new initiatives by the industry to improve the advertising and marketing practices of producers and sales promotions in pubs. We are fully prepared to be held to account for the things we can control and to consider further constructive proposals to improve the drinking environment for our customers.

It is important also that any measures that are taken are evidence based, effective and their impact properly monitored over time to ensure that resources are not wasted and partnership working undermined. Likewise, it is essential for individuals to carry their share of responsibility for their own drinking. Some of the current initiatives being taken forward by industry include:

- **Social Responsibility Standards for the Production and Sale of Alcoholic Drinks**

In November 2005, the industry launched a comprehensive set of standards to improve good practice in the sale of alcoholic drinks. These address the responsible advertising, marketing and retailing of drinks right through the supply chain in both the 'on-trade and 'off-trade' sectors. Sixteen national trade bodies signed up to the new code and it was followed by the production of a Scottish Social Responsibility Standards in April 2007.

The wide-ranging new standards provide practical guidance to the industry and others on how to promote sensible drinking, tackle irresponsible promotions, avoid contributing to problems of drunkenness, and to take action to clamp down on underage sales. The industry is also ensuring that alcohol is not promoted in a way that might appeal to under 18s, to make the alcoholic nature of drinks clear, and to ensure that staff in the industry are aware of these standards and have the right training to ensure they are met.

- **Beer Labels Advertise Alcohol Units and Responsible Drinking**

Brewers have already amended labels on bottle and cans to show how many units of alcohol they contain. Similarly most already include 'responsible drinking' messages on packaged beers. The discussion paper highlights the proposed development of this approach by the UK Government (in Section 138).

- **Alcohol Promotions Have Been Restricted By Beer and Pub Industry**

Our member companies have acted on an individual basis to develop best practice governing the conduct of promotional activity around alcohol, seeking to tackle promotional activities around alcohol that could encourage irresponsible drinking, alcohol misuse and contribute to anti-social behaviour.

- **Challenge 21**

In 2006, the industry launched proof of age signage for the on-trade based around signage implemented by supermarkets and off-licences. The "Challenge 21" initiative highlights that "if you are lucky enough to look under 21 you will be asked to prove that you are over 18 when you buy alcohol". Acceptable forms of proof are: photocard driving licence, passport or PASS* accredited proof of age card. The poster campaign clearly demonstrates that the trade takes the issue of underage sales very seriously. It highlights to those under 18 that they will not be sold alcohol and remind people who work in the trade that implementing a Challenge 21 policy is the best way of ensuring they don't sell to under 18s.

Recent survey results suggested that ninety one per cent of young adults knew about the pub sector's Challenge 21 scheme, according to a YouGov poll among 18-24 year olds for the British Beer & Pub Association (BBPA).

In addition, the licensed trade supports a number of Government initiatives, which aim to tackle the misuse of alcohol. The main ones of these relate to campaigns promoting the 'Don't drink and drive' message which have been developed from 'I'll be Des,' the industry developed designated driver initiative, which grew into the largest ever, designated driver campaign reaching millions of people across the UK.

Given the complex nature of many of the problems involved and the need to effect a change in cultural attitudes towards alcohol amongst some of the population in Scotland, SBPA recognises the vital role that education has to play in ensuring success over the longer term. Encouraging responsible behaviours from an early age is clearly the most effective way of preventing or minimising risks at a later date.

SBPA acknowledge the sensitivity of any programme of activity directed at children and young people, but would wish to put on record our willingness to work alongside others in an effort to promote more responsible attitudes to alcohol where this can be done in an appropriate manner.

Consultation Response

SBPA welcomes the opportunity to respond to the Scottish Government's Consultation on "Alcohol Misuse." We do so as a member of the Scottish Government's Alcohol Industry Partnership (SGAIP) and seeking to continue to work in partnership with the Government to tackle Scotland's problem of the misuse of alcohol.

The Association will focus our response on those issues and aspects of the discussion paper which affect our members and the wider licensed trade and to which we feel we can contribute informatively to the consultation exercise. It is not the Association's intention of commenting on all of the issues raised by the consultation.

For clarity, we will therefore be commenting only on the questions posed in Sections 46, Section 67 and Section 122 of the discussion paper.

SBPA notes and welcomes the opening comments from the Scottish Government's Deputy First Minister and Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon MSP, that the Scottish Government is *"not anti alcohol, we are anti alcohol misuse. We do not wish to 'demonise' alcohol as a 'bad thing' per se. When approached sensibly, the consumption of alcohol can be a pleasurable and sociable activity."*

Similarly, we note the Cabinet Secretary's assessment of the scale of challenge in seeking to tackle alcohol misuse in Scotland and would comment that the licensed industry in Scotland shares the Scottish Government's desire to tackle this problem and its causes more effectively.

