

REPORT TO: DUNDEE CITY LICENSING BOARD - 18TH AUGUST 2011

REPORT ON: CONSULTATION ON BOTTLE MARKING SCHEME

REPORT BY: CLERK TO THE LICENSING BOARD

REPORT NO: 380-2011

1.0 PURPOSE OF REPORT

1.1 To propose a supplement to the Board's Statement of Licensing Policy 2010-2013 encouraging off-sales outlets to participate in a "Bottle Marking Scheme" and to obtain the Board's authorisation to write to all premises affected thereby.

2.0 RECOMMENDATIONS

2.1 A supplementary policy statement be adopted as outlined at APPENDIX 1 to this Report;

2.2 All premises with off-sales facilities only be written to in accordance with the style letter at APPENDIX 2.

3.0 FINANCIAL IMPLICATIONS

3.1 The Licensing (Scotland) Act 2005 provides that the administration of the licensing system is to be funded by the income from application fees, so there should be no financial implications.

4.0 MAIN TEXT

4.1 Reference is made to the decision of the Board at its meeting on the 21st April 2011 to undertake a consultation exercise under Section 6 of the Licensing (Scotland) Act 2005 with a view to including participation in a "Bottle Marking Scheme" in the Board's Statement of Licensing Policy 2010-2013.

4.2 50 consultation documents were issued to interested parties and 13 responses were reviewed. Three main areas were raised in the consultation document:

- whether participation should be voluntary or mandatory?
- should premises only with off-sales facilities be included or premises with both on and off-sales?
- should only premises in particular areas or where problems had been identified be included?

4.2.1 6 respondents said that participation should be mandatory, 5 that it should be voluntary and 2 expressed no opinion.

4.2.2 8 respondents said that only off-sales should be included, 4 said that on-sales premises with off-sales facilities should be included and 1 offered no opinion.

4.2.3 7 respondents are of the opinion that all off-sales outlets should be asked to participate, 3 were of the view that the scheme should be targeted and 3 said neither one nor the other.

4.3 In the consultation document, respondents were advised that it was not the Board's intention to make participation mandatory or to include on-sales premises with off sales facilities. The responses are largely supportive of this intention, with the exception of the voluntary nature of the scheme. However, the numbers of those saying participation should be mandatory or voluntary were fairly similar (6 to 5) and the absence of any power at the moment for the Board to amend the conditions of existing licences would tend to support a practical approach that participation initially be voluntary. This could obviously be re-assessed at some point in the future once the scheme is underway.

4.4 Therefore, it is proposed that a supplement to the Board's Statement of Licensing Policy be adopted in the terms shown at APPENDIX 1 to this report and that all premises with off-sales facilities only be contacted as outlined in APPENDIX 2.

5.0 POLICY IMPLICATIONS

5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. No major issues have been identified.

6.0 CONSULTATIONS

6.1 The Chief Executive, Director of Finance, the Head of Environmental Protection, the Chief Constable and the DUNCAN scheme co-ordinator have been consulted in the preparation of this Report.

7.0 BACKGROUND PAPERS

7.1 None.

Patricia McIlquham
Depute Chief Executive (Support Services)

Date: 3rd August 2011

APPENDIX 1**SUPPLEMENTARY LICENSING POLICY STATEMENT 2010-2013**
(NO 1- AUGUST 2011)

The undernoted section should be substituted for the section headed "Bottle Marking Scheme" on page 18 of the Board's Statement of Licensing Policy 2010-2013.

Bottle Marking Scheme

The Board will invite the holders of all premises licences with off-sales facilities only to participate in a Bottle Marking Scheme promoted in conjunction with the Dundee Co-ordinated Anti-Crime Network (DUNCAN) and with the assistance of Tayside Police. Participation in the scheme will be on a voluntary basis, although this may be reviewed in the future. The scheme would involve the marking of specific types of alcoholic products with a UV code peculiar to the premises. These markings can then be read by Police and Community Wardens and Licensing Standards Officers, who would be issued with UV key fobs for this purpose. It is intended that this would be of assistance in identifying the source of alcohol.

APPENDIX 2**DUNDEE CITY LICENSING BOARD****BOTTLE MARKING SCHEME**

Dear Sir,

At its meeting on 18th August 2011, the Licensing Board adopted a supplement to its Statement of Licensing Policy in which it seeks to encourage participation by off-sales premises in a "Bottle Marking Scheme" promoted by the Board in association with the Dundee Co-ordinated Anti-Crime Network (DUNCAN) and Tayside Police. Each licensed premises will be provided with a unique reference number which we would ask you to mark on certain brands of alcohol, those most popular with underage drinkers, using ultra violet marker pens. These brands will include:

- Tonic Wines
- Cider
- Alco Pops
- Fizzy Wines

Thereafter, examination of seizures will provide enforcement agencies with a valuable opportunity to identify the shop premises that are being targeted by young people to obtain alcohol, thus allowing further preventative measures to be introduced. By such means, we can continue to tackle this significant problem which has such a detrimental effect on the quality of life in our communities.

It is not proposed at this stage to make participation a mandatory condition of your premises licence. The Board intends however, to monitor the effectiveness of the scheme over a period of time and it may consider making participation mandatory in the future. Such a step would not be taken except after further consultation with all interested parties.

To obtain further details about how to participate in the scheme, you should contact the DUNCAN Scheme Co-ordinator on (01382) 434 566.

Yours faithfully,

