

**Falkirk Council Licensing Board**

**Subject:** Licensing (Scotland) Act 2005  
Alcohol (Minimum Pricing)(Scotland) Act 2012  
**Meeting:** Licensing Board  
**Date:** 21 March 2018  
**Author:** Consumer Protection Manager

**1. Purpose of Report**

- 1.1 This purpose of this report is to advise members of the amendments to the Licensing (Scotland) Act 2005 introduced by the Alcohol (Minimum Pricing)(Scotland) Act 2012 and the work currently being undertaken by the Licensing Section to facilitate these changes.

**2. Recommendation**

**Members are requested to note the contents of the report**

**3. Background**

- 3.1 Members will be aware that in 2012 the Scottish Parliament passed the Alcohol (Minimum Pricing) (Scotland) Act 2012, which allows the Scottish Ministers to introduce a system of minimum unit pricing for alcohol. The legislation was then challenged in court by some parts of the alcohol industry and that delayed the commencement of the legislation. On 15 November 2017, the UK Supreme Court confirmed that the legislation which allows minimum unit pricing to be introduced is lawful.
- 3.2 Minimum unit pricing will be introduced from 1 May 2018.
- 3.3 Minimum unit pricing sets a price for a unit of alcohol, meaning it can't be sold for lower than that. The more alcohol a drink contains, the stronger it is and therefore the more expensive it will be. Scottish Ministers ran a public consultation to gather views from people, businesses, public bodies and interested parties about the Scottish Government's preferred price of 50 pence per unit of alcohol. This ran from 1 December 2017 to 26 January 2018. 74.3% of respondents agreed with this proposal.
- 3.4 The Alcohol (Minimum Pricing) (Scotland) Act 2012 amends schedules 3 and 4 of the Licensing (Scotland) Act 2005 to add the following to the mandatory conditions of premises and occasional licences respectively:

“Alcohol must not be sold on the premises at a price below its minimum price”.

- 3.5 Minimum pricing targets harmful drinkers because, according to Alcohol Focus Scotland, they buy most of the cheapest strongest alcohol like white cider and own-brand spirits. Drinks in pubs and restaurants already cost more than 50p per unit so won't change under minimum pricing

#### **4. Considerations**

- 4.1 The addition of the new mandatory condition to premises licences will require officers to re-issue of mandatory conditions to all premises licenceholders prior to the 1 May 2018. The entire licence will not be issued.
- 4.2 The addition of the new mandatory condition to occasional licences will require the covering letter issued with such licences to be amended to advise occasional licence holders of the new mandatory condition relating to minimum unit pricing and amended mandatory conditions to be issued with each licence.
- 4.3 Work is currently being undertaken by the Licensing Standards Officer, Mr. Ross, to provide advice and information to premise licenceholders. He is prioritising independent off sales premises. Advice and guidance takes the form of visits to premises, information on the Falkirk Council web site, provision of leaflets and examples of calculations. The latter is attached as appendix 1.
- 4.4 The Scottish Government website provides information on the introduction of minimum unit pricing and there is a link to the guidance notes for retailers and businesses.
- 4.5 Failure to comply with minimum unit pricing will result in the same actions being taken as with a breach of any of the mandatory conditions; verbal advice, written advice, issuing a section 14 notice, request to review the premises licence.

#### **5. Implications**

##### **Financial and Resources**

- 5.1 The main implication is in relation to staffing resources required to carry out the implementation of the new legislation. It is intended that this work will be carried out by the existing licensing board staff.

##### **Legal**

- 5.2 The mandatory condition relating to minimum unit pricing is statutory.

## **Risk**

- 5.3 The provision of guidance and advice to the licenceholders in the Falkirk Council area will reduce the risk of licenceholders failing to comply with the new mandatory condition of their licence.

## **Equalities**

- 5.4 The Board's continued commitment to equalities issues is demonstrated in the strategy and reports that have been published since 2013.

## **Sustainability/ Environmental Impact**

- 5.5 None.