We note the comment that, *"So we begin now with a determination to succeed. We can no longer afford to view alcohol misuse simply as an individual choice, whether that be occasional drunkenness or long term excessive drinking. Scotland can no longer afford the consequences."* **Whilst recognising the apparent intention of this statement, we would highlight that individuals by their actions, whether in their own homes or in public, must be accepted as having some responsibility for their own actions.**

We note and would agree with the Scottish Government's recognition that a range of factors relate to the problem of alcohol misuse in Scottish society.

SBPA notes the Government's specific target in Section 9 that, *"In addition, in recognition of the need to build a healthier relationship with alcohol in pursuit of our objectives, we also have a specific national indicator, related to excessive consumption, to reduce alcohol-related hospital admissions by 2011."* **Whilst supporting the Government in this policy intention we must highlight that despite the wishes of the licensed industry, the new licensing regime, which will be delivered by the Licensing (Scotland) Act 2005 will not be fully implemented until September 2009. As such it may be difficult to anticipate identifiable policy outcomes arising from the new legislation until a period of time after this legislative change has come into effect.**

We note the comment in Section 10 relating to the estimated costs of alcohol misuse, which was published by the Scottish Government in its *"Costs of Alcohol Use and Misuse in Scotland"* Report published in May 2008. **Whilst we would not dispute that there are costs associated with alcohol misuse in Scotland we cannot accept the headline figures published in the discussion paper. We would highlight that this report updates a piece of research published by the Scottish Executive in 2005 which the researchers themselves highlighted as not being "robust" with specific data sets having to be "treated with caution." Unfortunately, these necessary disclaimers do not appear to have been repeated in the update of this report published in June 2008.**

More fundamentally, it is difficult to understand how alcohol misuse can be estimated to cost £1.1 billion in research published by the Scottish Government in January 2005, and yet only

three years later the estimated cost has doubled to £2.25 billion. This suggests that either the original estimate was wrong, in which case the research published in June 2008 on which it is largely based must be viewed as questionable, or that the latest estimates are themselves a significant overestimate. The latest research itself says, *"These estimates should be treated as indicative only. They give an indication of the size and scope of the effect of alcohol use/misuse within Scotland. They are not exhaustive."*

SBPA would agree that we need to tackle alcohol misuse in Scottish society and the industry remains committed to playing its part in doing that, but equally where figures for the scale of the problem can only be described as "estimates" and are not "robust" we should be careful to place the appropriate level of emphasis on them.

SBPA would highlight that this research does not provide a full and balanced analysis of the societal effects of the consumption of alcohol in Scotland by offsetting the costs of alcohol misuse with the economic benefits generated by Scotland's alcohol and licensed industries or indeed the positive and recognised health benefits of moderate alcohol consumption. The discussion paper itself largely ignores these by making only one reference in Section 106 to this by commenting, *"Licensed premises play a vital part in the night-time economy but large numbers of people drinking within relatively compact districts can lead to antisocial behaviour and disorder, particularly if licensed premises have served customers who are already drunk."*

The Association would have expected a policy response by the Scottish Government to the issue of alcohol misuse to be based on a more accurate assessment of the full costs and benefits of alcohol consumption in Scotland and some recognition of the major contribution that Scotland's drinks and hospitality industries make to Scotland's economy and its economic wellbeing. The SBPA regrets that the Scottish Government has not offered a more balanced assessment of the important community role that many pubs play, the role of pubs in providing an environment that encourages responsible consumption of alcohol and the efforts of the on-trade and wider industry to contribute to the responsible drinking agenda.

SBPA notes the references in Section 12 and subsequent sections, to the social consequences of alcohol misuse, and the fact that in many pieces of research conducted with criminal offenders that they indicated they had been intoxicated at the time they had committed the offences with which they were accused. We would however question the basis for this assessment, which ignores the fact that a number of factors drive people to commit crimes. Seeking to hold alcohol responsible for all crime, or as the primary contributory factor, is not inappropriate. Indeed this would seem to conflict with the comments of the Scottish Government's Justice Secretary Kenny MacAskill MSP on 17th July 2007 that *"that being drunk will simply not be accepted in courts as an excuse for bad behaviour."*

More generally, in respect of a number of pieces of research produced by the Scottish Government in the run up to the publication of its discussion paper we must question the basis on which some of this research has been produced.

In May 2008, the Scottish Government published revisions of the Scottish Health Survey figures from 2003 relating to the numbers of men and women exceeding recommended consumption levels of alcohol.

