

# **THE ABERDEENSHIRE LICENSING BOARD**

## **REPORT TO THE ABERDEENSHIRE LICENSING BOARD – 22nd February 2023**

### **CONSULTATION ON RESTRICTING ALCOHOL ADVERTISING AND PROMOTION**

#### **1 Executive Summary/Recommendations**

- 1.1 The Scottish Government are consulting on proposals on restricting alcohol advertising and promotion. This is as a result of data, as explained in the consultation, that shows that in Scotland, enough alcohol was sold so that everyone over 16 could drink 18 units of alcohol every week, which is 28% more than the UK Chief Medical Officers low risk guidelines of 14 units a week. The consultation is wide ranging but focusses on marketing of alcohol including on television, in public spaces, social media or promotion at sports, events as well as through branded merchandise.
- 1.2 **The Licensing Board is recommended to:**
  - 1.2.1 **Consider the consultation in Appendix 1 to this report and consider whether to respond to the consultation.**
  - 1.2.2 **Should the Board be minded to respond, to provide comments for inclusion in the response to the Scottish Government.**
  - 1.2.3 **Delegate the preparation and submission of the finalised response on behalf of the Board to the Head of Legal and People following consultation with the Chair and Vice Chair so that the response can be submitted to the Scottish Government by the deadline in early March 2023.**

#### **2. Background / Discussion**

- 2.1 The Scottish Government has published a consultation document on proposals to restrict alcohol advertising and promotion. This is published online [here](#) and is replicated in Appendix 1 for ease of reference. Many of the proposals will or may have an impact on both the licensed premises that are licensed by the Board, and some of the events where occasional licences are granted which is why it is appropriate for the Board to consider responding to the consultation.
- 2.2 Appendix 2 narrates the questions being posed in the consultation along with officer comments where there is a direct impact on the work of the licensing service and explains the potential consequences.
- 2.3 The Board are encouraged to provide views on all elements of the proposal which will be collated together with officer comments for submission to the Scottish Government. The deadline for submission is prior to the next meeting of the Licensing Board therefore a delegation to the Head of Legal and People following consultation with the Chair and Vice Chair to agree the final response ensures timely submission.

2.4 The Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with relevant legislation.

### **3 Implications and Risk**

- 3.1 An integrated impact assessment is not required as the Board are considering the impact of proposals made by the Scottish Government, who will collate impacts and produce an Equalities Impact Assessment.
- 3.2 There may be resource implications for the Licensing Team if proposals are adopted which would have an impact on the number of variation applications however this is as yet unknown. Officers will assess the implications of any proposals following the consultation by the Scottish Government.

**Ritchie Johnson**

**Director of Business Services**

Report prepared by Lauren Cowie, Principal Solicitor (Governance)

Date 15<sup>th</sup> January 2023

**Appendix 1 – Scottish Government Consultation**

**Appendix 2 – Questions and proposed response**



## Appendix 2

### Questions and proposed response

1. Do you think we should prohibit alcohol sports sponsorship in Scotland?

Yes, No, Maybe

2. If sports alcohol sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

Illustrative examples include:

- prohibiting the use of alcohol brands on clothing worn by players or staff
- prohibiting alcohol being advertised on pitch side hoarding, pitches, trophies, tunnels or interview boards
- prohibiting players or staff from featuring in alcohol adverts in print or online
- prohibiting online content from linking the sports team, players or competition to an alcohol brand or vice versa.

3. What, if any, sporting activities or events do you think should be excepted from a prohibition on alcohol sports sponsorship?

4. Do you think we should prohibit alcohol events sponsorship in Scotland?

5. If alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

6. What, if any, events do you think should be excepted from a prohibition on alcohol events sponsorship and why?

7. If alcohol sponsorship restrictions are introduced, do you think there should be a lead-in time for these? How long might this be and how would it work?

8. Do you think we should prohibit alcohol marketing outdoors, including on vehicles and in public spaces in Scotland?

9. What do you think should be covered by a prohibition on alcohol marketing outdoors, on vehicles and in public spaces?

10. What, if any, exceptions do you think there should be to prohibiting alcohol marketing outdoors, including on vehicles and public spaces in Scotland?

