




Minimum Unit Pricing (MUP) for alcohol evaluation: Compliance (licensing) study

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Contents

Executive summary.....	2
Introduction	2
The aim of this study	2
What we did.....	2
What we found	2
Our understanding of the impact of MUP so far	4
Conclusions.....	4
Abbreviations	5
1. Introduction	6
1.1 Background to the study.....	7
1.2 Overview of the compliance process.....	8
1.3 Research aims and questions	10
2. Methods	11
2.1 Qualitative data collection.....	11
2.2 Quantitative data	16
3. Findings	17
3.1 Implementation of MUP.....	17
3.2 Monitoring and enforcing compliance.....	28
3.3 Facilitators, obstacles and other potential consequences	40
4. Discussion	57
Principal findings from this study.....	57
Strengths and limitations of the study.....	59
Interpretation of the study findings	60
Implications	61
5. Conclusions	64
Appendix 1: Minimum unit price (MUP) for alcohol evaluation theory of change	65
Appendix 2: Interview topic guide	66
Appendix 3: Participant information sheet.....	71
Appendix 4: Participant consent form	75
Appendix 5: Analytical framework.....	78
6. References	84

Executive summary

Introduction

- Minimum unit pricing (MUP) came into effect in Scotland on 1 May 2018. From that date every drink containing alcohol has a minimum price based on the amount of pure alcohol it contains. The minimum price for alcohol in Scotland is currently set at 50 pence per unit (ppu).
- A number of research studies are being undertaken to assess the impact of MUP. As part of the national MUP Evaluation Portfolio, this study focuses on the implementation of MUP from the perspectives and experiences of practitioners with responsibility for inspection and enforcement of MUP in licensed premises.

The aim of this study

- The aim was to understand how MUP was being implemented; what may have helped or hindered implementation; practitioners' views on the extent of non-compliance with MUP, and perceptions of any changes in the sale of unlicensed alcohol in Scotland.

What we did

- Telephone interviews with 12 Licensing Standards Officers (LSOs), five Police Scotland local divisional licensing officers, and three Trading Standards Officers (TSOs).

What we found

Based on the perspectives of those interviewed, we found that:

- licensed premises were felt to be largely compliant with MUP. Any issues of non-compliance with MUP were considered by practitioners to be minor
- there are different types of licensed premises: the on-trade (pubs and clubs) and the off-trade (shops selling alcohol for consumption off the premises). The off-trade includes large supermarket chains, as well as

small independent shops. Practitioners reported that the on-trade had been largely unaffected by the implementation of MUP. This is because alcohol prices in this sector are normally higher than the current MUP rate of 50 ppu. Non-compliance was therefore not found to be an issue. In the off-trade, practitioners expected more instances of non-compliance among the smaller premises than among the larger supermarkets. This is because supermarkets tend to have management systems in place to ensure all their stores are compliant with required legislation. In practice, examples of non-compliance were found in both the large supermarket chains and smaller independent licensed premises. All issues were swiftly resolved

- a number of factors were identified that supported the high level of compliance. These include:
 - the mandatory status of MUP. This means that all premises must comply as a condition of their alcohol licence
 - the level at which MUP was set (£0.50p) means it had limited effect on the on-trade and only affected a comparatively small proportion of alcohol products in the off-trade
 - the financial incentive for licensed premises to comply, both to protect their licence, and because MUP is perceived to increase their income
 - the role of the LSOs, together with the police licensing division and TSOs, in supporting compliance. The practical resources made available, such as the guidance produced by the Scottish Government and Scottish Grocers Federation, were also felt to have helped licensed premises.
- factors that may have created obstacles to effective implementation were, in the short-term, the limited lead-in time between the announcement that MUP would go ahead and the start date and the availability of guidance for premises. It was felt that these made it more difficult for premises to be ready by 1 May 2018. An ongoing issue may be making sure that premises understand how to calculate MUP and apply it to all their relevant alcohol product lines. Demands on LSOs to

work on other local authority licensing issues may also limit their time to supervise compliance with MUP. Some issues that were still causing confusion – for example in relation to promotions, the use of vouchers and the need for ‘dual pricing’ where premises sold to both the licensed trade and the public

- no increases in illegal alcohol-related activity were identified as a result of the introduction of MUP.

Our understanding of the impact of MUP so far

- This is the first study from the evaluation of MUP to report.

Conclusions

- The study found that minimum unit pricing was, in the main, well implemented and compliance among licensed premises was high.
- An important first step for a policy to achieve its intended outcomes is successful implementation, and for the relevant people to comply with the policy. From the point of view of the participants in the current study, MUP has been effectively implemented by licensed premises. Other studies in the MUP Evaluation Portfolio will help to provide information on the outcomes that follow on from successful implementation.

Abbreviations

ABV: Alcohol by volume

LSO: Licensing Standards Officer

MUP: Minimum unit pricing

PASG: Primary Authority Supermarkets Group

SGF: Scottish Grocers Federation

SCOTTS: The Society of Chief Officers of Trading Standards in Scotland

TSI: Trading Standards Institute

TSO: Trading Standards Officer

1. Introduction

Minimum unit pricing (MUP) was first proposed in the Scottish Government's 'Changing Scotland's Relationship with Alcohol: A Framework for Action'¹ (2009) as part of a package of interventions to address Scotland's high rate of alcohol-related harm.

The necessary legislation was passed by the Scottish Parliament in the Alcohol (Minimum Pricing) (Scotland) Act 2012. This legislates for setting a floor price based on the alcoholic strength of products below which all alcohol in Scotland cannot be sold. It applies to both the on-trade (i.e. places that sell alcohol for consumption on the premises, such as pubs, restaurants and clubs) and the off-trade (supermarkets, off-licences, convenience stores and any shop that sells alcohol for consumption off the premises).

MUP was subject to a legal challenge by some parts of the alcohol industry. On 15 November 2017, the UK Supreme Court confirmed that MUP is lawful.² Following a consultation and Parliamentary vote, secondary legislation was passed that set the level of minimum price at 50 pence per unit (ppu) of alcohol. MUP was implemented on 1 May 2018 and is a mandatory condition that applies to all alcohol licences. As such it is illegal for licensed premises to sell alcohol cheaper than this.

The MUP legislation states it will expire before the end of a 6-year period of implementation unless the Scottish Parliament makes provision for it to continue. This is often referred to as the 'sunset clause'. The legislation also requires a report on the operation and effects of MUP to be put before Parliament as soon as possible after the end of the fifth year of implementation.

This review report needs to cover, among other things, the impact on alcohol licence holders and producers, and on the five licensing objectives set out in the Licensing (Scotland) Act 2005.* NHS Health Scotland has been tasked with leading the independent evaluation of MUP that will form the basis of this report.

1.1 Background to the study

The overarching evaluation questions for the evaluation of MUP are:

- 1 To what extent has implementing MUP in Scotland contributed to reducing alcohol-related health and social harms?
- 2 Are some people and businesses more affected (positively or negatively) than others?

The evaluation is taking a theory-based approach. In such an approach, the conclusion that the intervention has contributed to the desired long-term outcomes is drawn if:

- there is a plausible ‘theory of change’ that shows how the implementation of MUP links to the intended outcomes
- it can be demonstrated that the activities were implemented in a way likely to achieve the outcomes
- evidence is gathered which supports the theory of change, i.e. demonstrates the sequence of expected results is being realised
- external factors influencing outcomes have been assessed and accounted for.^{3, 4}

A theory of change for MUP has been developed (see [Appendix 1](#)). A portfolio of component studies managed by NHS Health Scotland has been established to gather evidence on the chain of outcomes in the theory of change and includes studies to assess compliance and implementation,

* For the purposes of this Act, the licensing objectives are (a) preventing crime and disorder, (b) securing public safety, (c) preventing public nuisance, (d) protecting and improving public health, and (e) protecting children and young persons from harm.

See www.legislation.gov.uk/asp/2005/16/contents

changes in the alcohol market, alcohol consumption and alcohol-related harm. Other separately funded studies, resourced by research grant funding or other sources, will complement this portfolio. A description of the evaluation as a whole can be found in the evaluation protocol.⁵

The current study is the first component study of the MUP evaluation portfolio. It is expected that the chain of outcomes will only be realised and attributable to MUP if MUP is complied with and alcohol below 50ppu is largely no longer available in Scotland. It is therefore important to assess compliance as a key element of the effectiveness of MUP in achieving its intended results.^{6, 7, 8, 9, 10} Additionally, understanding poor compliance could indicate where additional support is needed to ensure appropriate implementation.¹⁰

This study provides important contextual information on implementation, including the perceived extent and nature of (non-)compliance, and the factors facilitating or acting as obstacles to effective implementation, from the perspective of inspection and enforcement practitioners.

1.2 Overview of the compliance process

Guidance on the implementation of MUP has been developed by the Scottish Government.¹¹ Every beverage containing alcohol has a minimum price based on the amount of pure alcohol it contains. This is calculated as the price per unit (£0.50) x the strength of alcohol (ABV) x the volume in litres.

Across Scotland, local authority Licensing Standards Officers (LSOs) are responsible for monitoring and supervising compliance with all mandatory licensing conditions and this now includes MUP. Under the Licensing (Scotland) Act 2005 section 142: guidance to licensing boards and local authorities¹² LSOs have three main roles: guidance, mediation and compliance. They are the first port of call for most matters related to licensing.

The LSO role is to support retailers in understanding and implementing the law by providing information and guidance to licence holders on actions

required to prevent non-compliance issues or resolve complaints and provide a liaison role between the requirements of alcohol legislation, including MUP, and the needs of retailers. Findings from 'An evaluation of the implementation of, and compliance with, the objectives of the Licensing Scotland Act 2005 Final Report'⁸ indicated the benefits of the LSOs' proactive approach to resolving issues.

Each of Police Scotland's 13 Local Policing Divisions has a licensing department that deals with matters of local authority licensing. In respect of alcohol, Police Scotland local licensing teams are specifically responsible for reviewing all alcohol licensing applications for consideration by Licensing Boards in their area, and have close working relationships with LSOs in monitoring licensed premises.

Trading Standards is the local government service that works to (1) protect consumers from illegal trading practices and (2) support the business community to comply with consumer protection legislation. The daily work of a Trading Standards Officer (TSO) involves responding to and investigating consumer complaints and conducting routine inspection of businesses for compliance with legislation. TSOs have various powers granted to them under the legislation that they enforce. These include the ability to enter and inspect premises, examine goods and conduct test purchases.¹³

Scottish liquor licensing statistics on 'premises and personal licences in force, applications and reviews/proceedings' are published annually by the Scottish Government.¹⁴ However, the system operates by encouraging compliance, and licensing-related issues are largely proactively resolved operationally rather than escalated to Licensing Boards for review. In addition, national data do not specify whether a review of a premise's licence was in relation to specific conditions, such as MUP. Given that the analysis of suspensions and prosecutions in this routine licensing data would not provide a complete picture of compliance, a specific study was proposed for the purposes of the evaluation of MUP.

1.3 Research aims and questions

The aim of the study was to provide a broad overview of (non-)compliance, and related issues, with the Alcohol (Minimum Pricing) (Scotland) Act 2012 among licensed premises. The focus of this study was to describe experiences after implementation to contribute to understanding compliance as a critical point in the theory of change.

The research questions were:

- What are the perspectives and experiences of those working in inspection and enforcement of implementing MUP?
- What are the barriers and facilitators of MUP compliance and implementation?
- What is the extent of non-compliance with MUP for alcohol by licensed premises in the study areas?
- What are the perspectives and experiences of those working in inspection and enforcement of any changes in the sale of unlicensed alcohol in Scotland and the introduction of MUP?

2. Methods

Initial development and scoping of this study was undertaken in collaboration with the National LSO Network. The research was carried out between June 2018 and March 2019. The study consisted of qualitative interviews with practitioners involved in the inspection of licensed premises and enforcement of MUP. These interviews were conducted between August and October 2018 in order to capture practitioners' early perspectives and experiences following the introduction of MUP.

It was also proposed to supplement these qualitative data with an analysis of any local authority published quantitative data on compliance with MUP. As discussed in section 2.2, at the time of the study, data were only available from two out of 32 areas, so this was not possible.

NHS Research Ethics Committee approval was not required for this study as interviews only involved practitioners in the context of their professional role. The study protocol¹⁵ received a favourable opinion from NHS Health Scotland's Research Development Group in June 2018.

2.1 Qualitative data collection

A qualitative approach was used in order to capture practitioners' perspectives and experiences.¹⁶ Data collection comprised semi-structured individual telephone interviews with a purposive sample of practitioners from three professional groups: Licensing Standards Officers (LSOs), Police Scotland local divisional licensing officers (subsequently referred to here as police-licensing), and Trading Standards Officers (TSOs). These groups were selected because of their responsibility for inspection and enforcement of MUP and related legislation.

Telephone interviews were chosen as a pragmatic and proportionate approach intended to ensure consistency of method and to maximise resources given the range of geographical locations and views sought.

