

Citizen Participation and Public Petitions Committee
Wednesday 26 June 2024
12th Meeting, 2024 (Session 6)

PE2092: Change the law and prevent children aged 5 to 17 from drinking alcohol in their home or other private premises

Introduction

Petitioner Jamie-Lee Dougal

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation to ensure that children under 18 years old cannot legally drink alcohol in their home or other private premises.

Webpage <https://petitions.parliament.scot/petitions/PE2092>

1. This is a new petition that was lodged on 10 April 2024.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 48 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received a submission from the Scottish Government, which is set out in **Annexe C** of this paper.
7. Members may also wish to note that [the Scottish Government have provided funding to support Planet Youth pilots](#) aimed at supporting young people who have experience of substance abuse.

Action

8. The Committee is invited to consider what action it wishes to take on this petition.

Clerks to the Committee
June 2024

Annexe A: Summary of petition

PE2092: Change the law and prevent children aged 5 to 17 from drinking alcohol in their home or other private premises

Petitioner

Jamie-Lee Dougal

Date Lodged

09 April 24

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation to ensure that children under 18 years old cannot legally drink alcohol in their home or other private premises.

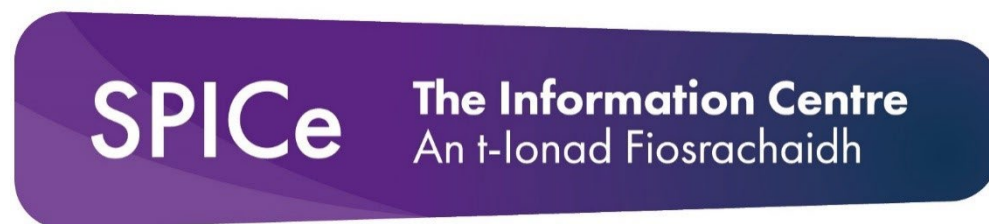
Background information

In England, Scotland, and Wales, it's not illegal for someone between the ages of five and 17 to drink alcohol at home or on other private premises. But this does not mean it is recommended. The best advice for young people's health and wellbeing is an alcohol-free childhood.

It was brought to my attention by Police Scotland and social services that children are allowed to consume alcohol from age 5 in their home or private premises.

There is a focus to increase the cost of alcohol to help tackle problems. Scotland has issues with many adults abusing alcohol. I believe this situation doesn't help. We need to support our children to make the right decisions and not hide behind loopholes in the law but instead change them.

Annexe B: SPICe briefing on petition PE2092



Brief overview of issues raised by the petition

The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation to ensure that children under 18 years old cannot legally drink alcohol in their home or other private premises.

The petitioner notes that there is a focus on increasing the cost of alcohol to help tackle the problems of alcohol use in Scotland. They believe the situation where children are legally able to consume alcohol in their home does not help this.

Background Information

Current legal position

Licensing (Scotland) Act 2005

The main piece of legislation that controls the sale of alcohol in Scotland is the [Licensing \(Scotland\) Act 2005](#) (“the 2005 Act”). One of the Act’s five objectives is protecting children and young people from harm.

The 2005 Act makes it an offence to sell alcohol to someone under the age of 18, or for someone under the age of 18 to buy or attempt to buy alcohol either for themselves or another person. It also means it is an offence for under 18s to consume alcohol on licensed premises, however there is an exception so that 16 and 17-year olds can drink beer, wine, cider or perry bought by an adult with a meal.

Sections 104A and 104B of the 2005 Act were introduced by the Air Weapons and Licensing (Scotland) Act 2015. It made it illegal for an adult to buy alcohol for, or supply alcohol to, a child or young person. The exception to this is where this is to be consumed somewhere other than in a public place or for the purposes of religious worship. The intention of this provision was to close the loophole which allowed adults to buy and share alcohol with a person under 18 in a public place and was intended to tackle outdoor drinking by groups of children and young people.

The [Stage 1 Report for the Licensing \(Scotland\) Bill](#) by the Local Government and Regeneration Committee noted that:

“...it would also criminalise behaviour which some respondents to the Scottish Government’s consultation characterised as “responsible”, such as parents introducing children to alcohol at a family picnic. Other respondents called for the supply of alcohol to children to be illegal in any circumstances.”

There were no amendments introduced at Stage 2 or Stage 3 of the Bill process which addressed the supply of alcohol to children being illegal in any circumstances.

Children and Young Person's (Scotland) Act 1937

There are no legal restrictions on the age that a child or young person can consume alcohol at home, or in other private premises. There was previously a minimum age of 5 years old, set out in the Children and Young Person's (Scotland) Act 1937, however this was repealed by the 2005 Act. There is no record of a discussion of this matter during the passage of the Bill.

