Response

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

No we did not take part in any consultation prior to the Bill.

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

N/A.

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

N/A.

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 of packages containing more than one alcoholic product

This would involve a change to the mandatory conditions attached to all premises licences and there would be significant costs in time, postage and printing for Boards. All premises licences would have to be recalled and additional conditions printed and attached to them. Experience has shown that merely printing the amended pages and sending them to the licence holder for insertion in the appropriate place does not work and causes issues later during premises inspections by Licensing Standards Officers (LSOs) and police officers. If the licence holder does not send the complete licence or does not respond at all, LSOs would require visiting the premises to try and ensure that it is retrieved. Failing that, the only recourse would be to report the licence holder to Police Scotland for failing to return their licence when required to do so in terms of section 49 of the Licensing (Scotland) Act 2005.
Section 2 - drinks containing caffeine

This would also involve a change to the mandatory conditions attached to all licences as above and would have the same impact and implications for Boards as section 1 above.

Section 3 - age discrimination: off-sales

No financial impact on the Board.

Section 4 - container marking: off-sales

In terms of section 27A(8) of the 2005 Act, where representations are received and the Board must hold a hearing, this would involve additional costs in terms of Board time and administration. If an application for container marking is granted, each relevant licence must be amended, incurring more costs in administration, printing and postage. A Board can revoke the conditions but only after consultation with the police. The Board would again incur costs in notifying all affected licence holders, reprinting licences and in postage.

Insufficient information is available regarding different methods of container marking. If specific types of products are envisaged it would be helpful to know how these would work and how it is envisaged that this provision will have a positive impact on alcohol misuse in Scotland. If premises are able to show that due diligence has been applied in the sale of alcohol, how can boards hold licence holders accountable if that alcohol later leads to crime or disorder?

Depending on the scale of requests from Police Scotland and the method of marking used, the costs of container marking could be significant.

Section 5 - applications for, or to vary, licences: consultation and publicity

Should the numbers of active community councils within West Lothian decrease this provision could result in increased costs.

Sections 6 to 13 - restrictions on advertising of alcohol

The Board considers that the Bill leaves unclear how in practice the changing landscape within 200 metres of licensed premises is to be monitored, in order that relevant changes e.g. the opening of a new nursery or crèche can be identified. In view of the different locations of all of the licensed premises in its area, the Board considers that any involvement for the Board or council officers in this area could have very significant cost implications indeed.

Section 14 – Alcohol education policy statements

No financial impact on the Board.
Sections 15 to 29 – Drinking Banning Orders

No financial impact on the Board.

Section 30 – fixed penalty offences involving alcohol: alcohol awareness training as an alternative to fixed penalty

No financial impact on the Board.

Section 31 – offences involving alcohol: notification of offender’s GP

No financial impact on the Board.

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

No. The Board is concerned that various parts of the Bill should be subject to a careful cost-benefit analysis in terms of (1) what they will cost Boards to implement and (2) what they will achieve. This includes in particular section 4 (container marking) and sections 6 to 13 (restrictions on advertising of alcohol). The Board is unaware whether any research has been carried out, for example, as to what impact alcohol advertising has on the target groups concerned.

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?**

No. The only recourse for licensing boards to increase their income to cover additional costs would be for the Scottish Ministers to increase the level of fees. Failing that, any shortfall would require to be met from existing council budgets.

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?**

No. There are too many uncertainties within the FM to try and estimate what the costs would be. The only certainty is that costs would increase.

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?**

The Board notes that in terms of paragraph 34 of the FM it has not been able to include any margins of uncertainty in relation to the costs of container marking, the costs of which, in terms of liaising with Police Scotland and additional paperwork and procedure, the Board considers could be significant, without it being clear what container marking would achieve for the purposes of the Board’s administering the parts of the 2005 Act which govern the licensed trade in its area.
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?**

The Board notes that there are some references to subordinate legislation in the FM, however the Board is not in a position to comment on what costs these could have, without more detail as to what the terms of any such subordinate legislation could be. On the whole the Board does not consider that it is possible to reasonably ascertain or quantify all future costs associated with the Bill at this stage.