At the time SBPA commented that the figures did not mean that Scots were drinking twice as much as they were in 2003. We highlighted that the figures represented no more than a change in the methodology in how these statistics are produced. UK research produced by the Office of National Statistics (ONS) in 2007 made clear that the amended figures they reported at that time did not represent an increase in the amount people drank, they were simply correcting a failing in the previous survey methodology. The same situation applies to these Scottish statistics.

In relation to the specific research results we highlighted that the vast majority of wine, over 90%, is consumed at home, and that the typical glass remains at around 125ml / 175ml rather than 250ml. SBPA also commented that the average beer contains fewer than 2.5 units per

pint, not nearly three units as has been suggested by some coverage of the figures released. We would suggest it is flawed to apply the ONS' new research methodology, agreed in 2007 and applying up to this point, to 2003 data. The updated methodology was designed to reflect the measures as they were in 2007, not as they were in 2003. As such this approach adds little to the evidence base, which we need to have about alcohol misuse in Scotland.

We would ask that the Scottish Government recognise that there is a critical need for it to produce far more robust data sets in relation to the misuse of alcohol and amend current data sets where these are not sufficiently robust.

SBPA notes in Section 16, the comment that *"In addition, alcohol industry sales data shows that enough alcohol was sold in Scotland in 2007 to enable every man and woman over the age of 16 to exceed the sensible drinking limits for men (the recommended limit is 21 units per week) every week of the year."* **We note that this comment refers to the data set produced by one company and is itself an estimate only. On that basis we would question this assertion, which is not detailed anywhere in the discussion paper.**

We note the comment in Section 26 that, *"Alcohol is now more readily available in Scotland than ever before. The number of liquor licences is around 17,000, the equivalent of a licence for every 240 adults in Scotland. Off-sale licences have more than tripled to 6,000 and now make up around a third of all licences."* **We must question the meaningfulness of Scottish Government's use of these figures, which relate to the position at the end of 2006. Especially in light of the publication of the Scottish Liquor Licensing Statistics for 2007 subsequently.**

The number of licensed pubs in Scotland has been static for more than the last decade at roughly 5,100 pubs. Indeed, there are fewer licensed public houses operating now in Scotland than there were in 1997. Over this period, pubs have diversified their offering with alcohol sales accounting for a smaller proportion of total turnover than ever before as they have responded to customer demand by offering food, and other forms of entertainment and utilising vending and gaming machines to generate turnover.

Industry figures supplied to the Association by CGA Research suggest that in the six months to March 2008 that ninety pubs in Scotland closed. This continues a trend of outlet closures that has been suggested by other industry data. SBPA would expect that a number of pubs and other licensed premises will not seek to trade beyond the start of the new licensing regime in September 2009 meaning that by this point Scotland could have lost several hundred licensed premises overall and that there will be fewer pubs trading in Scotland, with the number of pubs approaching the numbers of pubs in 1980 when there were 4,472.

SBPA notes the comment in Section 27 that, *"By taking steps to 'denormalise' alcohol we can encourage and support people to make more positive choices about alcohol."* SBPA is not aware of any previous suggestion that the Scottish Government was seeking to "denormalise" alcohol in this manner which in a public policy sense is a position which has previously been reserved for tobacco products. We must question this approach, which ignores the place which alcohol has in Scottish culture and the undoubted health benefits which moderate alcohol consumption is recognised as bringing.

We believe that this "denormalisation" approach will also undermine attempts to tackle the problem of underage sales of alcohol in Scotland. We would suggest that at least part of the solution to anti-social behaviour caused by youngsters illegally consuming alcohol has been for parents to educate their children in sensible alcohol consumption by sharing the "social" experience of alcohol consumption in a controlled environment, for example by consuming alcohol with a meal in a pub. The effect of making alcohol a "special" product in the eyes of young people may actually be to increase its attractiveness and lead to it being more frequently abused.

In response to the point posed in Section 46:

We invite views on whether regulations should be made, under the Licensing (Scotland) Act 2005, to:

- put an end to off sales premises supplying alcohol free of charge on the purchase of one or more of the product, or of any other product, whether alcohol or not.***
- put an end to off sales premises supplying alcohol at a reduced price on the purchase of one or more of the product, or of any other product, whether alcohol or not.***
- prevent the sale of alcohol as a loss-leader.***

SBPA notes that under the Licensing (Scotland) Act 2005 on sales licensed premises, including pubs, are banned from operating a range of “irresponsible promotions.” We also note that that off sales licensed premises are not prohibited from operating a number of these same types of promotion, including, for example, so called “buy one get one free” offers. Whilst the Scottish Parliament was considering the Licensing Bill in 2005 we highlighted this, which we viewed then as an anomaly given the very large and growing proportion of alcohol sold in Scotland from off sales licensed premises. **SBPA still views the current legal position in the Licensing (Scotland) Act 2005 as anomalous and as such we would support the restoration of a level playing field between the on and off sales sectors as regards the types of promotional activity involving alcohol which can be undertaken.**