A topic guide was developed (see [Appendix 2](#)) which was informed by the research questions for the study and by discussions with LSOs. Topics covered included: experience of the implementation process; experience of monitoring compliance in different trade types; and awareness of any changes in illegal alcohol related activity since the introduction of MUP. The topic guide allowed flexibility to explore issues salient to individual participants and their different professional roles in relation to MUP (for example introductory questions with police-licensing participants were enhanced for context).

2.1.1 Recruitment and sampling

Recruitment of participants was purposive based on profession and geographic location. The practitioner group primarily recruited from was LSOs, however the study also wanted to understand the role and experience of police working within local licensing divisions and TSOs, given their respective responsibilities for inspection and enforcement of MUP and related legislation.

Email requests inviting participants to take part in the study were sent via the National LSO Network, the Society of Chief Officers of Trading Standards in Scotland (SCOTSS), and Police Scotland contacts. The request included a participant information sheet outlining the study (see [Appendix 3](#)). After an initial round of interviews, a subsequent email request inviting participants was sent two months later via the same networks as before but calling for particular practitioner groups and locations that were under represented from the first round of interviews. This second round of recruitment successfully achieved the target sample of participants.

Written informed consent was gained from all interviewees. Prospective participants were sent the consent form (see [Appendix 4](#)) together with another copy of the participant information sheet by email. A telephone call with one of the interviewers was then scheduled to give all prospective participants the opportunity to ask any questions and discuss the details of the

consent form. Signed consent was received via email prior to the interview and consent re-confirmed verbally at the start of the interview.

Participants' local authority locations cover large geographical areas that include both rural and urban settings. To examine whether there was any difference in experience of inspection and enforcement between urban and rural settings, or on the Scottish side of the Scotland–England border, participants were categorised as follows from the Scottish Government six-fold Urban Rural Classification categories¹⁷:

- Urban, if the local authority they were working in had 70% or more of the population living in large or other urban areas – categories 1 and 2 (as recorded in 2016).¹⁸
- Rural, if they worked in a local authority where less than 70% of the population live in categories 1 or 2.
- Scottish–English border, if they worked in Dumfries & Galloway or the Scottish Borders.

Although for the purposes of the study participants' working locations have been categorised as 'urban' or 'rural', in practice the areas they covered were not necessarily wholly urban or wholly rural. Overall the aim was to recruit a minimum of 15 participants (12 LSO and TSOs, and three police) but with at least three from each type of location to protect the anonymity of participants, and obtain a range of views.

Table 1 below indicates the achieved sample size by profession and geographical area covered. For the purposes of this study, personal characteristics, other than length of time in post, were not collected from participants.

Twenty people were interviewed (see Table 1), the majority (12 of 20) being LSOs. Participants were recruited from across Scotland, with nine participants working in urban areas, six in rural areas and four in the council areas at the

border between Scotland and England. Participants varied in length of time working in their profession (ranging from 1 year 10 months to 33 years), but all had been in post prior to the introduction of MUP. Within their work all participants covered on- and off-trade licensed premises, and within the off-trade this included both small/independent and large/chain retailers.

Table 1a: Demographic characteristics of study participants

Characteristic – Role	Number of participants (n=20)
Licensing Standards Officer	12
Trading Standards Officer	3
Police-licensing	5

Table 1b: Demographic characteristics of study participants

Characteristic – location they work in	Number of participants (n=20)
Urban	9
Rural (not Scottish Borders/Dumfries &Galloway)	6
Scottish Borders or Dumfries & Galloway	4
Not applicable*	1

* Unspecified to protect anonymity

The telephone interviews were conducted by two members of the study team. The interviews were audio recorded and lasted between 20 minutes to over an hour, with the average interview lasting approximately 45 minutes.

Each member of the three professional groups was given a unique identifier (e.g. LSO1, PS5, TSO3). These are indicated in the quotes throughout the report; the numbers used in the identifiers do not necessarily reflect the number of participants in each group.

2.1.2 Data analysis

To ensure consistency, three members of the research team were involved in the analysis. Interviews were transcribed by a transcription company, then quality assured for accuracy with the audio recording and anonymised by the interviewer. The Framework method¹⁹ was used to manage the data and enable thematic analysis of the content of the interviews. This involves developing a coding frame for coding and summarising the data to enable the identification of themes. Initially three interviews were coded independently by two team members and a subset of this by the third team member. These were compared and used to develop the analytical framework (see [Appendix 5](#)). Two team members then used this framework to independently summarise data from three further interviews, with the third staff member also summarising a subset of the data. The summaries were compared and agreement reached on how the team would continue this process, for example around the level of detail required and double coding.

The process of creating the thematic framework and comparing the initial summaries enabled discussion around analysis plans and practice. It also provided the opportunity for familiarisation with the data. All the interview data were then inputted into NVivo (version 12), a qualitative data management package, coded and summarised. The thematic framework was used to draw out the themes relevant to the aim and research questions for the study. Codes were analysed individually or together. Similarities and differences between participant accounts were considered. Where differences emerged related to job role and/or location these are clearly stated, otherwise the analysis draws from across the sample of participants.

In order to check preliminary findings, to 'explore whether results have resonance with the participant experience',²⁰ two members of the research team presented preliminary findings from the qualitative data to the National LSO Network in January 2019. The Network corroborated the summary of findings and analysis to date.

2.2 Quantitative data

The research protocol for this study included a proposal to analyse any publically available data on MUP (non-)compliance from local authorities, or Alcohol and Drug Partnerships (ADPs). Where possible it was hoped these data could be analysed for the extent of MUP (non-)compliance; patterns of MUP compliance within premises; and changes in the number of applications for review of premises licences. The protocol recognised potential limitations of any data – for example which, what or when local authorities would publish – and the consistency or comparability of data.

The availability of published local authority data on MUP was reviewed in September 2018 and March 2019. By the end of the data collection period only two local authorities (out of 32) had published data.* It was therefore not possible to conduct a quantitative analysis of (non-)compliance. The remainder of this report reflects solely the qualitative research findings.

* Two local authorities published data online: Aberdeen City Council (www.aberdeencity.gov.uk/sites/default/files/2018-10/Minimum%20Unit%20Pricing%20Information%20September%202018.pdf – accessed 8 April 2019) and North Ayrshire Council (www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/Licensing/minimum-unit-pricing-statistics-2018.pdf – accessed 8 April 2019).

3. Findings

This section presents findings from the analysis of the qualitative interview data to address each of the research questions: the perspectives and experiences of those working in inspection and enforcement of implementing MUP (section 3.1); the extent of non-compliance with MUP by licensed premises (section 3.2); the barriers and facilitators and other potential consequences of MUP compliance and implementation (section 3.3).

3.1 Implementation of MUP

This section describes the perspectives and experiences of those working in inspection and enforcement of implementing MUP. It covers participant accounts of their preparations (3.1.1); licensed premises' perceived readiness (3.1.2); and practitioners' perspectives on some of the actions taken by licensed premises and other observed changes following the introduction of MUP (3.1.3).

3.1.1 Participants' preparations for implementation

This subsection summarises participants' accounts of their preparation for supporting implementation of MUP in licensed premises, the strategies they put in place, and the implications for their working practices and workload.

For the LSOs, preparation for implementation had two overlapping dimensions; first, self and team preparation and familiarisation; and second, developing and implementing a strategy to support compliance. Self and team preparation involved, for example, knowing how to calculate MUP for different products, ensuring they were aware of the 'basic principles' (LSO 2), and familiarising themselves with the products likely to be affected:

'I'd been following minimum unit pricing all the way anyway before it became law, so I was well aware of the background of it, I was well aware of the information, I was well aware of the calculations that needed to be done to get to the minimum price.' (LSO 4)

One LSO described undertaking research in the on-trade sector so they were familiar with the pricing strategies and the likely implications of MUP for pubs and clubs:

‘Basically, visiting the pubs and clubs that are in the area and being aware of their pricing policies and pricing strategy [...]. It was really, really obvious that none of them were going to have a single product that they were offering for sale that was even close to MUP.’ (LSO 9)

One LSO made the point that the centrality of their own and their team’s role in supporting compliance meant they had to be prepared:

‘[...] because if the LSO is not prepared then where does anybody go? The LSO has to be, it’s the frontline service and people come to us for that advice and guidance and steer, and if we’re not prepared then we’re failing. So, I made sure that I was as prepared as I possibly could.’ (LSO 10)

In terms of guiding the trade, a number of LSOs described developing strategies for supporting compliance with MUP. These included sending out (or physically handing out) the new licence condition and undertaking pre-implementation ‘education’ (LSO2) visits and post-implementation inspection visits to licensed premises.

A number of LSOs described pre-implementation visits, focusing primarily on the smaller off-trade sector. The aim of these educational visits was to provide premises with information and guidance on the new condition, with a view to supporting compliance when the legislation went live.

‘We tried to get round [...] all of the smaller independent licensed grocers prior to 1 May, because we knew they were the ones that maybe wouldn’t have information about MUP filtering down from any [...] head office, cause they were independent. So we tried to get round most of them prior to 1 May to make sure they knew it was coming in, to give out the

guidance on the minimum unit price and make sure they knew how to calculate it et cetera.’ (LSO 6)

Prior to MUP coming into effect a number of LSOs also described sending or handing out explanatory letters outlining the change and providing the new mandatory condition to be attached to each premises’ alcohol licence.

‘We sent out two copies of the updated conditions to every licensed premise [...] both on and off-sales got the new conditions to attach to their licences and a covering letter and guidance note from ourselves [...], along with other bits and pieces that we sent out to them. So they were all fully aware of the process. [...] We basically asked them to replace... take out their old conditions and replace them with the new ones.’ (LSO 1)

This generated some queries from premises and enabled LSOs to clarify issues in advance of the new condition taking effect.

One LSO described how they physically handed out the new licence conditions in the course of their visits. This was based on their experience of the ‘hit and miss’ (LSO7) nature of sending out new conditions to be attached to the licence:

‘Historically, we found that can be problematic. What we do here is, we have printed these particular pages, and taken out half a dozen, or a dozen copies with us, so that on inspections, when checking the actual premises’ licence, we ensure that these particular pages have been added.’ (LSO 7)

Some LSOs also reported sending or handing out guidance outlining the process and implications, as well as additional leaflets to raise awareness. One LSO, for example, described how:

‘We gave them our own written guidance as well as links to the Scottish Government pages, et cetera.’ (LSO 11)

The materials that LSOs drew on, either for their own or for others’ information, included guidance produced by Scottish Government and posters which could be downloaded from the Government’s website. LSOs also used the Scottish Grocers Federation guidance and calculator. This could be downloaded on to a mobile phone.

‘I was well aware of the calculations that needed to be done to get to the minimum price. So, all that information was there well prior to 1 May. And then just prior to 1 May the information that came out from the Scottish Government, the Scottish Grocers Federation in particular...not just their dinky wee calculator that they do, because it’s absolutely great, but the information that came out from them was ideal. As I said there just now, I was more than prepared for going out and doing the work. I was doing the leg work as they say for minimum unit pricing. I was more than prepared for that.’ (LSO 4)

Although participants felt personally prepared, a number of LSOs felt that the short time frame prior to implementation and the perceived delays in publication of Scottish Government guidance made it more difficult for them to ensure the trade were adequately informed.

‘[...] I think from our perspective the Scottish Government implemented it on 1 May and there was going to be no grace period which I don’t disagree with. But that’s why we did so many visits during April and I think if things had been confirmed earlier we would have ideally visited all our premises but, you know, that wasn’t an option for us. I suppose it’s not much of a problem for us now but if we hadn’t carried out those visits in April and we had started enforcing it on 1 May I think that could have presented problems.’ (LSO 11)

The implications for the LSOs' workload and practice can be distinguished between short-term and anticipated longer-term impacts. In the shorter term, the pre-implementation visits and immediate post-implementation inspection checks could be experienced by LSOs as increasing workload demands – requiring them to prioritise their visits e.g. focusing on the off-trade sector over the on-trade; or reorganising their normal schedule of visits.

'Well, probably, we've concentrated on the off-sales for the first six months of the year I would say, because prior to MUP and since MUP, so the on-trade have taken a, kind of, back seat a wee bit, although we're starting to pick them up again now. So probably from that point of view, that we've prioritised the off-sales so far this year, over the on-trade.'

(LSO 6)

In the initial stages at least, the visits themselves could also take more time, until LSOs became familiar with the products most affected by MUP:

'[...] initially you were spending a lot of time in the shops and particularly checking the prices of most items. But as the months went along, you realised that the items that it affected the most... so you could limit your checks and just check the particular products that minimum unit pricing had the biggest effect on [...] So I don't find it a huge issue on our workload. It obviously has increased maybe the time you spend particularly in the off-sales premises, but I think as time goes on, you know, it'll become... it has just become part of your routine check that you do.' (LSO 6)

This participant suggests that, as LSOs have become more experienced at identifying the particular products they need to check, they have been more able to absorb this additional condition within their routine compliance inspections. The LSOs also anticipated returning to their routine round of inspections, building in MUP as one aspect of inspection and monitoring:

‘Once we move on to the more annualised visits that I would tend to do, and probably most of my colleagues would as well, that would just be another tick box to check out, to make sure that the minimum pricing remained, you know, consistent and they were complying with the conditions.’ (LSO 1)

Most of the LSO participants felt that, after the transitional period, the inspection and enforcement of MUP would be absorbed into their day to day practices adding only limited time on to routine inspection visits. However, a small number suggested that it would have longer-term workload implications.

