

## **Vaughan Gething AM**

Cabinet Secretary for Health and Social Services

8 November 2017

Dear Vaughan

### **Public Health (Minimum Price for Alcohol) (Wales) Bill – Stage 1 scrutiny**

Following the cancellation of this week's Health, Social Care and Sport Committee meeting at which you were due to provide evidence on the Public Health (Minimum Price for Alcohol) (Wales) Bill ("the Bill"), I'm writing to seek your views on a number of issues which would have been discussed during the meeting.

#### Public health case for the Bill

- 1) What public health outcomes does the Welsh Government expect to see from the introduction of minimum pricing for alcohol in Wales?
- 2) What measures will be used to evaluate the effectiveness of the legislation? Will an evaluation after five years give us a clear enough picture, given that some of the health impacts may only be seen in the longer term?

#### Competence

- 3) Can you explain, for the record, your position on the National Assembly's competence to pursue this Bill, the reasons for the Bill being introduced now, and your intentions following the pending Supreme Court judgment on the relevant Scottish legislation?

#### The minimum unit pricing (MUP) approach

- 4) How will the level of MUP be decided? What further work is needed before the relevant regulations are made, and what are the timescales for that work?



- 5) What is the Welsh Government's intention regarding reviewing the level of MUP in the future – how frequently, for example, and by what mechanism will the MUP be reviewed/alterd?
- 6) What is the evidence base underpinning the proposals? How has the link between alcohol price, consumption and harm been demonstrated? In particular, what evidence shows that those who drink at hazardous/harmful levels will reduce consumption under a minimum unit pricing policy?
- 7) Have other strategies to reduce the affordability of alcohol been looked at? Why does the Welsh Government consider that minimum unit pricing will be the most effective approach?

#### Wider impact on consumers

- 8) One of the criticisms of minimum unit pricing is that it won't just target those drinking at harmful levels, but that it will impose additional costs on a majority of people who drink responsibly. What impact does the Cabinet Secretary expect the Bill to have on moderate drinkers?
- 9) The Explanatory Memorandum acknowledges that minimum unit pricing is likely to affect dependent drinkers. What assessment has been made of the need for additional services to support those who are dependent on alcohol?
- 10) What is your response to the concern that minimum unit pricing is a regressive measure that will impact most on those in poverty?
- 11) How will the impacts of the Bill on low income and vulnerable groups be monitored and mitigated?

#### Substitution effect

- 12) What is known about the consumption of unrecorded alcohol in Wales? Does Sheffield University's modelling work take account of this? ('Unrecorded alcohol' might include home-made or informally produced alcohol (legal or illegal), smuggled alcohol, alcohol intended for industrial or medical uses, and alcohol obtained through cross-border shopping (which is recorded in a different jurisdiction)).
- 13) What level of risk is there that the introduction of minimum unit pricing could result in an increase in consumption of illegal or dangerous alternatives? How will this be monitored?

### Impact on local authorities

14) How have you assessed the capacity of local authorities to enforce the minimum unit pricing regime? What additional support do you intend to provide (including financial support and guidance) to ensure local authorities are able to carry out the functions imposed on them by this Bill?

15) Section 16 of the Bill allows an authorised officer of a local authority (authorised by a warrant under section 14) to enter a dwelling with additional persons and equipment. What safeguards are in place to prevent abuse of the section 16 power when an authorised officer of a local authority enters a dwelling by warrant and may take such other persons and equipment as the officer considers appropriate?

### Impact on retailers, including cross-border issues

16) The Regulatory Impact Assessment describes a 'degree of uncertainty' about what the alcohol industry's response to the introduction of minimum unit pricing might be. Is there a risk that, if the introduction of minimum pricing results in increased profits for the alcohol industry (as predicted by the Sheffield model), this could undermine the policy intentions of the Bill?

17) Can you clarify whether/how minimum unit pricing would apply where a person living in England orders alcohol products that are delivered from within Wales – both from a retailer based only in Wales, and also from larger UK-wide retailers?

18) What assessment has been made of the impact on UK-wide retailers who will have to operate a different pricing regime in Wales to that in England and elsewhere in the UK?

19) Is the introduction of minimum unit pricing likely to encourage consumers to cross the border to buy alcohol in England, and will this have a negative impact on Welsh businesses, particularly in border areas?

20) Will the introduction of minimum unit pricing have a disproportionate impact on smaller businesses, who may face higher implementation costs for example?

21) What guidance and support does the Welsh Government intend to provide to retailers, and why this is not set out on the face of the Bill?

It would be helpful if you were able to provide this information by 15 November.

These issues, and other points raised by our stakeholders during scrutiny of the Bill, will be discussed with you further during our meeting on 11 January 2018.

Yours sincerely,

A handwritten signature in black ink, reading "David Lloyd". The signature is written in a cursive style with a large initial 'D'.

Dr Dai Lloyd AM

**Chair, Health, Social Care and Sport Committee**