SBPA and our members have been consistently opposed to highly aggressive promotional activity around alcoholic products, which individual pub companies and producers have been voluntarily addressing by restricting these in Scotland and through the development of best practice on promotions across the UK. Indeed, this best practice is reflected in the wording of the Licensing (Scotland) Act 2005 itself, and our members had already acted to restrict the types of promotions they operated in advance of this legislation even being passed by the Scottish Parliament in 2005.

We would however, question the reference to “prevent the sale of alcohol as a loss-leader.” We do not believe that the discussion paper adequately details how this restriction would operate and what process would be used to make this assessment and by whom. It will be possible for operators to offer discounted prices to customers consistent with the legal restrictions on “irresponsible promotions” in Schedule 3 of the Licensing (Scotland) Act 2005. We would therefore question why legitimate promotional activity, which is responsible, should be curtailed in the manner suggested by the Scottish Government.

We invite views on the proposed principles on which a minimum pricing scheme for alcohol products should be established.

We note that the discussion paper does not appear to be seeking comments on the principle of the Scottish Government’s intention of introducing “minimum retail pricing.” We would however offer our observations on the principle of this.

SBPA would comment that there is no definitive proven link between price and alcohol misuse. While price does influence what the customer buys and where, it does not influence the amount they choose to drink. We would suggest the calls for Government to use tax to control alcohol misuse are based on a false premise – there is no correlation between high tax rates and low alcohol misuse rates.

It is a matter of fact that the UK and Scotland already have some of the highest taxes and prices in Europe. Low prices do not cause alcohol misuse and high prices are not the solution to alcohol misuse. Any comparison between the drinking cultures of low cost Spain and France and high cost Britain and Sweden is clear evidence of that high taxes and prices don’t solve misuse.

In relation to pricing, we would comment that price is primarily the responsibility of retailers, both on and off sales retailers, many of whom already have responsible promotional practices in place.

SBPA believes that Government interventions on tax and price are blunt and poorly targeted. Policy should target problem drinkers, not penalise the whole population. Hard-pressed, hard-working families will not thank Government for trying to take even more money from their fast shrinking budgets, when day-to-day costs and prices are spiralling.

Scottish public opinion is also clearly opposed to the Scottish Government's general proposition of introducing Government backed levies to increase the costs of alcohol.

In an opinion survey of Scottish respondents conducted for the BBPA in July 2008:

- **With 15% of those surveyed being "don't knows," 49% of those asked said they would not be prepared to pay more tax on alcohol to curb problem drinking amongst others.**
- **A further 86% stated that increases in alcohol taxation would not significantly reduce binge drinking.**
- **55% of those surveyed agreed that increased alcohol taxes would threaten traditional pubs.**
- **71% of Scots said that increases in alcohol taxation would penalise sensible drinkers.**

We note that the Scottish Government itself has itself accepted that taxation is a matter reserved to the UK Government and that it therefore proposes additional "levies" as a means of raising the prices of alcoholic products in the context of Scotland. SBPA would question the Scottish Government's ability to deliver this approach using the Scottish Parliament's powers under the Scotland Act 1998. Even if this is an option, we would highlight that there may be significant consequences for the competitiveness of the Scottish pub and hospitality industries of having differential governmental policies on the fundamental issue of product pricing between Scotland and the rest of the UK. We do not believe this would be to the benefit of the industry or our customers.

Government intervention on the price of alcohol can only be used as a final resort having attempted other public policy solutions, and only on the basis of clear evidence that such intervention will reduce alcohol misuse and harm. We believe it is therefore for the Scottish Government to proactively demonstrate this in justifying the appropriateness of its proposals to the relevant competition authorities.

SBPA however is not yet convinced that the Scottish Government has exhausted other policy solutions on this issue, particularly in light of the fact that the Licensing (Scotland) Act 2005 has not yet been implemented and indeed won't be until late 2009. We would highlight that in delivering the Scottish Government's proposed pricing scheme industry will necessarily be excluded by law from any consultation on what prices should be and from a practical perspective we do not believe Government or other groups outside of the industry have the necessary competence to set the price of a pint of beer.

More fundamentally, we believe that this blanket approach will prove detrimental to the majority of Scots who consume alcohol sensibly and responsibly, in attempting to tackle a problem relating to a minority.

.../

We support the introduction of legislation to require licensed premises to offer measures of 125ml of wine and 25ml measures of spirits.