‘So it’s another one of those laws that’s been put in place that adds extra work to the LSO’s job that obviously you cannot closely monitor every week every off-sales in particular is complying.’ (LSO 8)

This included both LSOs based in rural locations and those in urban areas. For some urban LSOs the perceived additional work that supervising compliance generated was compounded by increasing additional demands on their time from other local authority licensing duties, out-with alcohol. This is discussed further below.

The police-licensing participants interviewed as part of the study felt adequately prepared for implementation. Police Scotland’s licensing officer’s practitioner group had discussed and disseminated information, and the national Violence Prevention and Licensing Co-ordination Unit sent an internal reminder that MUP was coming into force.

Overall, police-licensing participants felt that implementation would have limited impact on their workload and work practices – it was, as several commented, just another condition to check for on visits:

‘No, I mean it’s just another condition that we can check to make sure that it’s being complied with, I don’t think it’s going to add additional

pressure on police officers who are going out inspecting premises.’
(PS 1)

For the police-licensing participants, as for the LSOs, by the time of the interviews MUP had been absorbed into routine practice.

TSOs, too felt they were sufficiently aware of MUP and adequately prepared for implementation. One TSO believed they had received information either via SCOTTS or the Trading Standards Institute. TSOs also felt they knew where to obtain more information if they wanted it.

‘[...] if they want more information about it, they can find it. So I don’t...and certainly there was nothing that Trading Standards I feel should have been told about which we weren’t.’ (TSO 2)

From the perspective of the TSOs it had little impact on their role:

‘Not from a Trading Standards perspective. It’s quite a simple issue from our point of view. It’s no different. You know, a misleading price indication whether it’s in relation to alcohol or a television or a pair of jeans or whatever it happens to be, the same principles apply, you know, was an indication given?’ (TSO 2)

3.1.2 Licensed premises’ perceived readiness

This section describes participants’ perceptions and perspectives of licensed premises’ preparations and readiness for the introduction of MUP.

Although participants anticipated that the on-trade sector would be largely unaffected by MUP, this sector was nonetheless viewed as aware of MUP, familiar with the calculation and generally supportive of the new licensing condition:

‘So the on-trade are generally supportive of it. They feel it’s maybe a good thing to try and get people back out the house and back in to a pub, a controlled environment to have a drink, rather than sitting in the house drinking cheap alcohol or cheap drink from the supermarket.’ (LSO 6)

Participants’ experience of the off-trade sector’s level of knowledge and awareness was more varied. Some participants reported that the majority of off-trade were aware of MUP, with the expectation that as a mandatory condition it would be adopted by the trade:

‘I don't think it's going to cause any great angst.’ (LSO 2)

More specifically, participants across the sample generally felt that the larger off-trade retailers such as supermarkets, were aware of, and prepared for, implementation, with internal management systems and processes in place to ensure compliance.

LSO participants had differing views on the smaller off-trade sector’s preparedness. Some felt that this sector was aware of, and prepared for, MUP, having seen notices to inform customers that prices would increase from 1 May 2018 as a result of the introduction of MUP.

Others felt that some small off-trade retailers were not aware that MUP was coming in and as such did not realise the impact and implications:

‘I mean there were people that were like “I have no idea what you're talking about.” And you were like, how can that be? So, “here’s some information and this is coming in and this is what you need to do”, whatever. So, we did find that was helpful.’ (LSO 12)

As described in section 3.1.1 above, the LSOs visited and provided information to premises to ensure they understood the requirements of the new condition.

A concern noted by some participants was that retailers hadn't had enough notice to prepare and manage stock levels of products expected to be most affected. One TSO described the effect this had in generating specific promotions of these products just prior to the introduction of MUP:

'And I think that's where particularly some of the corner shop businesses were saying the reason they stocked brand X was because it was cheap. Not because it was a desirable sale. And that meant that they were trying to get rid of it desperately. And what there was, was immediately before the implementation there was a fair amount of 'special deals' going on which were being argued by the retail business as a way of getting rid of stock that they might have difficulty getting rid of after the implementation. Which was perfectly legal at the time, but I'm not sure that was an intended consequence of the implementation.' (TSO 3)

Other implications of the lead-in time prior to implementation are discussed in section 3.3.2 below.

3.1.3 Licensed premises actions in response to MUP

Overall participants across the sample were largely satisfied with how well MUP had been implemented by retailers. This section outlines, from the participants' perspectives, some of the actions that premises took in response to the introduction of MUP, as well as some other observed changes.

LSOs noted particular pricing practices in retailers' response to MUP. While it was not wholly clear from the data if this differed by retailer size or product ranges, some LSOs were clear that cheaper brands were being priced exactly at the minimum allowed:

'And a lot of shops will be looking at minimum unit pricing as a special offer target. It's rare for me to go into a shop now and not see one bottle of vodka at £13.13, you know, that is a kind of a target price for them.'
(LSO 3)

Broader pricing practices specifically among small retailers were also identified by LSOs. With some premises seen to take the opportunity to increase their prices on alcohol products not affected by MUP:

‘In fact, a lot of them have used the minimum unit price as an opportunity to just creep up all of their alcohol prices and blame it on Nicola Sturgeon.’ (LSO 6)

Regarding what discounting and promotions were permissible under MUP, a number of participants reported questions from off-trade premises as to whether they were allowed to offer free items, such as soft drinks, with alcohol purchases. This was perceived to be a way to promote certain products, or to offset price increases for regular customers. This response was explained in the context of retailers benefiting from products whose retail price has been increased by MUP, while premises own wholesale costs have not increased. They are therefore able to absorb the cost of these promotional offers.

Many of the participants across the sample reported that stocking practices had changed among small retailers on products most affected by MUP. From what participants reported hearing from the trade, and what they described noticing in their visits to retailers, one of the changes was the reduced availability of certain large-volume, high-strength ciders, as these are now perceived as unlikely to sell due to their increased cost:

‘Well, you know, in this area you virtually can’t buy a large bottle of white cider any more, for instance, and every shop in this area, every kind of certainly scheme shop, as I would call them, every corner shop, village shop, had a five deep, ten wide shelf of that sort of product. You now see the odd one or two bottles in any shop, and most of them are saying it’s left over stock from pre-implementation, you know.’ (LSO 9)

This change was largely corroborated by a perception among participants that wholesalers no longer stocked the large three litre bottles of high-strength cider.

‘I don’t think it’s actually stocked in the wholesalers in Scotland now.’
(LSO 1)

In contrast, two LSOs did report that large volume products of high-strength cider were still on sale in a couple of their retailers who said they have customers prepared to pay the increased price. One of the LSOs did think that this was the end of existing stock and that it wouldn’t be replenished by the retailer once it was all sold.

Some participants thought that retailers in fact cut down or stopped selling products expected to be most affected by MUP, such as high-strength, low-cost ciders, to reduce their stocks in advance. Participants also thought that some national chains shifted stocks of low-cost, high-strength cider to their branches in England once MUP was brought in and the price increased from approximately £3 to £11. As stated above, the implication was that retailers in Scotland did not expect to sell these products at the increased minimum price. Marketing and product changes were also observed by participants and were perceived in the context of retailers, producers and wholesalers being skilled at maintaining their market share. Product lines were reported to be adjusted to ensure they complied with MUP while still appearing similar in appeal to customers within certain price brackets. Examples included smaller volume products such as cans rather than two or three litre bottles, smaller pack sizes ‘less bottles in a box, and each bottle contains less’ (LSO7), as well as enhancements to product packaging:

‘But again, it really just comes down to how products are being marketed. It doesn’t look miserable, like some people might think a half bottle, or a quarter bottle looks like. It looks more like a bottle of vodka, except it’s only got 500[ml] in it, but price wise, it’s priced dearer than the half bottle. But cheaper, obviously, than the big bottle.’ (LSO 3)

‘A lot of the shops, by the way, in Scotland now have stopped selling the big packs of 24 cans now. They’ve reduced them to 15 because people will not pay the price. If you go to [English town near border], you’ll get the 24 cheaper than you can the 15. So that gives you an idea of the difference and what’s happening.’ (LSO 8)

LSOs reported hearing from retailers some changes in consumer purchasing practices. For example, some customers who were previously known to buy large-volume, high-strength ciders, and were thought to no longer be able to afford them under the price increase of MUP, were now, reportedly, buying bottles of wine. One retailer also described to an LSO an unexplained sudden increase in sales of one high-strength cider in a small volume (330ml glass bottle).

3.2 Monitoring and enforcing compliance

This section focuses on participants’ reported experience of monitoring compliance (subsection 3.2.1), their identification of and perceptions of the extent of non-compliance (subsection 3.2.2), and their accounts of the actions taken to redress any instances of non-compliance (subsection 3.2.3).

3.2.1 Monitoring compliance

For the LSOs in the sample any issues of non-compliance with MUP were largely identified in the course of routine visits. A number of the responses suggest that, although these visits included assessing compliance with the range of licensing conditions, they were undertaken immediately or shortly after implementation of MUP specifically with a view to supporting compliance with the new condition. One LSO, for example, described how they were undertaking ‘specific MUP visits’ to a proportion of the off-trade, using the introduction of MUP as an opportunity to visit premises sooner than they would normally do:

‘It’s actually given me the opportunity to make a point of visiting premises that might not have got visited for... until this time next year.’ (LSO 9)

Several other LSOs described going out to undertake compliance checks within days of MUP coming into effect. As described above, a number of LSOs visited smaller independent premises prior to implementation to provide them with information about MUP. They then followed up with inspection visits immediately after MUP came into effect. One LSO described how they went out with two other colleagues on the first day MUP came into effect, specifically checking MUP, with a view to ensuring consistency in how they undertook the checks.

Several LSOs suggested that they prioritised these post-implementation inspection visits – focusing on the off-trade in general, and smaller independent sector or risk assessed premises in particular.

‘What we did, initially, was risk rate per premises, in relation to non-compliance, from previous issues, and visit those that we felt may be more minded to be high risk, to ensure that initially these were compliant.’ (LSO 7)

In addition to routine visits, LSOs were also alerted to potential issues through their professional networks, particularly other LSOs from their own area or from across Scotland. One LSO described how, as soon as he was alerted by another LSO to an issue relating to a large supermarket chain, he ‘went to the store in 30 minutes.’ (LSO 10)

Other potential sources of intelligence regarding non-compliance were licensed premises reporting on other licensed premises (‘trade-on-trade’ complaints) and complaints made by the general public. Although trade-on-trade complaints had been made in relation to other conditions, such as irresponsible promotions, at the time of the interviews few LSOs had received any complaints in relation to MUP. Although one LSO referred to a ‘couple of

calls' from the trade (LSO 6), another commented that MUP had not 'triggered an explosion of complaints' from either the trade or the public:

'We've not had one single complaint on that from a member of the public [...] We've not had one complaint on minimum unit pricing [...] So we've certainly not had one single complaint since it came in for minimum unit pricing, either on over-pricing or under-pricing. Or from the trade in terms of the on and off-sales trade complaining about each other in terms of pricing. So we've not had to respond to a single complaint yet, so that might be something that is worthy of note.' (LSO 7)

Other participants also suggested that few complaints were being made by the public in relation to MUP. One LSO who had received a couple of complaints from the public found, when they followed these up, that the premises concerned were in fact compliant.

To assist them in their routine visits LSOs described how MUP had been added to their compliance assessment checklists. In the course of their visits they described a combination of spot checks, looking at things that seemed too cheap, and picking things at random. As noted in section 3.1.1, in the initial period following implementation, LSOs referred to their own learning experience as they became more familiar with products and their sizes and volumes. One described how they came to recognise the products that they needed to look out for, citing ciders and own-brand supermarket products that would have previously been sold under MUP. They described double checking the price of one high-strength cheap cider:

'Just to make sure that that's not still on the till at the original price of £3.99 or whatever it was before.' (LSO 1)

One LSO described asking for the cheapest drink products and checking the price of a random selection. In supermarkets they would scan bottles and cans – comparing the price tag on the shelf with the electronic system. In on-

trade premises LSOs may check the prices based on the measures of alcohol.