While there are no specific offences relating to allowing the consumption of alcohol in the home by a child, an adult could be prosecuted, depending on the circumstances, on the grounds of child cruelty [under section 12 of the Children and Young Person's \(Scotland\) Act 1937](#).

Alcohol use by children in Scotland

The latest [Scottish Schools Adolescent Lifestyle and Substance Use Survey \(SALSUS\)](#) was carried out in 2018 with results published in 2019. Key findings in relation to alcohol use of children were as follows:

- Just over a third of 13-year-old pupils (36%) and 71% of 15 year olds have ever had an alcoholic drink.
- Just over half of 13 year olds (53%) and around two-thirds of 15 year olds (70%) who had ever had alcohol, had been drunk at least once.
- The most common drinking location for both 13 and 15 year olds was at their own home (60% and 51% respectively).
- Among both age groups, pupils were most likely to get alcohol from their home, from a friend or from a relative. Direct purchase of alcohol from a business was rare.

Alcohol, health and wellbeing

The National Records of Scotland's [Alcohol-specific deaths](#) publication shows that there were 1,276 alcohol-specific deaths registered in Scotland in 2022. This is the highest number of alcohol-specific deaths registered in a year since 2008 (1,316).

Public Health Scotland's [Alcohol related hospital statistics](#) show that there were 31,206 alcohol-related hospital admissions (stays) in Scotland in 2022-23. This number has been falling from a high of 46,815 in 2007-08.

The Scottish Government produced a [Review of Existing Literature and Evidence on Young People Experiencing Harms from Alcohol and Drugs in Scotland](#) in October 2021. This identified risk factors including:

- Adverse Childhood Experiences (ACEs)

- interpersonal relationships
- individual-level risk factors (e.g. using drugs and alcohol at an early age).

The review concluded that policies to address problem alcohol and drug use among children should focus on tackling the structural determinants. Addressing the impacts of poverty and the costs of living were among suggested actions.

Child protection

The Scottish Government's [National Guidance for Child Protection in Scotland](#) (2021, updated 2023) does not deal specifically with the issue of children and young people's alcohol use.

Local authorities have a legal duty to investigate concerns raised about a child and to "safeguard and promote the welfare of children in their area who are in need" by providing appropriate services and support. Where alcohol use by a child under the age of 18 was causing a concern, the risks of significant harm to the child would be a key consideration.

Anyone who is concerned about a child's welfare can contact the police, the child's local children and families social work team or make a referral to the Scottish Children's Reporter.

Scottish Government action

- **Minimum Unit Pricing (MUP)** – A minimum unit price for alcohol was implemented by the Scottish Government on 1 May 2018. This was set at 50 pence per unit and means that alcohol cannot be legally sold for lower than this amount. The MUP was continued and increased to 65 pence per unit following a vote in the Scottish Parliament on 17 April 2024. This rise will take effect from 30 September 2024.
- **Alcohol advertising and promotion** – The Scottish Government carried out a consultation on restricting alcohol advertising and promotion in 2022-23. Respondents acknowledged that children and young people should not be unduly exposed to the marketing of age-restricted products such as alcohol but in the main did not think the proposals as set out would achieve the intended outcomes of reducing alcohol consumption or harm and/or were disproportionate to the scale of the problem. The [Scottish Government stated they intended](#) to hold more talks with public health stakeholders and the alcohol industry early in 2024 to discuss ways of limiting young people's exposure to alcohol promotions.
- **Alcohol Framework 2018** – The Scottish Government's [Alcohol Framework 2018: Preventing Harm](#) sets out their national prevention aims on alcohol, including the activities that will reduce consumption and minimise alcohol-related harm arising in the first place. The Framework recognises the effects of alcohol on children and young people stating:

“The scientific evidence is clear that an alcohol-free childhood is the healthiest and best option. Children and young people are particularly vulnerable to the effects of alcohol. The earlier a young person begins to drink alcohol, the more likely they are to drink in ways that can be risky later in life. Underage drinking can cause short and long term harm to health, as well as put young people in dangerous situations. We must continue to take forward actions to prevent children and young people from gaining access to alcohol and therefore putting themselves in risky situations.”