SBPA would highlight that pub operators and other on sales license premises do already generally offer customers a choice where legally possible as regards the size of glass in which their alcohol is served. Customers do not like 125 ml and pubs therefore generally serve 175ml as a standard measure but continue to provide choice.

Only 10% of the wine consumed in the UK is sold in pubs, with a recent Brand Index study by CGA Research suggesting that landlords still largely serve the current standard glasses to their customers with less than a quarter of licensed premises offering a 250ml wine measure, while nearly a third still provide a 125ml glass. Across the UK of the 103,000 on-trade premises that sell wine, 62 per cent offer the 175ml measure. Twenty-four percent offer a 250ml measure – a rise of half a per cent year-on-year. Thirty per cent of venues still offer a 125ml glass, according to the figures.

More significantly, in pubs a large proportion of the wine served to customers is sold by the bottle, where clearly the customer determines the measures and the alcohol content of each drink themselves.

Given that this availability of choice is already evident SBPA would suggest there is no need for the Scottish Government to go beyond the current legal requirements on this issue, which are already regulated in pubs by Weights and Measures Act 1985 legislation. These matters are clearly reserved to Westminster, indeed the consultation itself recognises this by highlighting the fact that this matter is already the subject of a Private Member's Bill in the House of Commons (Section 66). Additionally, under the Licensing (Scotland) Act 2005, we would highlight that there should be no "duplication of existing mandatory requirements.

SBPA do not believe there would be a public policy benefit as a result of this measure and indeed the proposal may actually further complicate the obligations imposed by the Licensing (Scotland) Act 2005 on on sales retailers in relation to "up selling" being outlawed. We would fear that even the course of having a conversation with a customer in a licensed premises about what measure of wine or spirits the customer wanted could be construed as the licensee or their staff "encouraging the customer to consume a measure of alcohol larger than that which they originally intended to consume" (as mentioned in Section 66 of the discussion paper) which will be against the law. On that basis, we would suggest that this proposal also conflicts with the current wording of the Licensing (Scotland) Act 2005 itself.

In response to the point posed in Section 67:

We invite views on whether we should raise the minimum age for off sales purchases to 21 in Scotland.

SBPA must question whether the proposal to change current law and effectively ban eighteen to twenty one year olds from being able to buy alcohol from off sales would be sensible or indeed appropriate. SBPA would not support this measure and we believe that the emphasis in tackling anti-social behaviour should be on enforcing the law as it will stand under the Licensing (Scotland) Act rather than changing it before it has even come into effect, let alone its impact assessed.

It seems wholly inconsistent for the Government to consider Scotland's young people responsible enough that they want to lower the voting age for them to 16, but so irresponsible they want to prevent them buying a beer from an off sales until they are 21.

We propose that a fee should be applied to some alcohol retailers to help offset the costs of dealing with the adverse consequences of alcohol and invite views on our proposals.

SBPA would highlight that During Stage 2 of the consideration of the Licensing (Scotland) Bill in the Scottish Parliament, Paul Martin MSP successfully moved an amendment which would have given local authorities the powers to “recoup costs” from licensed premises, including cleaning and policing costs. However, at Stage 3 of the Parliament’s deliberations on the Bill, Parliament agreed to an amendment proposed by now SNP Minister for Public Safety Fergus Ewing MSP in which he sought to remove this measure. The points the Minister made at the time in opposing the measure are still arguments we would hold to and as such we would highlight Mr Ewing’s comment as follows in the Scottish Parliament:

<http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-05/sor1116-02.htm#Col20753>

“There are two reasons why I opposed the amendment in committee and continue to oppose the measure now.

“First, the measure is unenforceable, because it is impossible to interpret and implement. I understand Paul Martin’s motivation in lodging the amendment and I do not criticise him for doing so, but the scheme that he has devised would not work. How would one calculate the increase in the cost of providing public services? For example, on policing in the city centre, how would one calculate the increased police provision that was required? With regard to the ambulance service, how would one calculate the increased number of ambulances or ambulance staff required? On refuse collection, would one have to compute the additional volume of garbage that was left as a result of antisocial behaviour? After doing that calculation, one would have to decide whether it related to one particular pub or to more than one and where the behaviour occurred, because the bill states “in the vicinity of”— [Interruption.] I hear a member’s watch going off—one would have to set one’s watch accordingly to do that computation. One would have to apply the total extra cost across an unspecified number of public houses or clubs in an area. A finance department that performed that task would require hundreds of staff, and there would have to be such a department for each licensing board. I submit that the measure is unenforceable. I know that Paul Martin received the same letter that I received from the Law Society of Scotland, in which it states views broadly to that effect.