Several LSOs described how the length of an inspection visit would vary by type of premise, but also by whether issues of non-compliance had arisen in the past in relation to other conditions. One LSO, for example, described how a visit to a premise where there had not been problems in the past might only take 20–30 minutes, while others, where they felt the need to do a ‘full on price check’ (LSO 6), might take a couple of hours. Another described spending more time with smaller premises. This stemmed from a combination of the variability in the prices applied, the people setting the prices and their understanding of MUP, and the unusual nature of the products sold:

‘If you go into a larger chain a quick walk round is normally enough to show you that they are complying [...] just based on all the prices you can see, whereas it can be a bit more complicated [in smaller off-sales premises] [...] particularly as well when you are dealing (with) unusual product lines.’ (LSO 11)

A key tool for LSOs was the Scottish Grocers Federation calculator, which a number described as having on their mobile phones. They would use this to check the price of products. Where there was an issue they would go through the calculation with the premises manager or staff to indicate the correct price. From the LSOs’ point of view this also served an educative function – helping premises to understand how to do the calculations. One LSO also suggested that doing the calculation with the premises staff was another less direct way of reinforcing the need to comply (and the risks of being found non-compliant):

‘I’ve got the phone out and done a calculation on one or two things...just to make them see that I will actually go to the effort and calculate prices, even though I don’t need to with most of them.’ (LSO 9)

Insofar as the police-licensing participants became aware of a non-compliance issue this could be in the context of a joint visit with an LSO.

Although not a statutory requirement, these joint visits by police local licensing division officers and LSOs were an example of the partnership approach between the two inspection and enforcement bodies. In the course of one joint visit, for example, a supermarket's own-brand product was identified as priced under MUP. The police officer informed their Policy Unit so that the issue could be highlighted to other Police Scotland local licensing division officers. In respect of other licensing conditions the police may also receive trade-on-trade intelligence, but, like LSOs, none of the participants had received any complaints from the trade about other traders in relation to MUP.

From the point of view of the TSOs the work of advising premises beforehand, and enforcing compliance, was the role of the LSOs. The point of 'crossover' was:

'At what point does the failure to provide a proper price become a consumer issue, as opposed to a licensing issue?' (TSO 3)

This TSO had undertaken a number of visits to licensed premises with colleagues following implementation of MUP. A number of premises were found to be displaying the pre-MUP price. The TSO put this down to the amount of re-pricing the premises had to do.

3.2.2 Perceptions of the extent of non-compliance

Across those interviewed, the view was that compliance with MUP had in general been high. One LSO, for example, described how all of the 70 on- and off-trade premises they had checked had 'passed with flying colours' (LSO4). One police-licensing interviewee similarly described how compliance had been good:

'We seem to have had compliance across the board, the big supermarkets obviously knew, the restaurants tend to sell over the odds anyway, pubs tend to sell over the odds, so it was really the small

independent off-sales and they were checked and so far we haven't had an issue at all.' (PS 6)

In some areas, participants describe how all of the smaller premises visited, even those initially thought to be high risk, were compliant.

Although those interviewed were generally positive about the high levels of compliance with MUP in the off-trade sector, the majority of the LSOs and two of the police-licensing participants gave examples of instances of non-compliance. One LSO, for example, gave figures indicating that 16 out of the 81 premises visited, or around one fifth, had been found to have at least one product non-compliant with MUP (LSO 1).

The expectation among participants had been that the risk of non-compliance would be greater in the small, off-trade sector, rather than the large supermarkets. In practice, however, they gave examples of non-compliance in both the large and smaller off-trade sectors. One LSO, for example, suggested that non-compliance issues had been identified in branches of three of the five supermarket chains. What, however, may distinguish the two types of licensed premise is the presumed underlying cause of any breach, and the mechanisms in place to rectify the issue.

In the larger off-trade premises examples of non-compliance were found in relation to own-brand products, high-strength wine being sold at below MUP, a box of wine or multi-pack priced incorrectly, a promotional offer, a wine being sold at a higher strength than previously, bringing the price under MUP, or a shelf price still showing the pre-MUP price. These breaches were largely regarded by LSOs as mistakes, things slipping through the net, glitches in the system, inadvertent and largely out-with a premises manager's direct control, even if it is their responsibility to correct it. The causes were seen as stemming from computerised or central pricing, and specifically pricing being set by a headquarters in England, which might put the price below MUP in Scotland. The use of different calculators (including those which round down), were also implicated:

‘They will want to be compliant...The problem they’ve got is they’ve got a huge range of products and they have got everything on a computer-based system. However... mistakes happen... be no suggestion it’s probably with intent. I think it would be more likely a glitch in the system, or their prices are English-based and they can make a mistake if they’ve not applied MUP to a product that would be less than MUP in England.’
(LSO 2)

The advantage in large off-trade premises is, however, that if an error or mistake was identified in one store, they could inform their head office, and also cascade information to other stores in the chain. In this way a problem identified in one branch would be resolved across the chain. LSOs who were made aware of breaches in other areas would, for example, check in their local branch of the same company and find that the problem had been rectified.

‘It would only [take]... one LSO in one local authority area to pick it up and the rest of the country would know about it very quickly and it’ll be sorted. ‘Cause what we would do in any situation was we’d go straight to their headquarters, whether it be [supermarket A] in [English Town X] or [supermarket B] in [English City Y] or wherever it is, we would be straight on the phone to their HQ and they would be straight on to their systems and get it sorted. And then what you’ll find is that gets rolled out straight across every store in the country.’ (LSO 2)

Another LSO described a similar process in relation to smaller ‘linked chains’ (LSO9) connected to UK-wide cash and carries who also provided a centralised pricing service. Although the problem itself could be created by an English based supplier not altering the price to reflect MUP in Scotland, the centralised process could also be a rapid way of rectifying the issue:

‘[...] their communication system is brilliant, it got an [...] alert [...] to everybody in their group to say “look there is a problem with this, please

check your stock, see if it is the 13 and a half per cent. If it's at 13 and a half, take it off sale and we will send you a new shelf edge ticket and a new price, and we will change your till prices for you tomorrow morning, overnight".' (LSO 9)

In the small, independent off-trade sector, non-compliance was largely seen as the result of what participants described as human error. In this sector the individual nature of pricing policies and practices was identified as the source of non-compliance. In addition, smaller premises were felt to struggle with how to calculate multi-pack products. Pre-priced products also caused confusion: premises believed they had to sell these products as marked, and had to be advised that they could remove, replace or cover over the marked price, because 'MUP trumped everything' (LSO 3). Where premises determined their own pricing, LSOs had to remind them that they needed to ensure that they did not breach MUP. The use of manual, rather than electronic pricing systems, could also make it difficult to check what the product was actually being sold at. In general LSOs viewed errors on the part of the small off-trade premises as 'genuine' (LSO6), or at least gave premises the benefit of the doubt. Occasionally, however, they suspected a degree of intent. One, for example, described an instance of a product without a shelf price (in breach of trading standards) but showing up as below MUP when scanned at the till:

'They fixed it there and then, but we keep an eye on the shops that we've seen that 'cause I don't think that's a genuine mistake. I think that is them trying to get shot of it.' (LSO 6)

3.2.3 Enforcing compliance

None of the LSOs interviewed had issued a Section 14 compliance notice* in relation to MUP up to the time when data were being collected. Consistently across the sample, LSOs described how their response to an issue of non-compliance would be to address it through education, guidance, support or advice, rather than moving straight to a compliance notice. Reflecting their mediating role, LSOs spoke of aiming to respond to one-off breaches at the 'lowest possible level' (LSO 7) and keeping 'formalities to a minimum' (LSO 3). The aim was to give premises the 'benefit of the doubt' (LSO 6), encouraging compliance through dialogue:

'It is actually because, you know, the last thing that we want to do is issue notices and have reviews. You're...we're failing if we're doing that. So if we can get everybody done just by dialogue, then that's to me the best way to go. And you're working together and you get a good working relationship and it works both ways.' (LSO 8)

There was an acceptance that 'things will go wrong' (LSO 3), but that as long as the premises took immediate action, they could avoid:

'A never-ending chain of, you know, writing letters, and follow-ups, and having board reviews.' (LSO 3)

The key requisite was that the issue was dealt with immediately, and that non-compliant products were either removed from sale and/or re-priced at the correct price. Only if the problem was not resolved 'there and then' (LSO12), or recurred, would the LSOs anticipate escalating to a compliance notice, or potentially a Licensing Board Review. Several participants suggested that

* Section 14 of the Licensing (Scotland) Act 2005 gives LSOs the power to issue a notice to a licence holder if they believe a licence condition has been or is being breached. The notice sets out actions to be taken to remedy the breach. If the notice is not complied with the LSO can make a premises licence review application.

they would give even less time for a licensed premises to address an issue of non-compliance with MUP than other conditions:

‘There would be two steps before the third step which would be a compliance notice – and then again they would get time to deal with it, though it wouldn’t be as long as I would normally give for things because obviously we want to make sure minimum pricing was basically corrected straight away, or as soon as possible.’ (LSO 1)

Dialogue would take place initially with premises managers, or staff on the premises. At the premises level, LSOs have also used the opportunity to reinforce to staff not directly responsible for pricing policies, that if they saw something that did not look right they should raise it with their managers:

‘Where a member of staff had actually noticed himself, that there may have been an issue with minimum unit pricing, but he didn’t feel confident enough to draw it to the attention of his manager. Because he thought at the time that if it’s come from Head Office, it must be all right...we took the opportunity to remind staff that they are encouraged to challenge their management if they think there is some problem with pricing, not to be shy about it.’ (LSO 3)

LSOs felt that, in general, premises were positive in their responses. Premises were described as happy or grateful that the error was drawn to their attention, recognising that as a mandatory condition, non-compliance with MUP could put their licences in jeopardy. Items were removed from stock, or re-priced while the LSO was still on the premises. In one instance, for example, a large supermarket disposed of a box of wine found in a store that was being sold off and priced under MUP. There might, though, be some degree of negotiation. Several LSOs described how, when they found an issue of non-compliance in larger supermarket premises, the LSO and the manager would each check the calculation, before agreeing with the LSO:

‘Well I spoke to, initially, I spoke to the premises manager, the person responsible for it, and pointed it out to them. We did have a discussion on the calculation, just to ensure that I was actually correct, that my calculations were correct... As soon as they accepted that it was correct, they immediately withdrew it from sale, and I recommended they cascaded it up the line to other premises.’ (LSO 3)

Another LSO suggested that if the premises had not accepted their calculation and continued to sell the product at below MUP that would have been the point when they would have considered taking out a compliance notice.

In an example of a smaller off-trade premises found to be non-compliant, the member of staff present at the time of the LSO’s visit was unsure whether they were able to change the price of a product priced under MUP because their manager was off for a week and they did not have the till log-in details required. From the LSO’s point of view this delay was unacceptable and required the premises to remove the item and obtain the log-in details to change the price. The LSO gave the premises 24 hours to resolve the issue. The LSO went back the next day to check and found the price had been corrected. The LSO also went back the following week to speak to the manager to check they understood what the issue was and why the price had to be changed:

‘Because they were happy to stop selling it right away we really didn’t feel the need to escalate it any further than that...from our point of view it’s really an education issue...they’d obviously made a mistake they weren’t aware of...once we’d addressed that we wouldn’t have gained anything...by taking any more formal action...if there had been another incident we would have sent the officer with a compliance notice or something like that, to make sure they were taking it seriously, but there was no need for that.’ (LSO 11)

Examples were also given of the converse happening in the large supermarket sector. LSOs described how managers of several stores

proactively got in touch with them, following an issue of non-compliance, to demonstrate how they had dealt with the issue:

‘There was no resistance from any of the organisations [large supermarkets], it was just full cooperation, take it off display immediately, all the shelf edge tags were removed, the products were removed, and no question about it, “yes, we have got that wrong”, and I was invited back and in each case within, you know, a couple of days to hear the explanation as to why it happened and to see that they put the measures in place to fix it, to demonstrate they had measures in place to fix it. You know, they were all quite happy, grateful for it being pointed out and the way it was pointed out and not through some notice being served or some punishment being dished out.’ (LSO 9)

Where, however, non-compliance was identified, and could not be addressed straight away a number of LSOs described re-visiting either the following day or within a couple of days. This might also include checking that changes had also been made in stores in other branches of a large supermarket chain. LSOs could also do further follow up visits to check there was no recurrence of a problem. One LSO, for example, described how they would check an initially non-compliant small licensed premises:

‘[...] in a couple of weeks or a month. And if everything’s okay, then we would just, kind of, move on and leave it until the next visit to check again.’ (LSO2)

Even if they did not undertake non-routine follow up visits LSOs would record instances of non-compliance and bear these in mind in future premises compliance checks. Referring to a large supermarket, one LSO commented:

‘I will obviously...you know, when I do a further check on that premises, bear that aspect of the previous blip in non-compliance in mind.’
(LSO 5)

As noted above, premises found to be non-compliant with MUP were expected to correct them immediately or within 24 hours. In the early days of implementation LSOs reported spending time with premises to support them address what they regarded as minor instances of non-compliance. The point was made, however, that one of the reasons that implementation had been relatively 'fuss free' (LSO 2) was because of the perceived high level of compliance:

'[...] it's not had any impact on me in terms of workload, it could have been so different if the first premises I inspected was rife with problems then...and the next one and the next one, then it would have had a big impact. But, the fact is everybody was just compliant, or nearly compliant and nobody was found to be deliberately uncompliant or even close to any suggestion that anything that was happening was deliberate. Then there is no impact, because it's like everything else, it can tick away in the background and fit in with your day-to-day work routine.' (LSO 9)

3.3 Facilitators, obstacles and other potential consequences

In discussing their experience of the introduction of MUP, participants described a number of factors that they felt operated to support or hinder (subsections 3.3.1 and 3.3.2) this new mandatory condition in licensed premises. This section reviews these contextual factors. Where identified by participants, some other potential consequences are also described (subsection 3.3.3).