Kirsty Deacon
Senior Researcher
13 May 2024

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

Annexe C: Written submission

Scottish Government submission of 07 May 2024

PE2092/A: Change the law and prevent children aged 5 to 17 from drinking alcohol in their home or other private premises

The Scottish Government is fully committed to reducing alcohol related harm and recognises the health harms it causes to people in Scotland. Our approach, set out in the Alcohol Framework 2018, is in line with the World Health Organisation's three 'best buys' to reduce alcohol related harms by tackling the affordability, availability, and attractiveness of alcohol. The Scottish Government continues to take ambitious action on alcohol harm, including continuing and increasing Minimum Unit Pricing, reviewing other measures such as alcohol advertising restriction, and providing record spend on treatment and a wide range of other measures, including funding for Alcohol and Drug Partnership which rose to a record £112 million in 2023-24.

[Scientific evidence shows](#) that children are particularly vulnerable to the effects of alcohol, whether they are drinking themselves, or being affected by the drinking of other people in their lives. Underage drinking can cause short and long term harm to health, as well as put young people in dangerous situations when drunk. It is clear that alcohol-free childhood is the healthiest and the best option. Parents and young people should be aware that drinking, even at age 15 or older, can be hazardous to health and that not drinking is the healthiest option for young people.

I am grateful to the author of this petition for raising the issue related to children being provided with alcohol.

As far as young people and alcohol consumption are concerned, the general trend is a downward one. Findings [from the Health Behaviour in School-aged Children Survey \(2022\)](#) are encouraging and showed that 12% of young people reported having been drunk two or more times in their life. Since 1998, levels have declined steadily and are now at their lowest in 32 years. Just over one in five (22%) young people said they currently drank alcohol and this increased with age from 5% of 11-year-olds, 16% of 13-year-olds to 45% of 15-year-olds. However, I recognise that these levels remain too high and that the Scottish Government continues to take steps to reduce underage alcohol consumption.

Substance use education continues to be taken forward in our schools through Curriculum for Excellence and it is our intention that by educating children and young people about substance use and the impact it can have on their life and health, this will prevent them from making unhealthy choices.

In terms of legislation, while there is no specific offence of permitting consumption of alcohol by those under the age of 18 in a private property, there are a range of regulations, powers or statutory duties that relate to protecting children from harm, or children and alcohol specifically. These include:

- [Licensing \(Scotland\) Act 2005](#), in particular sections 102 (the offence of selling alcohol to a child or young person), 103 (the offence of allowing the

sale of alcohol to a child or young person) 104A (the offence of supplying alcohol to a child for consumption in a public place), 104B (the offence of knowingly supplying alcohol to a young person for consumption in a public place) and 105 (the offence of purchase of alcohol by a child or young person). The penalties for committing an offence under sections 102, 103, 104A or 104B include a fine of up to £5,000, up to three months in prison or both;

- [Children and Young Persons \(Scotland\) Act 1937](#), in particular section 12, which makes it an offence to wilfully ill-treat or neglect a child under the age of 16, or to cause a child to be ill-treated or neglected in a manner likely to cause the child injury to health. The penalty for committing an offence under this section include imprisonment for up to ten years or an unlimited fine, or both.
- [Section 61 of the Crime and Punishment \(Scotland\) Act 1997, which gives police the power to confiscate alcohol from under 18s in a public place.](#)

Furthermore, the commission of an offence under section 12 of the Children and Young Persons (Scotland) Act 1937 would also serve as a ground for referring a child to the Children's Hearing System, per [section 67 of the Children's Hearings \(Scotland\) Act 2011](#). Another ground for referral would be where a child has misused alcohol – for which an offence does not need to have been committed before a referral could be made.

In addition, outwith the offences listed above, robust child protection measures are in place across Scotland. The safety of children is always paramount, and our children and young people have the right to be protected from all forms of harm. [The Scottish Government published revised National Guidance for Child Protection in Scotland in August 2023](#). The guidance describes the responsibilities and expectations of everyone who works with children, young people and their families in Scotland. It includes information and advice for agencies to appropriately respond to concerns about alcohol use around children.

If an individual is concerned about child's safety and their wellbeing, in the first instance they should be encouraged to report such concerns to the child's local authority who have relevant statutory protection and safeguarding measures in place when there is a suspicion that child's welfare is at risk. If anyone is worried that a child or young person is at risk of immediate harm, including abuse or neglect, they are urged to contact Police Scotland. Expert support and advice is also available from the National Society for the Prevention of Cruelty to Children (NSPCC) who will be able to provide information on reporting concerns about a child at risk of harm and provide advice on child protection in line with the above mentioned interventions.

In summary, the Scottish Government does not intend to take forward the specific proposal contained in this petition at this time given the wide range of law, duties on public bodies and national guidance that protects children from harm, including that caused by alcohol. However, the Scottish Government remains absolutely committed to taking action on alcohol harm prevention and will continue to keep this particular

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issue under review to assess whether further legislative measures are required in the future.