“Secondly, I argue against the measure because it is punitive, as public house premises and clubs pay the Exchequer substantial amounts of money through general taxation and, in particular, through non-domestic rates. Licensed premises pay high levels of non-domestic rates, and it is right that they should make that contribution, but if this extra cost is levied, premises will have to pay an extra tax—a Martin tax—which is a tax too far.”

The industry fully supports the more rigorous enforcement of existing laws to tackle problems of drunkenness and anti-social behaviour. SBPA believes the more rigorous and visible application of laws on drunkenness would signal that such behaviour is neither accepted nor condoned by society and would deal with many of the problems caused. Under the new Licensing Act, Licensing Boards will have far more extensive powers to address problems caused by the operation of licensed premises and Boards should use these powers to deal with problems and certainly not tolerate ongoing problems in return for financial contributions to cover the cost of such problems.

SBPA estimates that Scotland’s 17,000 licensed premises already pay two billion of pounds each year to the government through local business rates, excise duties, VAT and other forms of business taxation, and will pay millions more under the new

Licensing Act in annual licensing fees. This year licensed premises in Scotland will pay £150 million to Scotland's 32 local councils in non-domestic rates. This will be further added to by contributions from the licensed industry in respect of future successful proposals for the creation of Business Improvement Districts (BIDS) in Scotland. SBPA believes that Scotland's licensed and hospitality industries already more than pay their way in meeting any costs associated with the operation of their businesses.

We note the comment in Section 105 that, *"The principle that the costs associated with the wider impacts of a commercial activity should be borne by those who benefit from it is well established and already applies, for example, in respect of environmental impacts."*

Whilst SBPA would accept this statement in relation to the general principle of "polluter pays," we would highlight that it applies where the problem is clear as is the causal effect, as well as the originator of the problem. In relation to the problem of alcohol related anti-social behaviour this clarity does not exist. There are a range of existing responsibilities and obligations. From the responsibility of the individual, to the fact that under licensing law selling alcohol to those already intoxicated and those underage, the primary sources of anti-social behaviour, is already an offence.

If the Scottish Government were to proceed with this proposal for "responsibility fees" then it will be penalising licensed operators who obey the law and do not sell alcohol to those who go on to cause anti-social behaviour, rather than targeting individuals who act in an anti-social manner and those rogue operators who break the law by selling them alcohol. SBPA believes this is tantamount to holding the innocent financially responsible for the actions of the guilty, which does not seem to be in any way consistent with the principle the Scottish Government is seeking to deliver.

This approach also ignores the real issue of so called "pre-loading" of alcohol by many of those who go on to commit anti-social behaviour, who consume alcohol at home or on the way to pubs or clubs, leaving on sales retailers liable to deal with the consequences of this later on, despite it not taking being related to their premises.

We note the apparent suggestion in the discussion paper that the Scottish Government has somehow already consulted on this proposal, which in its original format was known as "polluter pays." We must however question this given that the issue was raised very much as a subsidiary issue in a consultation in late 2007 on delivering licensing fees under the Licensing (Scotland) Act 2005. The fact that the concept had already been removed from the Act we believe compromised this "consultation", as did the subsequent actions of the Scottish Government itself in doubling the levels of licensing fees proposed in that consultation. Even if the consultation was viewed as valid at the time it was conducted, the fact that the circumstances around it have been materially altered we would suggest limits how much weight can be placed on any views expressed supporting the proposition.

SBPA has obtained copies of the responses made to the Scottish Government during its consultation on licensing fees under the Licensing (Scotland) Act 2005. Of the responses submitted, only a limited number commented on this suggestion, and of those none dealt with it in any detailed manner given the lack of clarity in the consultation exercise.

Some of the comments made included:

- *The response from North Lanarkshire Licensing Board, "On the whole I feel this proposal is superficially attractive. However I could foresee difficulties arising when Licensing Boards endeavour to set further fees to meet what they perceive to be necessary additional policing costs in a particular area ..."*
- *North Aberdeenshire Licensing Board, "The Board, does not, however, see additional policing costs as being something that should be dealt with by Licensing Boards. It is a matter for the police and licensees to determine between themselves."*