3.3.1 Facilitators

Communication, knowledge and awareness

Knowledge, resources and pre-implementation communications related to MUP improved levels of understanding of this new licensing condition. Participants across the sample reported that their own levels of awareness were quite high prior to the introduction of MUP. This was credited to their perception of MUP as a flagship government policy and to the profile of the

legal challenge in the media. Some LSO participants stated that following the media coverage of the MUP legal deliberations helped both to prepare them and to understand how to do the calculation, even before information was received from the Scottish Government.

In terms of communication, the National LSO Network and the Network's relationship with Scottish Government at a national level was described as helpful for sharing information and discussing arrangements for the introduction and implementation of MUP, and for cascading this information to the LSO regional networks. This communication helped participants feel informed and prepared. LSOs also reported working with local colleagues to ensure appropriate preparation – agreeing actions and planning their approach to support compliance.

When it became available, participants found the Scottish Government guidance useful, especially as a resource for retailers. It was felt by TSO and LSO participants that involving inspection and enforcement practitioners in developing the guidance helped to ensure the resource was comprehensive and practical. Across the sample, practitioners' experience of implementation was further helped by information from a variety of professional bodies, including member organisations and networks, trade associations and Licensing Boards. The Scottish Grocers Federation resources were frequently cited as informative and instructive.

LSOs also described how wholesalers had raised awareness among their customers in advance of MUP. For example, by putting up signs and providing information on necessary changes to inform the licensed trade, marking up any products that had been pre-priced at a level below MUP, and ceasing to stock large three-litre bottles of cider, one of the products expected to be most affected by MUP. LSOs specifically noted how knowledgeable wholesalers were of the requirements of MUP, and their contribution to informing the licensed trade was seen as supporting compliance in practice.

Structural and operational support for compliance

LSOs attributed the levels of communication and their pre-implementation educational visits as instrumental in the successful implementation of MUP:

‘In terms of the independent retailers, I think this has been a bit of a triumph for the communication in that, you know, even for the small retailers who I thought might struggle, they’ve actually been very good and got their heads round it very quickly.’ (LSO5)

Moreover, the extensive guidance role played by LSOs, particularly in relation to providing support on the calculation after the introduction of MUP, demonstrates the structural support required for effective operational compliance by premises.

Overall participants across the sample felt their principle duties in relation to inspection and enforcement largely remained unchanged. As such, participants recognised their role working with premises to ensure compliance is both supported and properly enforced. More broadly, efficient partnership working between participants (Police Scotland, LSOs and TSOs) to support compliance and meet the needs of Licensing Boards was felt to be hugely beneficial to effective implementation and monitoring of this and other licensing conditions.

As noted above, many participants took a strategic approach in the weeks pre- and immediately post-implementation and focused their visits on premises they judged, based on their experience, to be at greater risk of non-compliance. This strategic approach allowed intensive advice and guidance to be delivered to premises perceived to be in greatest need of support in order to maximise compliance.

Trade receptiveness

The general receptiveness and acceptance by the trade of this new condition also emerged as contributing to the successful implementation of MUP.

Once MUP was introduced, participants across the sample reported unexpectedly high levels of knowledge and awareness among retailers, with some exceptions among the smaller off-trade sector. In fact some participants expressed being particularly 'pleasantly surprised' (PS 7) by this. Participants found that during their inspection visits in the early weeks after MUP was introduced premises did not require as much support and mediation as expected:

'We've had such really good compliance so far, as I say, the LSOs went around and they were shocked, because everywhere they thought they were going to get a hit and they thought they were going to get something to report on they got nothing.' (PS 6)

A number of factors may have influenced this level of knowledge and awareness among the trade. Licensed premises were frequently reported as responsible partners in the implementation and compliance of alcohol licensing conditions, including MUP. This was supported by the belief that licensees are used to conditions changing on their licence and understand the consequences of failure to comply with mandatory conditions. There was also the expectation that it was such a well-publicised change that retailers were aware and knew it had to be implemented. For example:

'We've had no issues with it, with acceptance of it, we've had no negative comments by any of the people I've spoken to, they've all accepted it is a condition that has been imposed, and they will abide by it.' (LSO 3)

'It's been implemented well. It's come in. You know, the desire to be compliant is there and realistically it's going to probably fade in to the wallpaper eventually.' (LSO 2)

Moreover, while participants report generally feeling that the licensed trade have been supportive of MUP, a perceived financial incentive to retailers was

highlighted in interviews as a motivating factor in compliance with this particular condition:

‘I think the MUP benefits, as I said before, from increasing the bottom line of their trading premises, and anything that benefits that, without being cynical on it, retailers will be more incentivised to find out about and to implement.’ (LSO 7)

In particular smaller shops were felt to have welcomed MUP because it is allowing them to compete with supermarkets on the price of alcohol. A frequently used phrase by LSOs (both urban and rural alike) was to describe MUP as creating ‘a level playing field’ on price between small and large retailers, narrowing the market advantage on alcohol sales of larger off-trade retailers such as supermarkets. Participants felt this had a particularly positive impact on implementation of, and compliance with, MUP among the smaller off-trade premises that are commonly expected to require more support to comply with licensing conditions.

In terms of receptiveness, as described in the findings from data on monitoring and enforcing compliance above (section 3.2), in large premises where issues of non-compliance were identified, participants reported effective communications and coordination. Small chain stores also appeared to have this capacity to coordinate and resolve compliance issues. This served as a facilitator to swiftly and proactively resolve issues.

Working closely with store managers facilitated positive relationships where help (from the LSO) was appreciated and issues were quickly resolved. Store managers in one supermarket were also described by one participant as being in a similar frame of mind to LSOs, checking products when something did not look quite right and informing colleagues of any issues.

Others still, further described the operating context of implementing the new condition as not too onerous for retailers and requiring little effort:

‘It’s just been a bit like the smoking ban, it has been a bit of a damp squib, it has come in, it has just slipped onto the shelves, and nobody has cared, nobody has noticed.’ (LSO 9)

From a rural perspective, LSO participants suggested there was a limited impact on prices as the cost of transporting goods to remote areas meant alcohol products were already being sold above MUP. This suggests limited additional changes to prices in some areas would be required to comply with this new condition. This was reported for both small retailers and supermarkets in these areas.

Finally, the fact that it all went live on the one day was seen as beneficial. With acceptance of the change expressed by one participant:

‘Beyond that is there anything I can see that went well in the implementation: there’s nothing that I could pinpoint to say it went well or it didn’t go well; it’s just it came in and it had to be done and that’s it.’
(PS 5)

3.3.2 Obstacles

In describing their experience of supporting implementation and monitoring MUP, a number of operational and structural obstacles presenting difficulties and challenges to compliance were identified by participants. In some instances participants reflected on solutions to these and so these are also outlined below.

Lead-in time

As outlined above, although high levels of awareness were reported and only minor issues of non-compliance were identified, a number of participants were nonetheless critical of the short timeframe prior to implementation. This was highlighted as a particular obstacle to ensure the trade were adequately informed and prepared. Some participants felt that with limited communications from Scottish Government this possibly made it more

challenging for the trade to understand, implement and comply. Comparisons were drawn with the resources made available for the smoking ban that had more time for information and preparation.

Participants noted that although MUP has been discussed since 2012, the 50ppu was confirmed very late, in April 2018, and participants reported that it took a long time for materials (posters and stickers) to come out. Some LSO participants reported that this either meant pre-implementation visits were done without the resources available to leave with license holders, or were done very late because 'things were still up in the air with guidance and things like that' (LSO 1). It was suggested more notice would have made it easier for everyone to ensure compliance.

In particular, the short lead-in time appears to have had a differing impact on different premises. Larger off-trade premises such as supermarkets were perceived as being appropriately prepared due to access to in-house resources, such as compliance officers, to provide advice and guidance and ensure readiness for timely implementation of MUP. Smaller independent premises without this internal capacity or other support structures, were reported to have been more likely to struggle to adequately prepare in time due to their limited understanding of the changes required to comply with the new condition.

As noted above, some retailers were also reported to have felt that they hadn't had enough notice in relation to certain stocks of products that previously sold because they were cheap but whose price was to be greatly affected by MUP. It was reported that this had left retailers feeling that they had stocks of products which they were unlikely to be able to sell. There was a view that this problem was compounded by some wholesalers' practices pre-MUP. A small number of LSOs suggested that while some wholesalers, as described above, were informing and supporting their customers around MUP price changes, others were deliberately promoting stock most likely to be affected in order to clear it before MUP was introduced:

‘They [the smaller off-trade] also were unaware, I think initially, of the impact on some of the stock they had. What actually happened in some larger cash and carries was that they anticipated minimum pricing and how it would affect certain products, and short-sold a lot of their stock.’ (LSO 7)

Linked to the short lead-in time, participants highlighted poor public awareness of MUP as a consequence of what they perceived to be limited national publicity by the Scottish Government on the introduction and purpose of MUP. This was despite participants’ perception of the high profile of the new policy. It was felt the lack of public awareness would prove detrimental to achieving the policy’s full intended aims:

‘And I think that’s partly why the general public have no idea about MUP generally and when we do come across people who are aware of MUP they tend to have the wrong perception. You know, their bottle of whisky has gone from £25 to £27 and they think that’s because of minimum unit pricing. Whereas, you know, the MUP is £13 for that bottle of whisky. There are misconceptions as well. I can appreciate what the Scottish Government is trying to do but if they’re not getting that out into the public realm and, you know, if people on the street don’t understand what they’re trying to do, I think they’re kind of missing part of the puzzle there personally.’ (LSO 11)

The above issue of the short lead-in time is a transitional factor that appears to have made the operating context initially more complicated from the participants’ perspective, both for themselves and for licensed premises.

Calculating MUP

Improving knowledge and understanding among retailers on how to calculate MUP was consistently cited by LSOs as the biggest issue requiring guidance and explanation. While it was noted that some premises’ staff did understand once first explained in person, difficulties in accurately calculating MUP were

found both before and after the implementation of MUP. This was despite participants being very clear they had provided information and support on the calculation as part of their educational visits in advance of the introduction of MUP.

Participants described how some small shops, where the responsibility is on individual staff to set prices, particularly struggled with the calculation and getting MUP correct for each and every alcohol product. Participants reported providing guidance and spending time working with retailers to ensure their understanding. Commonly participants reported being sympathetic to this, noting the complexity of the calculation and acknowledging mistakes happen, having themselves experienced difficulties. As such these issues were not perceived to be deliberate, but rather related to difficulties in the amount of stock that needed prices checked and/or changed.

‘Yeah, I would say believing they were doing the right thing, and then an error because they just couldn’t get their equations right. Yeah.’ (PS 5)

A further illustration of this limited understanding identified on visits after the introduction of MUP was that premises were found to be pricing products based on the units marked, rather than the full calculation. This generated non-compliant pricing of products as units are less precise than alcohol-by-volume content. With reference to staff knowledge and ability to calculate MUP accurately, one LSO participant highlighted the lack of a directive on mandatory training for premises staff on MUP specifically. This interviewee reported that during visits they would ask for all staff to be made aware of the requirements of MUP.

Participants suggested advance consideration and explanation of the impact and implications of MUP on the trade and the public, as well as greater education on the calculation would have helped prevent these difficulties. There was also an expressed interest in an app for ease in calculating MUP and consistency of practice across the country.

