Finance Committee

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

Submission from East Renfrewshire Alcohol and Drug Partnership

Response

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

The East Renfrewshire Alcohol and Drug Partnership (ADP) welcome the opportunity comment on the enclosed Finance Committee Call for Evidence - Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill. The East Renfrewshire ADP contributed to the East Renfrewshire Licensing Forum Consultation response to the Health and Sport Committee. General comments were made in relation to sections 4, 5, 15-29 and 30.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

Following consideration of the Financial Memorandum the costs to cover the implications of the bill have been understated and require reconsideration.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

Section 1 – Minimum price for packages containing more than one alcoholic product
This provision will be used in conjunction with the current mandatory conditions contained in Schedules 3 and 4. It is assumed within the financial memorandum that these costs would be marginal and subsumed within existing budgets. This would however lead to all licences being recalled and reissued which would generate additional administration costs which are not budgeted for within the current fee system. This would also increase the workload of the East Renfrewshire Licensing Standards Officer (LSO).

Section 2 – Alcohol containing caffeine
Licensing Boards will be required to inform all licence holders and it is assumed that this should involve a very minor administration cost. There would be additional cost implications for educating the trade supported by the LSO and an additional level of enforcement. Each individual product on a shelf would have to be examined to
ensure compliance with the caffeine levels set within legislation. Failure to meet legislative requirements would result in Section 14 notices and potential licence reviews.

Section 3 – Age Discrimination off Sales
We agree that there would be no adverse additional financial implications.

Section 4 – Container marking and off sales
The financial memorandum notes that the costs for such a scheme would be paid for under current licensing fees. We would consider that the current fee system would not support this and therefore this would have to be re-evaluated to incorporate this provision.
At a local level the East Renfrewshire Licensing Forum piloted a bottle marking scheme this involved considerable costs in relation to purchasing and distributing equipment to the licensed trade, maintaining the equipment, monitoring labelling, liaising with Police Scotland and associated enforcement costs on behalf of the LSO and Police Scotland. This presently could not be factored within the current licence fees as noted in the financial memorandum as the fees at a local level are already set at their highest level.

Section 5 – applications for, or to vary, Premises License
It is recognised that this will generate additional administrative costs of £5,600 per annum per Board. We would question that this additional costs could be met and fully absorbed within the current administrative support function without adverse consequence. As noted earlier East Renfrewshire local authority has set the fees to the maximum allowed level. Therefore the national fee structure would require being re-evaluated to incorporate this provision.

Section 6 – 13 Restriction on Advertising of Alcohol
The fixed penalty proposal relies on offences being committed to provide a revenue return to support the additional costs of enforcement. There is potential however for the level of enforcement and monitoring of this proposal to significantly outweigh any revenue generated.

Section 14 – Alcohol Education Policy Statement
No anticipated costs identified.

Sections 15-29 – Drinking Banning Orders
As noted in the financial memorandum there are significant costs for local authorities in applying for a Drinking Banning Order with a range of £1,000 -£4,000. There is no budget identified to absorb this additional cost and as previously noted no further opportunity presently to absorb such costs by increasing fees.

Section 30 - Fixed Penalty Notices
We agree with the financial memorandum that the costs of rolling out such a scheme are uncertain at this stage and would require to be appropriately evaluated. There would be an additional cost implication to provide alcohol awareness courses which have not been factored into the current licence fee structure.
Section 31 – Notification of Offenders GP
The costs associated with the implementation of this proposal require further consideration. There is currently a cost attached to screening and brief intervention through primary care which is funded through NHS and ADP budgets.

5. **Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?**

Given the detail and response provided in question 4 we do not consider the costs and savings have been accurately identified to support implementation of the bill.

6. **If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?**

We do not agree that the financial costs identified can be met as a result of the bill. This would potentially require increase in licence fees.

7. **Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?**

The financial memorandum does not accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and the timescales over which they would be expected to arise.

**Wider Issues**

8. **Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?**

As previously highlighted in the response to questions 4, 5, 6 and 7 the costs to support the bill are understated and require reconsideration.

9. **Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?**

We consider that there will be additional future costs associated with the Bill, for example through subordinate legislation however we do not feel that it is possible to quantify these costs without further detail and evidence.