- *Shetland Islands Licensing Board, "I have no comment to make with respect to the suggestion of Licensing Boards charging further fees to help meet additional policing costs."*
- *The City of Aberdeen Licensing Board made no comment on the specific proposal.*
- *Midlothian Council replied, "The perception is that this will affect areas where there are large events; and city center areas. The question should be addressed by the Local Authorities concerned."*
- *Aberdeenshire Council "had no comment to make."*
- ***In the response from the Convention of Scottish Local Authorities (COSLA), in supporting the principle of additional fees, they qualified this by stating, "If a direct link could be established between the increased costs of policing a particular area or areas, and the presence of licensed premises, then it may be reasonable to link the two through a proposed additional licence costs." We would suggest that COSLA's response indicates they only support for this concept where a "direct link" exists which is not what the Scottish Government intends.***
- *The joint response from Perth and Kinross Council and Licensing Board offered no comment on the proposal.*
- *East Ayrshire Licensing Board supporting the proposal, also commented, "However, it is suggested that this concept needs further development to provide greater specification and detail as to the appropriate circumstances when such fees can and should be imposed."*

Having studied the thirty or so responses received by the Scottish Government responding to its consultation on licensing fees it is evident that there was no overwhelming support for the principle of "polluter pays" or "additional fees." Indeed opinion was very equally balanced on the proposal with even those eight local authorities supporting the principle questioning the detail of how the measure would be implemented. A number of local authority respondents did not even try to respond to this point. On that basis, SBPA would question how the Scottish Government can proceed to consult of the detail of this proposal when little public support has actually been demonstrated for the concept.

SBPA does not therefore view that consultation exercise as in any way adequate given the continuing lack of detail in the Scottish Government's latest discussion paper.

SBPA is opposed to the introduction of "responsibility fees" for licensees for all the reasons stated by the Minister for Public Safety in the Scottish Parliament in 2005 and supported by the members of the Scottish Government whilst in opposition, but more fundamentally we would oppose them because of the mixed messages that would be sent out to the public and licensed industry. The emphasis must clearly be on enforcing the law and stopping anti-social behaviour from happening in the first place. The proposal in the consultation paper seems to somehow endorse this criminality, and accept it and endorse it as inevitability, as long as licensees make a payment to cover the costs of clearing it up afterwards.

Similarly, the suggestion would go further than the legal position of licensing fees as they are levied at the moment which is as a payment to Licensing Boards, to cover the administrative costs of processing a licence and meeting the other responsibilities imposed by the Licensing (Scotland) Act. We would suggest this measure if implemented would be little more than a revenue raising measure and a form of taxation, the ability of the Scottish Government to raise using its powers under the Scotland Act 1998, we believe to be questionable.

We will consider the role of local authority Trading Standards Officers in relation to enforcement in off sales.

The Association would highlight that many on sales licensed premises are currently licensed to make off sales and will still be able to do so after the implementation of the new licensing regime in September 2009. Under the new Licensing (Scotland) Act it is the police who will have primary responsibility for enforcing the law in relation to on sales premises, along with Licensing Standards Officers. **We therefore do not believe it would be appropriate for local authority trading standards officers to have this enhanced enforcement role in relation to on sales licensed premises making off sales given the nature of the premises involved, and specifically the fact that alcohol is predominantly consumed “on the premises.”**

If the Scottish Government is minded to make this change in combining the enforcement responsibilities of local authority trading standards staff in respect of sales of alcohol with other products, we would suggest that it only does so in respect of off sales of alcohol made from licensed off sales premises, with the Police retaining this legal power in relation to on sales premises making off sales.

In respect of the comment posed in Section 122:

We propose action to further restrict the use of promotional materials within licensed premises and invite views on our proposals.

SBPA would oppose this measure. The Licensing (Scotland) Act 2005 has already prohibited a series of types of promotional activity because they are “irresponsible” and Ministers have the power to add to that list. We would therefore question what public policy benefit would be achieved by stopping pubs or other licensed premises from “promoting” offers, which by their nature if they are lawful must be responsible.

We note that the detailed question in the consultation refers to materials “relating to alcohol” possibly being prohibited from being visible from outside the licensed premises. The Association would be very concerned if this proposal was progressed.

Scotland’s pub industry has a history going back hundreds of years with many pubs having external advertising displays, which mark this history, for example by using the names of beers or drinks companies. More recently, these have been added to by external lighting effects which promote individual drinks brands, and external boards mounted to the external fascias of the building which allow pub operators to promote a range of offers, often involving food as well as drink offers to customers. External advertising “A” Boards are also often used by pubs to promote their businesses to customers, as are branded awnings, which have been introduced in significant numbers since the introduction of the smoking ban in March 2006.

We would question why any of these types of external display should be prohibited given that they are all legitimate and indeed a number of them are actually the subject of planning consents by local authorities and commercial agreements between operators and other parties. We must also question the costs that would be incurred by operators in having to remove these forms of external display which we believe could run into tens of millions of pounds given that there are 17,000 commercially licensed premises in Scotland. This does not include any costs that could be required to make the interior of licensed premises less “visible” to anyone outside of the premises.