Pre-priced products

A further area where retailers were reported to require specific advice and guidance was in relation to pre-priced products received from suppliers. LSOs reported confusion among shopkeepers between trading standards legislation that requires products to be sold at suppliers' marked price, and those of the new MUP legislation. In consultation with TSOs, LSOs were able to advise premises that prices must be adjusted, by being covered or cut-off if they did not comply with MUP:

'And they've thought they've had...they should have been allowed to sell them or they should sell them at that price, because it says at that price. And, you know...we've had to go in and say, "no, what you've got to do there is cover that price and make it up at least to the minimum price, cut it off...cut the price tag off" or whatever, whatever, whatever. But "you must comply immediately with that". And they were unaware of that. They thought they could sell their stock off and then continue on the new minimum pricing.' (LSO 8)

LSO capacity to supervise compliance

In reflecting on the need for adequate monitoring of MUP to supervise compliance, LSOs working in urban areas specifically described a concern with changing work demands from the extension of responsibilities to other local authority licensing such as taxis and street trading. This affects their role to support alcohol licensing, and the ability to make alcohol a priority over other issues:

'Which is fair, if the price of a bottle of wine is 50 pence more or less than it should be, and compared to some of the licensing issues that we have to deal with, of serious disorder, and serious firearms, it's well down the scale. And that's an honest answer.' (LSO 7)

This extension of the role was seen as negatively impacting on the frequency of inspection visits and the accessibility of the LSO to adequately support and effectively monitor alcohol licensed premises' needs. These participants felt the impact of the extended breadth of the LSO role, and the consequently reduced capacity to monitor alcohol licensing conditions, was not being recognised as a systemic problem. As such this was perceived as an operational and strategic barrier to effectively supervise compliance, with one LSO commenting, 'You can only do that if you're active and out and about.' (LSO 10)

Border issues

Participants working on the border with England described some further unique issues affecting compliance among licensed premises and the potential impact of this new condition on the cost of alcohol for the local community. Differences in licensing conditions between England and Scotland for retailers located on the border was reported to generate uncertainty among retailers and suppliers alike, increasing the risks of non-compliance. This was compounded among retailers with English-based owners or suppliers:

'They were...they've been pretty slow because they obviously don't know where the border starts and ends. And, you know, a local shopkeeper would say, but we're allowed to do it here. We're allowed...this is what they've sent us and said...yes, they must think you're in England at the moment because that doesn't apply in Scotland. So some of the shopkeepers were quite angry that the companies that they were dealing with were basically...could have ended up getting them in to some...problem with us.' (LSO 8)

Areas of uncertainty

From participants' perspectives, a number of areas of uncertainty were described as negatively influencing effective monitoring and compliance with MUP. These are each briefly outlined below.

Promotions

Understanding and clarity among the off-trade on what discounting and promotions were permissible under the new MUP legislative requirements was reported by participants to require support. Offering free items as a means to promote certain products, as described above, appeared to specifically be new since the introduction of MUP within the off-trade sector (as one LSO reported this practice was long standing in the on-sales sector).

While LSOs felt the legislation was clear that MUP cannot be discounted, a difficulty was reported in relation to policing meal deals as it cannot be proven whether it is the food or the alcohol that has been reduced. Participants reflected that retailers probably do essentially give away the food at the cost of the alcohol, however if the alcohol is sold correctly at MUP it does not breach the condition so it is not an enforcement issue. This leaves no recourse for action under MUP legislation yet was perceived by LSOs to be a potential way for retailers to get around the spirit of the law.

Vouchers

An unresolved issue is the guidance on the use of vouchers and compliance with MUP. LSOs report being at odds with the interpretation of the new condition that makes allowances for the use of money off coupons and vouchers for the purchase of alcohol. LSOs dispute whether this should be permissible, as it was felt this circumvents the legislation, in that customers may essentially get such vouchers free of charge, when MUP should be applicable to the cost of all alcohol.

Wholesalers

Where wholesalers carry out sales to the licensed trade, these sales are not subject to MUP. At the time of data collection a further unresolved issue highlighted by participants related to difficulties of enforcing MUP in wholesalers who are also licensed to sell alcohol to the public. A range of premises offering wholesale to certain customers were perceived to be

affected by this, including for example a specialist alcohol retailer that sells to the public as well as supplying alcohol to a local hotel. Participants felt there was confusion regarding the requirement for dual pricing policies and acknowledged the Scottish Government consultation to resolve this issue.* From a trading standards point of view, dual pricing was seen by TSOs as essential to prevent customers being misled.

Online pricing and trading standards

A specific issue related to implementation of MUP in accordance with trading standards consumer protection legislation was highlighted by TSO participants. Price differences on some alcohol products between Scotland and rest of the UK has resulted in misleading online price indications on some UK-wide retailers' websites. To comply with MUP at the point of payment such items were reported to be automatically repriced or replaced, with consumers then able to cancel that item. However, from a trading standards point of view, legislation requires that at point of selection correct information about pricing should be indicated to the customer. TSO participants reported that this discrepancy resulted in consumer complaints.

Compliance with different pricing legislation requirements therefore remained a challenge at the time of data collection and the need for clarity was being supported by the Primary Authority Supermarkets Group (PASG).† By passing these issues to the PASG to be resolved it was hoped by TSO participants

* The Scottish Government '[Wholesalers: minimum unit price of alcohol and trade sales consultation](#)' (August 2018) sought to obtain views on whether a wholesaler with a premises licence should apply MUP to trade sales or whether trade sales from those licensed premises are exempt from MUP. The outcome of the consultation will inform a legislative change. Specifically in relation to 'dual pricing', the consultation notes 'that where a wholesaler holds a licence and sells alcohol to both the trade and the public, and where the price of alcoholic products may differ due to MUP being applied, the wholesaler will need to operate a dual pricing system.' (p.4)

† The PASG offers business advice for compliance with legislation. Businesses sign up through a link with a particular local authority (for supermarkets they are all based in England) and pay for this service.

that no further enforcement will be required. Parallels were drawn with differences in tobacco legislation and the display ban across the UK, where it is the retailers' responsibility to comply with legislation in their area.

3.3.3 Other potential consequences

In describing their experience of supporting implementation and monitoring MUP, a number of related factors were described. These are briefly outlined below.

In describing ongoing compliance issues with other mandatory conditions, one LSO believed that MUP had positively influenced retailers' practice. Due to awareness of MUP requirements on the price of products, the LSO reported that retailers are less frequently incorrectly offering multi-buy promotions in order not to breach MUP.

Cross-border activity

A number of participants raised the issue of the potential for alcohol to be purchased in England for consumption in Scotland. This was raised primarily by those working in areas close to the border with England, but also by a number of participants in other areas. This could be in response to questions about their awareness of illegal alcohol-related activity, or of ways people may seek to get around the legislation. However participants had limited direct experience or knowledge of such activity.

Participants working in border areas were aware of people obtaining their home delivery shopping from stores located in England. Because the point of sale is out-with Scotland, MUP does not apply to these online purchases:

'I'm sure there are, and also with online deliveries, there must be lots of folk that there are, because I see the vans about, [supermarket B], we don't have a [supermarket B] in [area]. They obviously come from [English town near border]. So these shoppers will obviously be able to purchase under their laws where it's not applicable.' (TSO 1)

Several participants did describe hearing ‘anecdotally’ (LSO 12) of people going to stores in England, to stock up on alcohol – for themselves and or their friends. However, as discussed below, none of those interviewed were aware of vans being filled up in English stores for re-sale, illegally, in Scotland.

Several participants did though suspect that ‘booze cruises’ were happening. One police-licensing participant, covering a border area, for example, described having seen:

‘A tour bus, it’s actually, like, a big stretch limo... And it tends to be on the east coast from [town in Scotland near border] area and they go up touring the area, but they’re drinking at minimum pricing, well, non-minimum pricing, they’re drinking at very, very low levels of paying for what they’re drinking... part of the party bus advertising was that there was no MUP, because it’s basically an English bus and it doesn’t... there’s bits of the law where it doesn’t count where you’re actually travelling.’ (PS 6)

Illicit trade in alcohol and other illegal alcohol-related activity

LSO and police-licensing participants described examples of illegal alcohol sales pre-MUP such as ‘dial a booze’, ‘counterfeit’ alcohol being sold at a market, or illegal stills. There was some concern that, post-implementation, there could be an increase in illegal alcohol sales either through ‘under the counter’ selling by licensed premises of products bought cheaply immediately prior to implementation, or unlicensed ‘back of the van’ sales of alcohol. But despite hearing ‘rumours’ of such sales, they were unaware of illegal alcohol trade in the areas they covered since the introduction of MUP.

‘I suppose one of the things I think we did wonder about before it was implemented was, you know, whether people would be trying to flout it I suppose in terms of selling alcohol from behind the till. While that’s

always difficult to show I can't say we've had complaints of that nature, you know, that we've investigated with it just doesn't seem to be something that are reported to us anyway.' (LSO 11)

'But we do have close liaison with the police, and you know, there is always these rumours. But unfortunately, at the moment, they are just rumours, we haven't come across any evidence of unlicensed retailers setting up in garages or sheds, or doing deliveries. It may well happen, but I don't, I have a suspicion it's not a problem up in this area, it may be elsewhere.' (LSO3)

As this LSO notes, the area of illegal sales was one in which they would work closely with Police Scotland, with intelligence being exchanged as appropriate. Therefore, while aware that no area was 'immune' they were, nonetheless confident that they would hear if there was illegal activity.

TSOs similarly had not received reports of an increase in illegal alcohol activity since the introduction of MUP, such as an increase in counterfeit alcohol.

In respect of other illegal alcohol-related activity, a number of LSO and police-licensing participants described the sorts of activity they were aware of pre-MUP, such as thefts of large amounts of alcohol from supermarkets and proxy sales. Although they could see how MUP could have an impact on these activities, they felt it was too early to say whether and how it would in practice have an effect and in ways that could be specifically attributable to the policy.

Shift in place of purchase of alcohol

Linked to the above description of MUP 'levelling the playing field' on price between large and small off-trade premises (section 3.3.1), participants described how, during their inspection visits, small retailers would comment that they believed that their alcohol sales had increased. The suggestion was that as a result of MUP people were now buying alcohol locally rather than

travelling to take advantage of cheaper prices in large supermarkets. One LSO reflected on whether any shift in alcohol purchasing patterns might have implications for overprovision in local areas.*

* In order to promote the licensing objective of protecting and improving public health, the Licensing (Scotland) 2005 Act requires a proactive approach to overprovision by Licensing Boards. This must have regard to the number and capacity of licensed premises in any locality within the Board's area. The assessment seeks to manage the number of licensed premises in a given area as a means to reduce the availability of alcohol due to the recognised health and social harms associated with excessive alcohol consumption. The assessment is largely made when reviewing application for a new licence, or for a significant change such as an increase in capacity of an existing licence. See www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-licensing-boards-local-authorities/pages/5/

4. Discussion

Through an in-depth exploration of the perspectives and experiences of those working in inspection and enforcement, the aim of the study was to describe experiences after the introduction of MUP to contribute to understanding compliance as a critical point in the theory of change. Specifically, the study sought to explore questions on the extent of (non-)compliance with MUP, barriers and facilitators to implementation and the sale of unlicensed alcohol in Scotland since the introduction of MUP.

Principal findings from this study

Interviews were conducted with 12 LSOs, five Police Scotland local licensing division officers and three TSOs. From the perspective of those interviewed, licensed premises were felt to be largely compliant with MUP. It was felt that there had been wide acceptance by the trade of MUP as an additional mandatory condition of their licence.

Any issues of non-compliance with MUP identified were considered minor and resolved through information and guidance. LSOs would, however, require premises to immediately address any breaches of this condition.

By different types of premises, the expectations among participants were first, that the on-trade sector would be largely unaffected by MUP at the current rate of 50ppu. Second, that larger off-trade premises such as supermarkets would have the operational and management systems in place to ensure compliance. Third, that small and independent off-trade premises would be at greater risk of being non-compliant and would need more support to implement MUP.

In practice, the on-trade were, as expected, largely unaffected. Participants' experience of the pattern of (non-)compliance in the off-trade was less clear cut. Issues of non-compliance were, in fact, identified in both larger and smaller retailers. The causes of errors were considered different in large and

small retailers, but for both, the instances of non-compliance were considered by participants to be minor.

Some of the factors that supported the apparently high level of compliance with MUP included: the mandatory status of the condition; minimum unit price being set at a level that, in practice, had limited effect on the on-trade and was reported to only affect a comparatively small proportion of alcohol products in the off-trade; the financial incentive for the trade to comply, both in protecting their licence and the perceived increase in income generated; and the infrastructure to support compliance, primarily the LSO role with support from Police Scotland local licensing divisions and trading standards, and the practical resources made available.

A number of these factors appeared to be mutually reinforcing. The proactive intensive support made available, particularly by LSOs, both pre- and immediately after 1 May 2018, for example, emerged as a key contributor to the perceived high level of compliance. But this was also facilitated by the level at which MUP was set. A higher price per unit could have impacted on the actions required by both the on- and off-trade to implement the policy (in terms of the range and number of products that would require re-pricing), and the extent and intensity of support for monitoring and enforcement.

Some of the obstacles to effective implementation were primarily transitional issues, such as the short lead-in time and the timing of the guidance, making it more difficult for premises to ensure their readiness by 1 May 2018. One of the ongoing issues may, however, be ensuring that premises understand how to calculate MUP and the need to accurately apply it to all their relevant alcohol product lines. Structurally, increasing demands on LSO staff time, to inspect and enforce other local authority licensing requirements, risks undermining effective monitoring and enforcement of MUP.