11. Do you think we should further restrict the visibility of alcohol in retail environment giving reasons for your response? For example by; • restricting window displays of alcohol, • restricting the use of mixed alcohol and non-alcohol aisles, • prohibiting aisle-end displays of alcohol, • redefining the alcohol display area, and/or • covering alcohol behind till areas similar to tobacco

*The Aberdeenshire Licensing Board's policy includes provisions, having regard to the promoting and improving public health licensing objective, to*

1. *Include having dedicated shelves or sections devoted exclusively to low alcohol products.*
2. *In the case of premises selling other goods as well as alcohol this will mean:-*

- a. *Not displaying alcohol alongside confectionary or other goods likely to be of interest to children.*
- b. *Not having alcohol promotions displayed at places within the premises where it is likely to trigger impulse purchases by customers who would have otherwise not have purchased alcohol, for example at the end of an aisle.*

*The policy is currently undergoing review and specific questions have been asked in public engagement on the impact of this. This has had limited impact to date on those premises within Aberdeenshire who had a licence including end of aisle promotions prior to the adoption of the policy, but for new premises this is brought to the attention of any applicant and many accept the position and amend their applications accordingly to reduce end of aisle displays. This cannot be enforced retrospectively on existing licences unless this is a choice that they make. This emphasises that whilst changes can be made going forward, it would take legislative change to ensure that this can be enforced across Scotland and the implications of what this would mean for existing premises licences, and any variation thereof would need to be carefully considered in terms of lead in time for Councils and their statutory consultees to ensure that this is appropriately resourced.*

12. Do you think we should consider structural separation of alcohol in Scotland to reduce the visibility of alcohol in off-trade settings (e.g. supermarkets)?
13. How do you think structural separation of alcohol in Scotland could operate? (e.g. with barriers, closed display cases) – *If this was to be brought in then the majority premises licence in Scotland would require a premises licence variation which would be costly for premises licence holders and would have a serious resource impact on local authorities and statutory partners e.g. Police Scotland.*
14. Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland?
15. Do you think that we should prohibit the free distribution of alcohol-branded merchandise in Scotland?
16. What if any exceptions do you think there should be to prohibiting the sale or distribution of alcohol branded merchandise?
17. What, if any, other restrictions do you think should be considered on the use of alcohol brands on non-alcohol products?
18. Do you think any potential alcohol marketing restrictions should also apply to no or low drinks products between 0% ABV and 1.2% ABV where these carry the same brand name or identifiable brand markings, as alcohol drinks over 1.2% ABV?
19. Do you think we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland?
20. What, if any exceptions do you think there should be to prohibiting alcohol advertising in newspapers and magazines produced in Scotland?

21. Do you think we should restrict alcohol branded social media channels and websites in Scotland?
22. What if any exceptions do you think there should be to prohibiting alcohol branded social media channels and websites in Scotland?
23. Do you think we should restrict paid alcohol advertising online in Scotland? Examples include adverts, appearing on websites, via pop ups, on social media platforms, on search engines or influencer advertising?
24. What types of paid alcohol advertising do you think should be covered by any restrictions?
25. What if any exceptions do you think there should be to restricting paid alcohol advertising online?
26. Do you think we should restrict alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) whether this is produced by them or by consumers?
27. What, if any, exceptions do you think there should be from restricting alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) whether this is produced by them or by consumers?
28. Do you think we should explore prohibiting alcohol advertising on television and radio completely e.g. Norway or Sweden?
29. Do you think we should introduce a watershed for alcohol advertising on TV and radio like Ireland and if so how would this work?
30. Do you think alcohol advertising should be restricted in cinemas?
31. If alcohol advertising was restricted in cinemas, what, if any exceptions, e.g. products, times of day or movie ratings, do you think should be considered?
32. Do you think that content of alcohol marketing in Scotland should be restricted more to factual elements?
33. Do you think we should only allow alcohol marketing to include elements set out in a list like Estonia? This would mean all other elements not on the list would be banned from adverts?
34. Do you think that content restrictions like the Estonian model should be applied to all types of alcohol marketing?
35. How do you think that any future alcohol marketing restrictions in Scotland should be monitored and enforced?
36. Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland?

37. Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland?
38. Do you think the Scottish Government should look to introduce a comprehensive package of restrictions across a number of marketing channels? If so, what do you think this should include?
39. What if any additional marketing methods or channels not covered in the consultation would you like Scottish Government to consider restricting and why?
40. What further evidence on alcohol marketing would you like the Scottish Government to consider?
41. If you sell, distribute, advertise or manufacture alcohol or represent those who do, how do you think the potential restrictions in this consultation paper would impact you and the wider alcohol sector?