In recent years, the licensed industry has spent hundreds of millions of pounds in investing in their premises to make them more attractive to customers. The Scottish Government's proposals in relation to advertising would reverse this trend overnight and somehow return pubs to the status of undesirable places, which the public should not visit.

Given that licensed public houses are evidently places where people consume alcohol, we believe that it would be wrong to stop pubs from promoting this licensed activity on and around their premises. Indeed, the consequence of this measure in relation to on sales licensed premises would be make it largely impossible for pubs to market themselves effectively to possible customers and for the customer to make informed choices about where they want to consume alcohol and when.

We invite views on the desirability of introducing 'alcohol only' checkouts in off sales premises.

Many on sales licensed premises are currently licensed to make off sales and will still be able to do so after the implementation of the new licensing regime in September 2009. We believe that the intention of the proposal in the consultation document is aimed only at premises making off sales only. If it is not however, we would highlight that there will be major issues of practicality for on sales premises making off sales in complying with this requirement.

As an Association, we also represent drinks producers who have major concerns about the practical effect of this measure on their off sales customers, particularly smaller convenience store retailers who often only have a limited number of till points in shops of a relatively small overall size. Having to have dedicated till points in these premises would inconvenience customers who were not even buying alcohol through a worsened service.

However, fundamentally we must again question the public policy benefit of this proposal. Simply making it more difficult for consumers to buy alcohol will do little to influence their own decisions about how they consume alcohol responsibly. SBPA would suggest that this proposal if implemented would have little public benefit and not would not have any meaningful effect other than to inconvenience the public wholly unnecessarily.

In respect of this proposal we are presuming that the question "whether there should be a requirement for alcohol checkout staff to be at least 18 years old" relates only to checkout staff in off sales premises. Given the other legislative changes in the Licensing (Scotland) Act 2005 which will tighten up the law in relation to the illegal sales of alcohol to underage and intoxicated customers, we would question what additional benefit this measure would bring given that where a staff member is below the age of eighteen in an off sales premises the sale must be authorised by an adult member of staff.

Moving Forward

As the Scottish Government takes forward its policy discussions on alcohol policy, SBPA felt it would be opportune to reiterate our thinking on what further steps might be taken to encourage a more responsible attitude to alcohol and to bear down on misuse and abuse of alcohol in Scotland.

As discussions to date acknowledge there have been a number of developments around the issue of alcohol in Scotland, with major change to Scotland's drinking laws being delivered through the Licensing (Scotland) Act 2005 which will see a new licensing regime introduced in Scotland in late 2009.

The industry shares the concern of government and other groups over the misuse of alcohol and certain patterns of drinking such as concentrated excessive drinking, and so-called binge drinking. From an industry perspective, every effort and considerable investment are made to create an enjoyable drinking environment for customers and to safeguard the brand image of the products. This is seriously jeopardised by those who drink irresponsibly or engage in disruptive or anti-social behaviour.

More generally, any increase in alcohol-related health problems are obviously a cause for serious concern and it is critical to look at some of the underlying changes in the nation's drinking patterns.

Any action by government must be based on clear evidence, otherwise we risk, setting unachievable targets, wasting a great deal of money, time and effort chasing shadows and sending out messages that will be ignored because they lack credibility. Given the consensus in support of action in this area, such an outcome would represent a tremendous wasted opportunity.

Our industry recognises it has a vital role to play and is committed to driving up standards and driving out irresponsible practices that add to the problem. The last twelve months have seen major new initiatives by the industry to improve the advertising and marketing practices of producers and sales promotions in pubs. We are fully prepared to be held to account for the things we can control. It is equally important for individuals to carry their share of responsibility for their own drinking.

The industry fully supports the prosecution of troublemakers and those licensees who encourage irresponsible drinking. The disruption they cause is unacceptable to the vast majority of well-run pubs and the many millions of people out enjoying themselves over a social drink. We will work closely with the police helping them use the powers they have to tackle the issue.

We fully support firm action being taken against any pub, bar, off-licence or supermarket found to be committing the particular offence of underage sales. We recognise the specific issues, which are caused for society and young people themselves by the problem of underage sales. There is a small minority tarnishing the industry's good name and underage sales are to be condemned. We totally endorse the police using their existing powers to prosecute any offenders and encourage them to continue to apply these vigorously.

Nevertheless, it is worth bearing in mind that the Nicholson Committee in recommending changes in Scotland's licensing laws concluded: *"Given that the majority of people in Scotland drink sensibly and responsibly, the licensing system should be as free from restrictions as possible. Scotland's consumers and communities have undoubtedly benefited from the greater freedom and flexibility introduced in our Licensing Act of 1976."*