## **6. Conclusion**

- 6.1 The implementation of the legislation will have resource implications for the Licensing Section but this will be short term. The trade will benefit from the proactive approach taken in relation to the provision of guidance and advice.

.....  
Consumer Protection Manager  
Date: 13 March 2018

Contact Officer: Alison Barr, Consumer Protection Manager (telephone 501265)

## Appendices

Appendix 1 – Minimum unit pricing information issued by the LSO

## LIST OF BACKGROUND PAPERS

Nil

## **Falkirk Council Licensing Board**

### **Minimum Pricing of Alcohol – 1 May 2018**

Minimum pricing of alcohol begins on 1 May 2018. This means that some alcohol products will increase in price.

This will be a mandatory condition of selling alcohol and will be reflected in new mandatory conditions which will be issued to you in due course.










It is expected that the minimum unit price (MUP) will be at least 50p – the stronger the alcohol (higher units), the more expensive it will be. This means you have to sell alcohol at no less than 50p per unit. You may sell it at more than that if you wish, but not less.

**It is your responsibility to price the alcohol you sell accordingly.**

Examples of how prices may change are on the reverse of this leaflet.

**This must be implemented from 1 May 2018 – failure to do so would be a breach of mandatory conditions.**

## Minimum Unit Price (MUP)

 <p>700ml Bottle of spirits (ABV 40% )</p> <p><b>MUP = £14.00</b></p>	 <p>750ml Bottle of Fortified Wine (ABV 17% )</p> <p><b>MUP = £6.40</b></p>	 <p>750ml Bottle of Table Wine (ABV 12%)</p> <p><b>MUP = £4.50</b></p>
 <p>275ml Bottle of Lager/ Beer/Cider (ABV 5% )</p> <p><b>MUP = £0.70</b></p>	 <p>330ml Bottle of Lager/ Beer/Cider (ABV 5% )</p> <p><b>MUP = £0.85</b></p>	 <p>330ml Can of Lager/Beer/ Cider (ABV 5% )</p> <p><b>MUP = £0.85</b></p>
 <p>Multi-pack of 24 x 330ml Cans of Lager/Beer/ Cider (ABV 5%)</p> <p><b>MUP = £20.40</b></p>	 <p>175ml Glass of Wine (ABV 12% )</p> <p><b>MUP = £1.05</b></p>	 <p>25ml Glass of Spirit (ABV 40% )</p> <p><b>MUP = £0.50</b></p>

**Formula: No. of units multiplied by 0.50, eg 28 units x 0.50 = 14**

# **LICENSING (SCOTLAND) ACT 2005**










## **NOTICE TO CUSTOMERS**

**Please note that, from Tuesday 1 May 2018, the minimum unit price (MUP) for alcohol will be at least 50p per unit.**

**This change may result in an increase in the cost of the alcohol you buy.**

**For your information, the number of units in each bottle/can of alcohol sold is on the packaging.**

## Minimum Unit Price (MUP)

 <p>700ml Bottle of spirits (ABV 40% )</p> <p><b>MUP.= £14.00</b></p>	 <p>750ml Bottle of Fortified Wine (ABV 17% )</p> <p><b>MUP = £6.40</b></p>	 <p>750ml Bottle of Table Wine (ABV 12%)</p> <p><b>MUP = £4.50</b></p>
 <p>275ml Bottle of Lager/ Beer/Cider (ABV 5% )</p> <p><b>MUP = £0.70</b></p>	 <p>330ml Bottle of Lager/ Beer/Cider (ABV 5% )</p> <p><b>MUP = £0.85</b></p>	 <p>330ml Can of Lager/Beer/ Cider (ABV 5% )</p> <p><b>MUP = £0.85</b></p>
 <p>Multi-pack of 24 x 330ml Cans of Lager/Beer/ Cider (ABV 5%)</p> <p><b>MUP = £20.40</b></p>	 <p>175ml Glass of Wine (ABV 12% )</p> <p><b>MUP = £1.05</b></p>	 <p>25ml Glass of Spirit (ABV 40% )</p> <p><b>MUP = £0.50</b></p>

**Formula: No. of units x .50**