In addition to exploring the perceptions and experiences of (non-)compliance, the study also sought to understand any perceived changes in the sale of unlicensed alcohol since the introduction of MUP. While practitioners were

aware of the potential for illicit alcohol sales activity, at the time of the interviews they had not received intelligence of an increase in or a shift towards illegal alcohol-related activity as a result of the introduction of MUP. Participants working near the Scotland–England border were aware of people purchasing alcohol from stores immediately over the border, but in general did not feel that any cross-border activity was evidence of a systematic attempt to subvert or undermine the policy.

Strengths and limitations of the study

The study employed a rigorous and robust qualitative design appropriate for providing an in-depth understanding of the participants' experiences of monitoring and supervising compliance with MUP, their perceptions of the extent and nature of non-compliance, and their perspectives on the mechanisms thought to underpin compliance/non-compliance. As a qualitative study with a non-random sample it is, though, not possible to generalise the findings to the whole of Scotland.

The sampling framework was developed to ensure that the sample included an appropriate spread of the main participant characteristics considered relevant. It is recognised that within the sampling framework participants were self-selecting and the final sample may include/exclude participants with particular perspectives or experiences. Furthermore, participants were reflecting on their job roles and professional practice and were therefore unlikely to have wanted to present themselves in a negative light. The findings and analysis acknowledge throughout that the views presented are from the perspectives of the interviewees.* A systematic approach to analysis was developed and applied to ensure that data were fully and consistently explored and reported.

* Like Ritchie et al (2014), we recognise the importance of participants' own interpretations and believe their varying viewpoints provide different types of understanding of the issues.

The study was purposefully conducted close to the start of MUP in order to capture reflections on implementation and experiences during the early phase when the policy was new to stakeholders. It is possible this over-emphasises transitional issues. Furthermore, coverage, frequency of, and reason for visits to licensed premises is not standardised, and may differ in time and geographically. It is therefore important to recognise that the findings represent a snapshot (three to six months post-implementation) and that patterns and experiences of compliance may change over time. The study does however provide context on compliance and related issues to inform the wider MUP evaluation, as well as learning to inform future implementation.

For information governance reasons it was not possible to access anonymised, quantitative data extracted from LSO records. The publically available data were too limited to be used. The study therefore did not have access to quantitative data to contextualise the qualitative findings on patterns of (non-)compliance.

Interpretation of the study findings

The accounts of participants in the study sample working in inspection and enforcement suggest that off-trade premises have been largely compliant in the areas which they cover. This suggests successful policy implementation in these areas, facilitated in some cases by proactive support around the time of implementation. Learning from this study suggests that, much like other licensing conditions, in order to ensure sustained compliance with MUP, continued monitoring and guidance to support licensed premises is required. This support may need to be targeted and tailored to reflect the different types of licensed premises (on-trade, large and small off-trade).

Within this study, issues of non-compliance with MUP were considered minor in both large and small off-trade retailers. However, the implications of non-compliance in different sizes of retailer may differ. Centralised pricing means that non-compliance in a large supermarket chain may result in a large volume of alcohol being sold below 50ppu across a wider area, even if only

one product was affected. However, once the issue is detected (in any area) it can be quickly resolved for all stores nationally. Non-compliance in a small independent shop serving a local area is likely to impact on a smaller volume of alcohol and be more geographically confined, but the local effect may be sustained until there is a compliance visit to the particular store in question.

An emergent finding was the perceived levelling of the price differential between small and large retailers which may have triggered possible changes in patterns of purchasing towards local premises. It is possible that there is now less financial incentive for shoppers to travel (within Scotland) to purchase alcohol at a better price. This study however, was not designed to measure purchasing patterns or to assess whether this perceived shift results in more alcohol being bought (in total or by market sector) or whether there are more places selling alcohol. Changes in the alcohol market, alcohol consumption and alcohol-related harms are being evaluated across other studies in the MUP Evaluation Portfolio.

Implications

Achieving compliance is a critical first step to realising the intended outcomes of MUP. The study did not reveal any evidence that non-compliance was common or sustained enough in the areas included in the study to have implications for the success of MUP in achieving the desired outcomes at a population level. Local implications may differ.

Other studies within the MUP evaluation portfolio may later offer additional evidence on compliance to corroborate or dispute this conclusion. None of these studies have yet reported:

- The strongest proxy evidence of compliance at a population level will come from the alcohol price distribution study that will provide quantitative evidence on the proportion of alcohol sold under 50ppu through the off-trade in Scotland. This study will report late 2020. The MESAS monitoring report 2019²¹, while not part of the MUP evaluation

portfolio of studies, does provide some early indication of what has happened to the volume of alcohol sold at different prices in the off-trade since MUP implementation. The percentage of alcohol sold below 50ppu in the off-trade in Scotland fell in 2018 compared to 2017.

- Studies gathering evidence from drinkers about their alcohol consumption post-MUP may provide qualitative, non-generalisable evidence of non-compliance if participants report being able to obtain alcohol under 50ppu from licensed premises. In the NHS Health Scotland managed MUP Evaluation Portfolio such studies include the drinking at harmful levels study (reporting mid-2020 and mid-2021), and the children and young people's own consumption and related behaviour study (reporting late 2019). Some separately funded studies may provide similarly relevant evidence.
- When published, national routine licensing statistics will be analysed.* In addition, if and when sufficient published local data on (non-) compliance with MUP become available, these will also be analysed.

An assessment of compliance will therefore be developed and reported over time. The final MUP portfolio evaluation report is due late 2023.

During the course of interviews participants reflected on the impact of MUP on the alcohol product range and on the place of purchase. Other studies may provide further insights on these issues:

- The Products and Prices Study will provide quantitative evidence on the extent of change in the product range available through grocery multiples (supermarkets).[†]
- The Small Retailers Study will provide quantitative evidence on the extent of change in product range and marketing in small retailers, as well as qualitative evidence collected from small retailers on their

* Expected end summer 2019.

[†] The Products and Prices in the retail sector study is expected to report late 2021.

experience of MUP, including perception of increasing or decreasing sales related to MUP.*

- A separately funded study will provide evidence on implementation in three communities in Scotland collected from a range of stakeholders, including LSOs, police and small retailers.†

The economic impact study will gather evidence from large and smaller retailer chains and explore if there is any evidence of a shift towards purchasing in smaller retailers. This study also includes qualitative interviews with large and small retailers, including independents, on either side of the Scotland–England border to explore perceptions of cross-border purchasing.‡

* The Small Retailers Study is expected to report early 2020.

† This study is funded by the National Institute of Health Research Public Health Research Programme and is expected to report by August 2020.

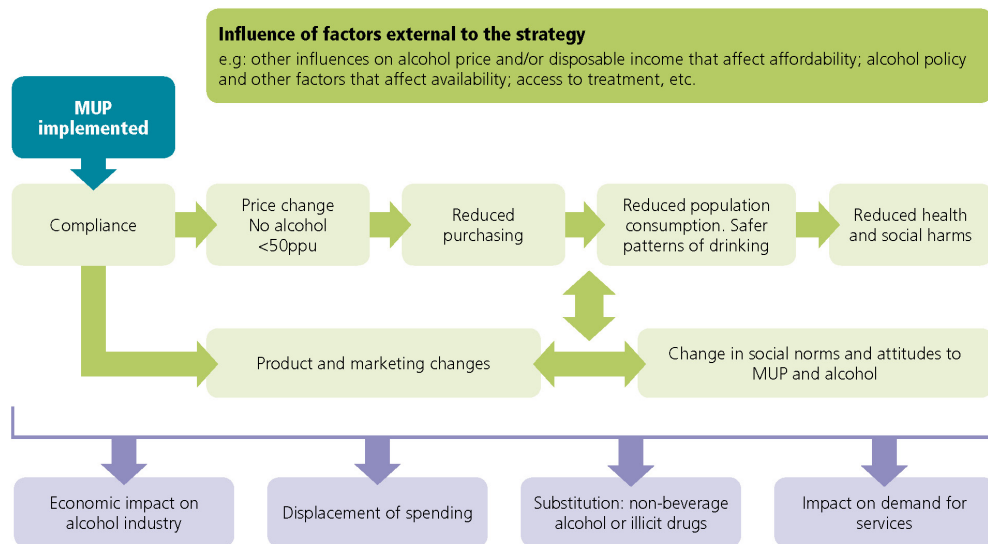
‡ Initial short term impacts of the economic impact study are expected to report late 2019.

5. Conclusions

Based on the perceptions and experiences of those responsible for inspection and enforcement of MUP, this study suggests that the policy was implemented as intended, and compliance with MUP was high. Findings suggest the effective policy implementation was supported by the guidance and support made available to licensed premises, particularly by LSOs. The level at which MUP was set may also have helped to facilitate implementation. A higher price per unit could have impacted on the actions required by retailers, and the extent and intensity of support for monitoring and enforcement. MUP appears to have been absorbed into routine inspection and enforcement practice, and the perception is that it has been accepted by the licensed trade as an additional mandatory condition of their licence.

Insofar as compliance is critical to achieving the objectives of a policy, the study suggests that the first step in the MUP theory of change has been achieved. From the point of view of participants, the policy has been implemented effectively. Other studies in the MUP Evaluation Portfolio will gather evidence to indicate whether the subsequent sequence of expected results are realised, including any unanticipated positive or negative outcomes.

Appendix 1: Minimum unit price (MUP) for alcohol evaluation theory of change



Appendix 2: Interview topic guide

MUP compliance study interview topic guide

Confirm interviewers name and that you are working for NHS Health Scotland.

Confirm identify of participant.

The aim of the interview is to find out about perceptions and experiences of inspection and enforcement of Minimum Unit Pricing of alcohol (MUP).

The interview will be audio recorded and transcribed. Anonymised quotes from interviews will be used in the reporting of our findings.

Have you had a chance to read the information sheet? Do you have any questions? Check the COMPLETED CONSENT FORM has been received.

Are you happy for this interview to be audio recorded? Are you happy to participate in this interview?

Participant characteristics:

Job role: LSO/TSO/Police/ other _____

No. years worked as an LSO/TSO/Police:

Geographical area you cover:

Which of the following are in your remit (circle all that apply):

- on-trade small independent businesses
- on-trade big/chain businesses
- off-trade small independent businesses
- off-trade big/chain businesses
- mixed on- & off-trade.

Notes:

Monitoring = inspection

Managing = enforcement

On-trade = drinking on premises

Off-trade = buying to drink elsewhere

Other mandatory conditions:

Compliance with operating plan

Premises Manager

Authorisation of Sales of Alcohol

Staff Training

Pricing of Alcohol

Irresponsible promotion

Prov of Non-alcoholic drinks

Age Verification

Annual Fee

Under 18 Notice

Baby changing facilities

Display or promotion of alcohol

Topic guide

Can I ask you to confirm your role in inspection and enforcement of alcohol licensing?

- in relation to MUP specifically?
- in relation to illicit/ unlicensed sales of alcohol?

Introductory thoughts on MUP

What do you think of MUP?

Has that changed?

How does MUP compare to other mandatory conditions?

Experience of compliance MUP by trade type

What has been your experience of supporting compliance with MUP in on-trade?

- Talk through a positive experience – why easy/difficult or positive/negative?
- Talk through a negative experience.

What has been your experience of supporting compliance with MUP in off-trade with big premises i.e. chains?

- Talk through a positive experience.
- Talk through a negative experience.

What has been your experience of supporting compliance MUP in off-trade with small premises i.e. independent shops?

- Talk through a positive experience.
- Talk through a negative experience.

MUP enforcement

How does MUP compare to other mandatory conditions (in terms of enforcement)?

For premises with ongoing mandatory issues, how has the implementation of MUP been for them?

How easy is it for LSOs to help a premises not in line with MUP? What support did you provide? Verbal/notice

Have you had to submit a breach of compliance notice for the Licensing Board to consider a review of a premises in relation to MUP? If so can you describe the situation?

Have you noticed premises finding ways of getting around the spirit of MUP, whilst remaining compliant?

What was your experience of illicit/ unlicensed sales of alcohol prior to the introduction of MUP?

Has that changed since MUP was introduced? What is your experience of illicit/unlicensed sales since the introduction of MUP?

Are you aware of any intelligence that suggests illegal ways to get around MUP being used (e.g. under the counter, selling off the back of a van)?

More general questions around MUP implementation (to help pick up anything missed)

Has the introduction of MUP influenced your work? If so, how? If not, why do you think that is?

How prepared did you feel for implementation?

Benefits/problems of the implementation?

Unintended consequences of implementation?

Is there anything that could be done to improve the implementation of MUP?

Closing remarks

Is there anything further I should be asking you?

We will analyse the interviews and create a report.

The initial findings will be reviewed by the National LSO network, prior to our final write up, to see if they fit with their understanding and experience of the situation.

Would you like to receive a copy of the final report (in a year or so)? If so I assume your current contact details are the best to send it to.

Do you have any questions for me?

Thank you for your help.

Appendix 3: Participant information sheet

Evaluation of minimum unit pricing (MUP) for alcohol

Research study on experiences of inspection and enforcement of compliance with MUP

Participant information sheet (July 2018)

We would like to invite you to take part in this study conducted and funded by NHS Health Scotland. Before you decide whether you would like to participate or not, we would like to explain why this study is being carried out and what your involvement would be.

If you have any questions about the study, please contact the study lead Elinor Dickie, Public Health Intelligence Adviser (contact details are at the end of the document).

What are we doing?

We are inviting staff involved in the inspection and enforcement of Minimum Unit Pricing (MUP) of alcohol to take part in interviews for this evaluation research study. This study aims to find out about perceptions and experience of inspection and enforcement of the implementation of MUP in Scotland.

This study is one component of a much broader evaluation of MUP. Research Governance for this study is being provided by the 'MUP Evaluation Compliance (Licensing) Study Advisory Group' and the research has had a favourable opinion from NHS Health Scotland's Research Development Group. We plan to interview a minimum of 15 people employed in inspection and enforcement of MUP.

Why have I been asked to participate?

You have been asked to participate in the context of your professional role supporting inspection and enforcement of MUP.

What would taking part involve?

The interview will last around one hour and will be done over the telephone at a time convenient to you. Interviews will be audio-recorded and transcribed, with your permission, to ensure an accurate record of the discussion. You will be asked about your experience of the implementation of MUP and supporting compliance with this mandatory licensing condition.

The recording and transcript will only be accessible to members of the research team and the transcription company, who will have signed a confidentiality agreement. The audio recording will be deleted on publication of the study report, in approximately one year. The transcript will be anonymous and be kept for a minimum of 5 years after publication of the study report. All data will be stored safely and securely.

Participation is voluntary; you do not have to participate if you do not want to. If you do wish to take part you will be asked to sign and return a consent form.

You can stop the interview at any time without giving a reason.

Will my information be kept confidential?

All data will be stored in a secure location and will be kept confidential. Only the research team, support staff transferring the file and the transcription company will have access to it. You will not be identified in the study report.

We will adhere to data protection legislation. The data controller for this study is NHS Health Scotland. Should you have any concerns regarding your privacy please contact our Data Protection Officer Duncan Robertson (telephone: 0131 314 5436; email: DuncanRobertson@nhs.net).

The legal basis for the processing of your personal information is that it is in support of a task in the public interest. Your personal data will be processed only so long as is required for this study. If we are able to anonymise or pseudonymise the personal data you provide we will undertake this, and will endeavour to minimise the processing of personal data wherever possible.

How will the information be used?

The interview transcript will be analysed by the internal NHS Health Scotland study team, and anonymous quotations will be used in our report. Interim anonymised findings will be discussed with the Evaluation Advisory Group, LSO network, and other relevant stakeholders. The report will feed into the wider MUP evaluation results as well as being published and disseminated on its own, to audiences such as the Scottish Government and LSOs.

We will only keep your contact details if you indicate in your consent form that you are happy to be contacted after interview or that you would like a copy of the report.

How do I participate?

If you are interested in participating or have any questions about the study please contact us on: 0131 314 5452; elinor.dickie@nhs.net

Having read this information sheet, if you are happy to participate in this study please contact Elinor Dickie (elinor.dickie@nhs.net) for the consent form and to arrange your interview. The consent form must be initialled and signed (electronic signature is acceptable) before the date of your interview.

We are hoping to interview people from a range of geographical areas and roles, therefore please could you tell us:

- Job role
- Location you cover

What if I no longer want to participate?

If you do participate then decide you no longer want to carry on with the study, you can withdraw your participation up to one week after your interview by contacting Elinor Dickie. If you do withdraw from the study up to one week after your interview we will remove your data from our analysis and securely destroy the data. After that period it will not be possible to remove your data from our analysis should you decide to withdraw at a later time.

If I am unhappy with how the study has been conducted who do I contact?

If you have any complaints in relation to how the study has been conducted please contact Rebecca Sludden, Research Services, NHS Health Scotland 0141 414 2760, Rebecca.Sludden@nhs.net

Appendix 4: Participant consent form

Evaluation of minimum unit pricing (MUP) for alcohol

Research study on experiences of inspection and enforcement of compliance with MUP

Project lead: Elinor Dickie, NHS Health Scotland

Consent form for participant interview

Please read each of the statements below, and initial where you are happy to grant consent. If you have any questions please contact Elinor Dickie (telephone: 0131 314 5452; email: elinor.dickie@nhs.net).

This consent form is to ensure that you understand the nature of this research and have given your consent to participate in this study. Your participation is entirely voluntary and you are free to change your mind about taking part at any time.

The interview should take around an hour and with your permission be audio-recorded to ensure the information is accurately recorded. Your information will be stored safely and securely. Anything that could identify you will be changed or removed.

Before deciding whether to take part or not please read the attached information sheet, and feel free to ask us any questions you have. If you are happy to participate please complete this consent form and email to elinor.dickie@nhs.net before your interview. The consent form must be initialled and signed (electronic signature is acceptable).

Please initial box (do not tick):

Statement	Initial
I confirm that I have read and understood the participant information sheet for the above study. I have had the chance to ask any questions and am satisfied with the answers given. I understand that I can contact the study team after the interview with any questions I may have in the future.	
I agree to the interview being audio recorded and transcribed (by an outside transcription company who will have signed a confidentiality agreement).	
I understand that anonymised quotations from my interview may be used in research reports, presentations and publications but my identity will not be revealed.	
I understand that the recording of the interview will be destroyed at the end of the project, but the anonymised transcript will be retained for a minimum of 5 years from publication of the study report. (We keep your personal data, such as name and contact details only for contacting you with study results if you express interest below.)	
I understand my participation is voluntary and that I am free to withdraw from the study at any time without giving a reason. I understand that I can stop the interview at any time and I do not need to answer any questions that I do not wish to without giving a reason.	
After the interview, I understand that if I want to withdraw from the study I can do this within one week of participation, by contacting the research team. If I do withdraw within one week my information will be removed and destroyed.	
I agree to my anonymous interview transcript being shared with the research team in Health Scotland and academic colleagues and researchers who we might collaborate with as part of the research process, including colleagues at the University of Stirling and the University of Sheffield who are	

Statement	Initial
currently putting in a research bid for a sister study.	
I agree to be contacted after the interview if required, for example queries around interview content.	
Please indicate here if you would like us to send you a copy of the final report.	
I confirm I am signing for myself as the participant.	
I agree to take part in the above study.	

Participant name:

Participant signature:

Date

Interviewer name:

Interviewer signature:

Date

Appendix 5: Analytical framework

Coding framework

- 1** Participant role in relation to MUP – talking about their own role(s) in relation to MUP.
 - 1.1 My LSO role
 - 1.2 My TSO role
 - 1.3 My Police role

- 2** Perception of others role – perception of others' role(s) in inspection and enforcement in relation to MUP.
 - 2.1 Other LSO role
 - 2.2 Other TSO role
 - 2.3 Other Police role
 - 2.4 Others role

- 3** View of MUP as an intervention – how participant considers MUP as an intervention, whether or not they agree with it and why.

- 4** Other non-MUP tools to reduce alcohol consumption – views of, or comparison with MUP, other potential tools or interventions to reduce alcohol consumption.

- 5** Participant's own preparedness pre MUP.
 - 5.1 Participant comms received pre MUP – communication from whom and in what form, expect between colleagues, network and from Scottish Government.
 - 5.2 Participant readiness for MUP introduction – participant sense of whether they were ready for MUP.

- 6** Licensed premises preparedness for MUP.

6.1 Comms by participant to licensed premises pre MUP – communication from participant to licensed premises to help them prepare for MUP, what form was it in.

6.2 Comms to licensed premises from others pre MUP – communication to/between licensed premises and others to prepare for MUP, from whom and in what form.

6.3 Licensed premises readiness for MUP – participant's perception of licensed premises as to whether they were ready for MUP.

7 Impact of MUP on participant's work.

7.1 MUP impact on workload – impact on workload i.e. no. of visits or revisits, duration of visits.

7.2 MUP impact on work practices – whether / how MUP has changed what they need to do in their job, including prioritisation.

7.3 Tasks involved to check compliance – process participant follows to check premises is compliant with MUP, please include summary if they refer to/describe checking other mandatory conditions.

8 MUP vs other mandatory conditions – how participants compare MUP in relation to other mandatory conditions – and include reference to commentary for other conditions.

8.1 Generic MUP vs 'other' condition – i.e. "overall not particularly different to other conditions".

8.2 Pricing of alcohol.

8.3 Promotion.

8.4 Age verification.

8.5 Signage.

8.6 Personal licence renewal.

8.7 Provision of non-alcoholic drinks (not a specific condition, but spoken about in a similar way).

8.8 Other condition specified.

- 9** Profile of MUP – participant’s perception of the importance of MUP within their industry, or by the Scottish Government, or among the public.
- 10** Knowledge and awareness of MUP – participant’s perception of whether and to what extent the following categories of people were aware of MUP being implemented and how it would affect their work/life.
- 10.1 Licensed premises staff knowledge and awareness.
 - 10.2 Public knowledge and awareness – general public, or alcohol consumers.
- 11** Implementation of MUP as a mandatory condition (actions by licensed premises to implement MUP).
- 11.1 Off-trade large/major trader, implementation (RECORD participant phrasing of retailer type).
 - 11.2. Off-trade small/independent trader, implementation (RECORD participant phrasing of retailer type).
 - 11.3 Off-trade (unspecified), implementation – unspecified which type of trader.
 - 11.4 On-trade, implementation.
 - 11.5 Mixed trade businesses, implementation.
- 12** Implementation in general – how participant felt the process went (asked at the end of the interview), including comparisons to other policies.
- 12.1 What helped the implementation process (benefits).
 - 12.2 Difficulties/barriers to the implementation process (problems).
 - 12.3 Improvements that could be made to the implementation process.
 - 12.4 Unintended consequences of implementation process i.e. knock-on effects.

- 13** Impact on licensed premises – impact of MUP on premises, i.e. increased workload.
- 13.1 Off-trade large/major trader, impact on.
 - 13.2 Off-trade small/independent trader, impact on.
 - 13.3 Off-trade (unspecified), impact on – unspecified which type of trader.
 - 13.4 On-trade, impact on.
 - 13.5 Mixed (on- & off- trade), impact on.
- 14** Accounts of non-compliance (and/or resolution) with MUP – whether and the scale of non-compliance within individual premises, and reason and/or motivation behind it, how it was identified, and what the response was.
- 14.1 Off-trade large/major trader, non-compliance.
 - 14.2 Off-trade small/independent trader, non-compliance.
 - 14.3 Off-trade (unspecified), non-compliance.
 - 14.4 On-trade, non-compliance.
 - 14.5 Mixed, non-compliance.
 - 14.6 Ongoing/ future non-compliance.
- 15** Identification of non-compliance – how participant finds out about non-compliance to MUP.
- 15.1 Identification of non-compliance on a (routine) visit – going to check on premises and spotting things.
 - 15.2 Intel via professional networks (own and others) – Intelligence – information in relation to non-compliance which they then followed up.
 - 15.3 Intel via licensed premises reporting other licensed premises.
 - 15.4 Intel via members of the public reporting licensed premises.
- 16** Formal caution – experience of applying an enforcement notice to a premises.
- 17** Effectiveness of MUP.

17.1 Consumer behaviour re. MUP – view on whether and how MUP has influenced consumer purchasing/drinking, including substitution etc, please include information about subpopulations also.

17.2 Licensed premises behaviour since MUP– whether Licensed premises have changed how they operate in relation to stocking/promotions, etc.

17.3 On product / by producers since MUP – any change noted on products available, change in size/strength/branding etc.

17.4 Additional unintended consequences of MUP – since MUP is in place have there been positive or negative effects that were unintended (note when analysing look at illicit activity and consumer behaviour codes).

18 Illicit trade associated with introduction of MUP.

18.1 Identification of illicit trade activity – how find out about illicit trade i.e. through tip offs.

18.2 Nature of illicit trade – for example back of the van sales or adulteration of alcohol.

19 Cross border activity in relation to alcohol following introduction of MUP – specifically reference to buying alcohol from outside of Scotland.

20 Other illegal activity related to alcohol – crimes/illegal/illicit activities related to alcohol but not specifically MUP i.e. theft, anti-social behaviour.

21 Other illegal activity NOT related to alcohol – any other crime mentioned that doesn't fall within one of the other codes.

22 View on the alcohol consumption in Scotland – participant's views on drinking patterns, behaviours and context, drinking in Scotland

as a whole, for views on individual or groups of drinkers – not specific to MUP.

23 Miscellaneous – things that we think the evaluation would like to know about but do not fit in any of the other categories.

23.1 Wholesaler – any data in relation to wholesalers.

23.2 Other miscellaneous but relevant to evaluation.

24 Attitude towards MUP evaluation (either this study or wider evaluation).

25 Interviewer chat – any sections where there is nothing of substance for analysis, i.e. the interviewer introducing themselves, speaking about the wider evaluation project, checking demographics etc.

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